

CODE OF ORDINANCES

CITY OF

BOSTON, GEORGIA

Published by Order of the City Council



MUNICIPAL CODE CORPORATION

Tallahassee, Florida

1993



OFFICIALS

of the

CITY OF

BOSTON, GEORGIA

AT THE TIME OF THIS CODIFICATION

Roy Little
Mayor

Danny Groover
Mayor Pro Tempore

Willie Ed Robinson
Dona Keen
Richard Maxwell
Frank Norton
City Council

Oscar T. Cook, Jr.
City Attorney

Mary Hanratty
City Clerk



PREFACE

This Code constitutes a complete codification of the general and permanent ordinances of the City of Boston, Georgia.

The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code.

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

Numbering System

The numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2 and the first section of chapter 4 is 4-1. Under this system, each section is identified with its chapter and at the same time new sections or even whole chapters can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 3-1 and 3-2 is desired to be added, such new section would be numbered 3-1.5. New chapters may be included in the same manner. If the new material is to be included between chapters 12 and 13, it will be designated as chapter 12.5. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division.

Index

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

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up-to-date. Subsequent amendatory legislation will be properly edited and the appropriate page or pages affected will be reprinted. These new

pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

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

Acknowledgments

This publication was under the direct supervision of Palmer Carr, Supervising Editor, and Connie Timmons, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Roy Little, Mayor, and Ms. Mary Hanratty, City Clerk, for their cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the city readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the city's affairs.

MUNICIPAL CODE CORPORATION
Tallahassee, Florida

TABLE OF CONTENTS

	Page
Officials of the City at the Time of this Codification.....	iii
Preface	v
Adopting Ordinance (Reserved)	

PART I
THE CHARTER

The Charter (Reserved).....	1
-----------------------------	---

PART II
CODE OF ORDINANCES

Chapter

1. General Provisions.....	101
2. Administration	157
Art. I. In General	157
Art. II. Mayor and City Council	157
Div. 1. Generally	157
Div. 2. The Mayor	161
Art. III. Officers and Employees	163
Div. 1. Generally	163
Div. 2. City Attorney	168
Div. 3. City Clerk/Treasurer	169
Art. IV. Departments and Other Agencies of the City ...	171
Div. 1. Generally	171
Div. 2. Department of Public Works	171
Div. 3. Fire Department	173
Div. 4. Police Department	174
Art. V. Boards, Commissions and Committees	176
Art. VI. Finance	177
Div. 1. Generally	177
Div. 2. Budget	178
3. Alcoholic Beverages.....	257
Art. I. In General	257
Art. II. Distribution and Sale	257
Div. 1. Generally	257
Div. 2. Licenses	260
Art. III. Pouring and Sale by the Drink	265
Div. 1. Generally	265
Div. 2. Licenses	268

BOSTON CODE

Chapter	Page
4. Amusements	313
Art. I. In General	313
Art. II. Game Rooms	313
Div. 1. Generally	313
Div. 2. License	314
5. Animals	365
6. Buildings and Building Regulations	419
Art. I. In General	419
Art. II. Numbering of Buildings	421
Art. III. Mobile Homes	423
Art. IV. Unsafe Buildings or Structures	423
6.2. Businesses	455
Art. I. In General	455
Art. II. Auctions	461
Art. III. Construction Contractors	463
Art. IV. Flea Markets	463
Art. V. Junk Dealers and Junkyards	466
Art. VI. Pawnbrokers	469
Art. VII. Peddling, Soliciting and Canvassing	470
Art. VIII. Dealers in Precious Metals and Gems	471
Art. IX. Tent Meetings; Carnivals; Open Air Gatherings	476
Art. X. Used Car Dealers	477
6.5. Elections	503
Art. I. In General	503
Art. II. Candidates	503
Art. III. Elector Registration and Qualification	504
Art. IV. Voting	505
7. Flood Damage Prevention	531
Art. I. In General	531
Art. II. Administration	535
Art. III. Provisions for Flood Hazard Reduction	537
8. Municipal Court	579
9. Nuisances	631
Art. I. In General	631
Art. II. Maintenance of Premises	633
10. Offenses	685
11. Solid Waste Management	737
Art. I. In General	737
Art. II. Littering	742
12. Streets and Sidewalks	793
Art. I. In General	793
Art. II. Streets	793
Art. III. Parades	796

TABLE OF CONTENTS—Cont'd.

Chapter	Page
13. Subdivisions.....	847
Art. I. In General.....	847
Art. II. Preliminary Proposal and Plat.....	850
Art. III. Final Plat.....	853
Art. IV. Variances.....	855
Art. V. Required Improvements.....	856
14. Taxation.....	907
Art. I. In General.....	907
Art. II. Financial Institutions.....	907
Art. III. Insurers.....	908
Art. IV. Ad Valorem Taxation.....	909
15. Traffic and Motor Vehicles.....	959
Art. I. In General.....	959
Art. II. Abandoned Vehicles.....	960
16. Utilities.....	1011
Art. I. In General.....	1011
Art. II. Flow Rate Restrictions and Plumbing Fixtures ..	1012
Appendix	
A. Zoning.....	1313
Code Comparative Table.....	1613
State Law Reference Table.....	1665
Code Index.....	1717



PART I
THE CHARTER*
(RESERVED)

***Editor's note**—The Charter under which the city is now operating was approved by the Georgia legislature on August 2, 1921 (1921 Ga. Laws 700). At the request of the city it is being omitted from this codification. A copy of the Charter and all amendments, as listed below, are on file and available for review and inspection in the office of the city clerk.

Charter amendments:

- (1) 1923 Ga. Laws 503
- (2) 1963 Ga. Laws 3402
- (3) 1963 Ga. Laws 3405
- (4) 1967 Ga. Laws 2473
- (5) 1978 Ga. Laws 3414
- (6) Ord. of 3-14-88



PART II
CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS*

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

The ordinances embraced in the following chapters and sections shall constitute and be designated the "Code of Ordinances, City of Boston, Georgia," and may be so cited.

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 such construction would be inconsistent with the manifest intent of the mayor and council:

City. The words "the city" or "this city" shall be construed as if the words "of Boston" followed them.

City council. The words "city council" shall mean the mayor and city council of Boston, Georgia.

Computation of time. Except as otherwise provided by time period computations specifically applying to other laws, when a period of time measured in days, weeks, months, years or other measurements of time except hours is prescribed for the exercise of any privilege or the discharge of any duty, the first day shall not be counted but the last day shall be counted; and, if the last day falls on Saturday or Sunday, the party having such privilege or duty shall have through the following Monday to exercise the privilege or to discharge the duty. When the last day prescribed for such action falls on a public and legal holiday as set forth in O.C.G.A. § 1-4-1, the party having the privilege or duty shall have through the next business day to exercise the privilege or to discharge the duty. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

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

Delegation of authority. Whenever a provision appears requiring the head of a department of the city to do some act or make certain inspections it is to be construed to authorize the head of the department to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section designate otherwise.

***State law references**—Municipal home rule, Ga. Const. art. 9, sec. 2, par. 2, O.C.G.A. § 36-35-1 et seq.; exemplification of municipal minutes and other records, O.C.G.A. § 24-7-21; authority to adopt ordinances, resolutions or regulations, O.C.G.A. § 36-35-3.

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

Interpretation. In the interpretation and application of any provision of this Code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of this Code imposes greater restrictions upon the subject matter than the general provision imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

Joint authority. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

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

Limits; corporation; city. The word "limits," "corporation" or "city" shall mean the corporate limits of the city, the legal boundary of the City of Boston.

Mayor. The word "mayor" shall mean the mayor of the City of Boston.

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

Names of officers. Whenever the name of an officer is given it shall be construed as though the words "of the City of Boston" were added.

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

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

Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

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

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

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

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

Personal property. The words "personal property" shall include every species of property except real property.

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

Premises. Whenever the word "premises" is used it shall mean place or places.

Property. The word "property" shall include real and personal property.

Public place. The term "public place" shall mean any park, cemetery, schoolyard or open space adjacent thereto, or any area available or accessible to the public.

Real property. The term "real property" shall include lands, tenements and hereditaments.

Residence. The term "residence" shall be construed to mean the place adopted by a person as his place of habitation, and to which, whenever he is absent, he has the intention of returning. When a person eats at one place and sleeps at another, the place where such person sleeps shall be deemed his residence.

Schedule of fees and charges. The term "schedule of fees and charges" shall mean the official consolidated list maintained in the office of the city clerk which contains rates for utility or other public enterprises, fees of any nature, deposit amounts and various charges as determined from time to time by the city council.

Seal. The word "seal" shall mean the city seal, the seal of the corporation.

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

Signature or subscription. The signature or subscription of a person shall include a mark when the person cannot write.

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

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

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

Tense; time. Words used in the past or present tense include the future as well as the past and present.

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

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

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

State law references—Computation of time, O.C.G.A. § 1-3-1; construction of definitions, O.C.G.A. § 1-3-2; meaning of certain words, O.C.G.A. § 1-3-3; time, O.C.G.A. § 9-11-6.

Sec. 1-3. Catchlines of sections; history notes and references.

(a) The catchlines of the several 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 such sections nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

(b) The history notes appearing in parentheses after each section and the references and editor's notes scattered throughout the Code are for the benefit of the user of the Code and shall have no legal effect.

State law reference—Notes and catchlines of code sections not part of law, O.C.G.A. § 1-1-7.

Sec. 1-4. Effective date of ordinances.

Ordinances which do not provide for their taking effect at a different time take effect immediately after their passage, without reference to their publication.

Sec. 1-5. 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. In the case of repealed chapters, sections and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code and subsequent ordinances numbered or omitted are readopted as a new Code by the council.

(b) The style of all ordinances shall be: "Be it ordained by the City Council of Boston as follows:"

(c) Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the section number of this Code in the following language: "That section _____ of the Code of Ordinances, City of Boston, Georgia, is hereby amended to read as follows:" The new provisions shall then be set out in full as desired.

(d) If a new section not heretofore existing in the Code is to be added, the following language may be used: "That the Code of Ordinances, City of Boston, Georgia, is hereby amended by adding a section (or article or chapter) to be numbered _____, which section reads as follows:" The new section may then be set out in full as desired.

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

Sec. 1-6. Provisions considered as continuations of existing ordinances.

The provisions appearing in this Code, so far as they are the same as ordinances adopted prior to this Code and included in such Code, shall be considered as continuations thereof and not as new enactments.

Sec. 1-7. Ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following:

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

nor shall such ordinance be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this Code; and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein.

Sec. 1-8. Severability of parts of Code.

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

State law reference—Severability, O.C.G.A. § 1-1-3.

Sec. 1-9. 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 or cause of action arising under the ordinance repealed.

Sec. 1-10. Supplementation of Code.

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

(b) In preparing a supplement to this Code, all portions of the Code 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 into 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 and, where necessary to accommodate new material, change existing section or other subdivision numbers;

- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division", and the like, 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 into the Code); and
- (5) Make other nonsubstantive changes necessary to preserve the original meanings of ordinance sections inserted into 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. 1-11. Altering Code.

It shall be unlawful for any person in the city to change or amend, by additions or deletions, any part or portion of this Code, or to insert or delete pages or portions thereof or to alter or tamper with such Code in any manner whatsoever except by ordinance or resolution or other official act of the mayor and council, which will cause the law of the city to be misrepresented thereby. Any person violating this section shall be punished as provided in section 1-12.

State law reference—Altering, falsifying or stealing public records unlawful, O.C.G.A. § 45-11-1.

Sec. 1-12. General penalty; continuing violations.

(a) Whenever in this Code or in any ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of such provision of this Code or any such ordinance shall be punished by a fine not to exceed \$1,000.00 or imprisonment in the city jail for not more than six months, or work in the work gang on the public streets or on such public works as the authorities may employ the work gang for not more than six months, or by any one or more of these punishments, subject to all limitations contained in the charter of the city. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense.

(b) In addition to the penalties provided in subsection (a) of this section, any condition caused or permitted to exist in violation of any of the provisions of this Code or any ordinance shall be deemed a public nuisance and may be abated by the city as provided by law, and each day that such condition continues shall be regarded as a new and separate offense.

State law references—Penalty to be imposed in certain criminal and traffic cases and upon violation of bond, O.C.G.A. § 15-21-73; authority to confine persons convicted of violating ordinances, O.C.G.A. § 36-30-8; punishments authorized, O.C.G.A. § 36-32-1(c); limitations on home rule powers, O.C.G.A. § 36-35-6; revenues collected from fines and fees, O.C.G.A. § 47-17-60 et seq.

C

C

C

Chapter 2

ADMINISTRATION*

- Art. I. In General, §§ 2-1–2-50**
- Art. II. Mayor and City Council, §§ 2-51–2-120**
 - Div. 1. Generally, §§ 2-51–2-90
 - Div. 2. The Mayor, §§ 2-91–2-120
- Art. III. Officers and Employees, §§ 2-121–2-225**
 - Div. 1. Generally, §§ 2-121–2-165
 - Div. 2. City Attorney, §§ 2-166–2-195
 - Div. 3. City Clerk/Treasurer, §§ 2-196–2-225
- Art. IV. Departments and Other Agencies of the City, §§ 2-226–2-340**
 - Div. 1. Generally, §§ 2-226–2-250
 - Div. 2. Department of Public Works, §§ 2-251–2-280
 - Div. 3. Fire Department, §§ 2-281–2-310
 - Div. 4. Police Department, §§ 2-311–2-340
- Art. V. Boards, Commissions and Committees, §§ 2-341–2-370**
- Art. VI. Finance, §§ 2-371–2-404**
 - Div. 1. Generally, §§ 2-371–2-400
 - Div. 2. Budget, §§ 2-401–2-404

ARTICLE I. IN GENERAL

Sec. 2-1. Exercise of governmental authority.

The corporate governmental powers of the city shall be exercised by the mayor and council in the manner provided by Charter and by the provisions of this chapter.

Secs. 2-2–2-50. Reserved.

ARTICLE II. MAYOR AND CITY COUNCIL

DIVISION 1. GENERALLY

Sec. 2-51. Election.

The mayor shall be elected for a four-year term and the councilpersons shall be elected for four-year overlapping terms. Each elected officer shall serve until his successor is elected and qualified.

***Cross references**—Solid waste management, ch. 11; taxation, ch. 14.

State law references—Supplemental powers of municipalities and counties enumerated, Ga. Const. art. 9, sec. 2, par. 3; powers relating to administration of government generally, O.C.G.A. § 36-34-2; The Municipal Home Rule Act of 1965, O.C.G.A. § 36-35-1 et seq.

Sec. 2-52. Qualifications for office.

No person shall be eligible to serve as mayor or councilperson unless he shall have been a resident of the city for a period of one year immediately prior to the date of the election of mayor or councilperson and unless he shall continue to reside therein during his period of service. He shall also be registered and qualified to vote in municipal elections of the city and shall meet the qualification standards required for members of the state house of representatives as now or in the future may be prescribed by the state Constitution or statutes.

Sec. 2-53. Resignation.

Resignations shall be in writing and such resignations shall lie on the table until the next regular meeting, unless considered upon its presentation by unanimous consent of the councilmembers present.

Sec. 2-54. Vacancies.

In case of a vacancy in the office of mayor or councilperson, from failure to elect, death, removal, change of residence or any cause whatsoever, the council or those remaining on the council shall order a special election to fill the balance of the unexpired term of such office; provided, however, if such vacancy occurs within 23 months of the expiration of the term of office of the mayor or any councilperson, the vacancy in office of the mayor shall be filled by the mayor pro tempore, and any vacancy in the office of any councilperson (including the councilperson previously serving as mayor pro tempore) shall be filled by appointment by the remaining members of the council.

Sec. 2-55. Standing committees.

The following shall be the standing committees of the city council, whose members shall be appointed by the mayor:

- (1) Finance.
- (2) Police and fire.
- (3) Public property.
- (4) Sanitation.
- (5) Water, streets and lanes.

Sec. 2-56. Meetings.

(a) *Generally.* The city council shall hold regular meetings on the second Monday of each month at 7:30 p.m. unless otherwise ordered by the council; provided, that the mayor may convene the council whenever in his opinion the public business requires it, and he shall do so upon the application of two members of the city council. All meetings at which official actions are to be taken shall be open to the public, and notice thereof shall be publicized as required by state law.

(b) *Notice.* Notice of any special or called meeting shall be given to all councilmembers by the city clerk.

(c) *Duty to attend.* It shall be the duty of each member of the city council to attend each meeting of the city council, unless he is prevented from doing so by some unavoidable circumstance.

State law references—Meetings to be open to public, O.C.G.A. § 50-14-1; due notice requirements for other than regular meetings, O.C.G.A. § 50-14-1(d); excluded proceedings, O.C.G.A. § 50-14-3.

Sec. 2-57. Rules for the conduct of business.

Except as otherwise provided in this section, Robert's Rules of Order shall govern the conduct of council meetings. Meetings of the council shall be conducted as follows:

- (1) *Call to order.* All meetings of the council shall be open to the public except as provided or allowed by state law. The mayor, or in his absence, the mayor pro tempore, shall take the chair at the hour appointed for any regular, adjourned, special or called meeting; and shall immediately call the council to order.
- (2) *Roll call.* Before proceeding with the business of the council, the city clerk or his deputy shall enter the names of those present in the minutes.
- (3) *Quorum.* A majority of the membership of the council shall constitute a quorum at any regular or special meeting of the council. Vacant seats shall not count in determining number of members.
- (4) *Voting requirements.* Official action of the council shall in all instances require the affirmative vote of a majority of the councilpersons present at the meeting during which a vote is taken, unless a larger affirmative vote is required in a particular instance by this Code, by the city Charter or ordinance, or by state law.
- (5) *Order of business.* The business of the council shall be taken up for consideration and disposition in the following order:
 - a. Call to order by presiding officer.
 - b. Approval of minutes of previous meeting.
 - c. Petitions and communications.
 - d. Reports of standing committees.
 - e. Reports of special committees.
 - f. Reports of department heads and officers.
 - g. Unfinished business.
 - h. New business.
 - i. Adjournment.
- (6) *Reading of minutes.* Unless a reading of the minutes of a council meeting is requested by a councilmember, such minutes may be approved without a reading if the city clerk has previously furnished each member with a copy thereof.

- (7) *Reports of committees.* Any business coming before the city council concerning the subject matter of which any standing or special committee has jurisdiction may be referred to the proper committee for investigation and report. It shall be the duty of each standing or special committee, whenever required by the mayor or by the city council, or any member of the city council, to examine any matter referred to such committee and make a report thereof at the next regular meeting of the city council, or show good cause why no report is made. Such reports shall not be in writing unless so directed by the presiding officer. Each standing committee shall examine into the condition of the matters within its jurisdiction and make such reports and recommendations from time to time as may be necessary.
- (8) *Manner of addressing council.* No councilmember, while the city council is in session, shall speak on any subject unless recognized by the presiding officer. Every speaker shall address the chair, and no member shall interrupt another while speaking, except to call him to order or for explanation.
- (9) *Limitations on addressing council.* Any person not a member of the city council who desires to address the council shall first secure the permission of the presiding officer so to do, then give his name and address in an audible tone of voice for the record, and direct his remarks to the council as a body rather than to any particular member, limiting such remarks to ten minutes unless additional time is granted by council.
- (10) *Ordinances, resolutions and contracts.* All ordinances, resolutions, and contracts of the city shall be prepared, approved, introduced and adopted in the following manner:
 - a. *Preparation.* All ordinances may be prepared or approved before presentation by the city attorney. No ordinance shall be prepared for presentation by any person or agency except the mayor or council unless reviewed and approved by the city attorney.
 - b. *Introduction and adoption.* Ordinances, resolutions, and other matters or subjects requiring action by the council must be introduced and sponsored by a member of the council, except that the mayor or city attorney may present ordinances, resolutions and other matters or subjects to the council, and any councilperson may assume sponsorship thereof by moving that such ordinances, resolutions, matters or subjects be adopted.
- (11) *Recording vote.* Whenever any member shall request it, the yeas and nays of the members present shall be recorded on the minutes on any question taken.
- (12) *Questions of order.* The presiding officer shall decide all questions of order, but any councilperson who is dissatisfied with the decision may appeal to the city council in the manner provided by Robert's Rules of Order for appealing from decisions of presiding officers.
- (13) *Elections.* All elections by the city council shall be by ballot, and a majority vote of the whole council shall be necessary to an election.

- (14) *Executive session.* The city council may, at any time, upon call therefor by the presiding officer or upon motion, duly carried by a councilmember, meet in executive session as provided by state law. Attendance at such sessions shall be limited to the mayor and members of council and such invitees as shall be invited with the unanimous consent of the mayor and council.

Sec. 2-58. Legislative authority generally.

The city council shall exercise the legislative functions of the city and may pass any ordinance or resolution that it deems best for the government of the city in the manner set forth in this chapter; provided, that the ordinance or resolution is not in conflict with the Charter of the city, the Constitution or laws of the state, or the Constitution or laws of the United States.

Secs. 2-59–2-90. Reserved.

DIVISION 2. THE MAYOR

Sec. 2-91. General authority.

The mayor shall be the chief executive and administrative officer of the city government, shall enforce the laws of the city and shall require the faithful performance of all administrative duties.

Sec. 2-92. Duties.

The mayor shall have the following duties:

- (1) *Informed.* To keep informed as to the city's business and ongoing transactions.
- (2) *Preside at meetings.* To preside at all meeting of the city council.
- (3) *Disbursements.* To approve disbursement of city funds.
- (4) *Appointment of committees.* To appoint at the first meeting each year, or as soon thereafter as expedient, standing committees for that year and to appoint other committees or special committees at any time and to provide for their duties and responsibilities. The mayor may at any time alter the committees and make such changes as the interests of the city may require.
- (5) *Vote of mayor.* The mayor shall have no vote except to break a tie vote by the council on any question or election.
- (6) *Recommendations to council.* To make such recommendations to the council as the mayor deems necessary or expedient.
- (7) *Executing legal documents.* To sign and execute all contracts, deeds and bonds of city duly authorized by the council.

Sec. 2-93. Powers.

The mayor shall have the following powers:

- (1) *Rule making.* To prescribe such rules and regulations as may be deemed necessary or expedient for the conduct of administrative agencies subject to his authority, and to revoke, suspend or amend any rule or regulation of the administrative service by whomever prescribed.
- (2) *Investigation.* To investigate and to examine or inquire into, either by himself or by any officer or person designated for that purpose by him, the affairs or operation of any department, including the power to employ consultants and professional counsel when so authorized by the council to aid in such investigations, examinations or inquiries.
- (3) *Overriding.* To set aside any action taken by a department head and to supersede him in the functions of his office.
- (4) *Delegation.* To direct any department to perform the work for any other department, and to authorize any department head or officer responsible to him to appoint and remove subordinates serving under such person, subject to the provisions of subsection (5) of this section.
- (5) *Hire, suspend or discipline.* To appoint, hire, suspend or discipline employees of the city other than the clerk, treasurer, police chief, public works director, city attorney and municipal judge; provided, however, that such appointment, hiring, suspension or discipline shall be subject to the concurrence or approval of the council after consideration of same at the next meeting of the council, regular or special, following such appointment, hiring, suspension or discipline.

It is further provided that the mayor's power with regard to the matters outlined in this section shall be subject to any provisions contained in this Code or other ordinances of the city which may specifically set forth procedures governing same.

Sec. 2-94. Mayor pro tempore.

At its organizational meeting, the council shall elect from among its members a mayor pro tempore. A councilperson serving as mayor pro tempore shall be entitled to vote on all matters and shall be considered a councilmember for all purposes, including the determination of whether a quorum is present. During the absence of the mayor, the mayor pro tempore shall assume the duties of and shall possess and exercise the powers of the mayor, unless limited or restricted by action of the council. If the mayor should become physically or mentally incapable of performing the duties of his office, the council may by unanimous vote declare that he is incapacitated and the mayor pro tempore shall assume the duties of and shall possess and exercise the powers of the mayor unless limited or restricted by action of the council. Upon the mayor's declaration that he is no longer incapacitated, and with the concurrence of a majority of the council, the mayor shall reassume the exercise of his powers and duties. If both the

mayor and the mayor pro tempore are absent from a meeting, the council may elect from its members a temporary chairman to preside in such absence.

Secs. 2-95—2-120. Reserved.

ARTICLE III. OFFICERS AND EMPLOYEES

DIVISION 1. GENERALLY

Sec. 2-121. Code of ethics.

The code of ethics for the city is as follows:

- (1) *Prohibited conduct.* Public officials and employees of the city shall treat all citizens with courtesy, impartiality, fairness, and equality under the law, and shall avoid both actual and potential conflicts between their private self-interests and the public interest. Prohibited conduct of each such official and employee shall include, but not be limited to, the following:
 - a. Granting or making available to any person any special consideration, treatment, advantage, or favor beyond that which it is the general practice to grant or make available to the public at large;
 - b. Requesting, using, or permitting the use of any publicly-owned or publicly-supported property, vehicle, equipment, labor or service for the personal convenience or the private advantage of himself or any other person, except as otherwise allowed by law;
 - c. Participating in the deliberation of or voting on any matter involving his financial or personal interest;
 - d. Engaging in private employment with, or rendering services for, any private person who has business transactions with the city, unless he has made full public disclosure of the nature and extent of such employment or services;
 - e. Appearing on behalf of any private person, other than himself, before any public body in the city;
 - f. Accepting any gift, whether in the form of money, thing, favor, loan or promise, that would not be offered or given to him if he were not an official or employee;
 - g. Disclosing any confidential information concerning any official or employee, or any other person, or any property or governmental affairs of the city, without prior formal authorization of the city council;
 - h. Using or permitting the use of confidential information to advance the financial or personal interests of himself or any other person; or
 - i. Appointing or voting for the appointment of any person related to him by blood or marriage to fill an office, position, employment or duty, when the salary, wages, pay or compensation is to be paid out of public funds.

- (2) *Hearings and determinations.* Upon the sworn complaint of any person alleging facts which if true would constitute a violation of this section, the council shall conduct a public hearing in accordance with all of the requirements of due process of law, and, in written findings of fact and conclusions based thereon, make a determination concerning the propriety of the conduct of the officer or employee in question.

Sec. 2-122. Administrative policy and procedures.

(a) *Employment.* Each officer and employee shall be employed at will and shall perform all duties required of his office by state law, the Charter and this Code, and such other duties not in conflict therewith as may be set forth in this Code or required by the mayor or determined by the council.

(b) *Department heads.* All department heads shall:

- (1) Be immediately responsible to the mayor for the effective administration of their respective departments and all activities assigned thereto;
- (2) Keep informed as to the latest practices in their particular field and inaugurate, with the approval of the mayor and council, such new practices as appear to be of benefit to the service and to the public;
- (3) Establish and maintain a system of filing and indexing records and reports in sufficient detail to furnish all information necessary for proper control of departmental activities and to form a basis for the periodic reports to the mayor and council;
- (4) Have power, only when authorized by the mayor and council, to appoint, discipline and remove, subject to personnel regulations, all subordinates under him; and
- (5) Be responsible for the proper maintenance of all city property and equipment used in their respective departments.

(c) *Departments.* Each department shall cooperate with every other department and shall furnish, upon the direction of the mayor, to any other department, such service, labor and materials as may be requisitioned by the head of each department, as its own facilities permit.

(d) *Operation of city hall.* City hall shall be open between the hours of 9:00 a.m. to 5:00 p.m. Monday, Tuesday, Thursday and Friday; 9:00 a.m. to 12:00 noon on Wednesday, and shall be closed Saturdays, Sundays and legal holidays observed by the city employees.

Sec. 2-123. Oaths.

All officers and employees required by the Charter or some other provision of law to take an oath shall, before entering upon the discharge of their respective duties, take and subscribe the following oath before an officer authorized by law to administer oaths:

"I, _____, do solemnly swear that I will support the Constitution of the United States and of the State of Georgia; that I will in all respects observe the provisions

of the Charter and ordinances of the City of Boston and that I will faithfully discharge the duties of the office of _____, so help me God.”

Sec. 2-124. Bonds.

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

Sec. 2-125. Compensation.

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

Sec. 2-126. Employment of personnel.

Each department head shall recommend to the mayor and council the employment of necessary personnel to perform the duties of his department. The decision to employ personnel shall be made by the city council; provided, however, that the mayor shall be empowered to employ personnel in any department on a temporary basis and any personnel so employed shall be submitted to the council at its next following meeting, whether regular or special, for the council's consideration and decision.

Sec. 2-127. Application.

Applicants seeking employment shall complete a standard application form as provided by the city and shall, if required for such position, pass a complete physical examination to be given by a licensed physician and paid for by the city. The physician shall enter his findings on a standard form. This provision shall not apply to those employees hired in an emergency and for a period of less than ten working days.

Sec. 2-128. Accidents.

Employees involved in, or having any knowledge of, any accident involving any other person employed by the city or any property or equipment owned or operated by the city shall immediately report the accident and pertinent information to their department head, who shall forward such information to the office of the city clerk. The city clerk shall record the information on three copies of the applicable accident form, one copy to be forwarded to the insurance carrier, one copy to the city attorney, and one copy retained on file in the city clerk's office.

Sec. 2-129. Grievances.

Employees with any grievance arising out of their employment by the city may present such grievance in writing to their department head. If the grievance cannot be settled between the department head and the employee, the department head shall submit a report in writing to the mayor and council, who shall have the final decision in the matter.

Sec. 2-130. Outside employment.

No city employee shall engage in any outside employment which will impair the performance of his duties or be detrimental to the city service.

Sec. 2-131. Political activity.

City employees may individually exercise their right to vote and privately express their political views as citizens, but no city employee shall solicit political campaign contributions or engage in or actively participate in any political campaign to the neglect of his official duties.

Sec. 2-132. Strikes.

No city employee shall participate in or encourage any form of sit down, slow down, and work stoppage or strike against the city.

Sec. 2-133. Leave of absence.

Leave of absence without pay may be granted for a period not to exceed 60 days when the granting of such leave is in the mutual interests of the city and the employee. Such leave shall require approval of the department head and the mayor. A leave of absence without pay and not to exceed five working days shall be granted by the department head or the mayor in the event of a death in the family of an employee.

Sec. 2-134. Absence without leave.

No employee may absent himself from duty without permission of his department head. An employee absent for three consecutive working days without notice and without sufficient reason shall be considered to have resigned.

Sec. 2-135. Dismissal.

The department head, with concurrence of the mayor, or the mayor may dismiss an employee at any time. An employee who is dismissed shall be given written notice of the reasons for the dismissal, copies of which notice shall be filed by the city clerk.

Sec. 2-136. Retirement.

Employees shall retire from city duty at the age of 70, except that the council may waive this provision when any of the following conditions exist:

- (1) A determination has been made by a licensed physical that the employee is physically able to perform his normal duties.
- (2) A qualified replacement is unavailable.
- (3) Such a waiver is for the best interest of the city.

Sec. 2-137. Resignation.

Employees shall submit resignations in writing two weeks in advance of the effective date of their resignation.

Sec. 2-138. Holidays.

Holidays to be observed with pay are: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. If a holiday falls on a Saturday, the holiday will be observed on the preceding Friday. If a holiday falls on a Sunday, the following Monday shall be observed as the holiday. From time to time an employee may be required to work on a designated holiday. If an employee is required to work on a designated holiday he will be paid at twice his regular rate of pay, or the employee may elect to observe the holiday with pay at a later date agreed upon by the employee and the mayor and council.

Sec. 2-139. Vacation.

Permanent or full-time employees shall be entitled to vacation leave, with pay, as follows:

- (1) One week, after the anniversary date of one year's continuous employment;
- (2) Two weeks, after the anniversary date of two years' continuous employment;
- (3) Three weeks, after the anniversary date of ten years' employment.

Employees are encouraged to take earned vacation within one year following the anniversary date of the earned vacation leave. Employees may accumulate up to 30 days' vacation leave, but no accumulation beyond 30 days will be recognized. Employees desiring vacation leave shall submit a request for leave to the department head 30 days in advance, except when personnel desire vacation leave during the months of June, July, August, and September, such employees shall submit their request prior to May 1 of each year. Department heads shall schedule vacations, giving due consideration to seniority rights, the needs of the service, and the remaining staff to perform the necessary duties of the department. Employees will not be allowed to schedule vacation leave for more than 15 continuous working days without special approval and consent of the mayor and council. If no vacation leave is desired, an employee may request that he be allowed to continue employment and be paid for the vacation leave period not taken, but no employee shall be entitled to such payment unless approved by the mayor and council.

Sec. 2-140. Sick leave.

Employees with six months or more service in each city year shall be entitled to receive pay during unavoidable absence from duty due to bona fide sickness or accident as follows: One week after the anniversary date of six months continuous employment. All such sick leave shall be reported to and approved by the department head and shall be reported to the mayor and council. For any absence from work for more than two continuous days to be considered as qualifying for sick leave, a doctor's report is required.

Sec. 2-141. Educational or training leave.

An employee may be granted educational leave for specific training purposes and courses of study related to work for the city. Such leave may be granted with full or partial pay and must be recommended by the department head and approved by the mayor and council. Each employee who receives educational leave shall enter into a written contract with the city providing that such employee will continue his employment with the city for a specified minimum period subsequent to completion of the training or course, or in the event of resignation or dismissal for cause within the period, that such employee will pay to the city such sum as is specified in such contract.

Secs. 2-142—2-165. Reserved.

DIVISION 2. CITY ATTORNEY

Sec. 2-166. Appointment and qualifications.

The city council, at its first regular meeting after election and qualification, may appoint a city attorney, who shall serve at the pleasure of the council and until a successor is appointed and has qualified. No person shall be so appointed unless he or she is a member in good standing of the state bar.

Sec. 2-167. Oath.

Before entering upon the duties of his office, the city attorney shall take the oath prescribed by this Code for city officers.

Sec. 2-168. Powers and duties.

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

- (1) Advise the mayor, council, city officers or department heads, when requested, upon all legal questions arising in the conduct of city affairs.
- (2) Prepare drafts of ordinances or revisions when so requested by the council or any committee thereof, and keep the Code of Ordinances of the city up to date.

- (3) Give his opinion upon any legal matter or question submitted to him by the council, or any of its committees, or by any city officer or department head.
- (4) Upon request, attend all council meetings in their entirety for the purpose of giving the council any legal advice requested by its members.
- (5) Prepare for execution all contracts and instruments to which the city is a party and approve, as to form, all bonds required to be submitted to the city.
- (6) Defend any and all suits and actions at law or equity brought against the city, unless otherwise directed by city council.
- (7) Make immediate report to the mayor and council of the outcome of any litigation in which the city is a party.
- (8) Have the power to negotiate any action, causes of action, accounts, debts, claims, demands, disputes and matters in favor of or against the city or in which the city is concerned as debtor or creditor, now existing or which may hereafter arise. Before the city shall be bound in any final settlement, approval of such final settlement shall be obtained from the mayor and council.
- (9) Render such other legal services as may be required by the mayor or council.

Sec. 2-169. Compensation.

The city attorney shall be paid such retainer and other fees as may be agreed upon by the city attorney and the council.

Secs. 2-170--2-195. Reserved.**DIVISION 3. CITY CLERK/TREASURER****Sec. 2-196. Election.**

The city council, at its first regular meeting after election and qualification, shall elect a city clerk/treasurer. The consolidation of the offices of city clerk and treasurer shall continue until modified by the council, ordinance or resolution.

Sec. 2-197. Term of office.

The city clerk/treasurer shall be appointed by the mayor and council at its pleasure and subject to removal, and until a successor is elected or qualified.

Sec. 2-198. Oath and bond.

Before entering upon the duties of this office, the city clerk/treasurer shall take the oath prescribed by this Code for city officers and shall give good and sufficient bond payable to the city conditioned upon the faithful performance of the duties of the office and the proper accounting of all funds that may come into his possession.

Sec. 2-199. Duties as city clerk.

The city clerk/treasurer shall have the following duties in his capacity as city clerk:

- (1) To attend all meetings of the city council.
 - (2) To keep correct and full minutes of the proceedings of the city council together with all ordinances and resolutions passed by it, in a properly indexed book or register kept for that purpose.
 - (3) To receive all applications or petitions made to the city and to place them before the mayor and city council at the meeting of council next succeeding the receipt thereof.
 - (4) To receive applications for and to issue, as provided by this Code, all licenses and permits authorized by this Code or the city council and keep a record thereof.
 - (5) To issue all summonses, processes and subpoenas to witnesses that may be necessary in the enforcement of this Code or other rules, regulations and ordinances of the city council.
 - (6) To serve as municipal court clerk.
 - (7) To serve as administrative officer of the city zoning ordinance.
 - (8) To be the custodian of the city seal and affix its impression on documents whenever required.
 - (9) To carefully preserve the records and documents belonging to the city which are not assigned to the custody of some other office, and to maintain a proper index to all such records and documents so that ready access thereto and use thereof may be had.
 - (10) To perform such other duties as may be required by law or as the council may direct.
- Cross references**—Business, ch. 6.2; municipal court, ch. 8; zoning, app. A.

Sec. 2-200. Duties as city treasurer.

The city clerk/treasurer shall have the following duties in his capacity as city treasurer:

- (1) To keep the accounts of the city in accordance with generally accepted principles of governmental accounting and state law and regulations.
- (2) To disburse funds of the city in compliance with the budget ordinance, each project ordinance and in accordance with city council directives.
- (3) To maintain a checkbook and ledger which shall show the check number, date, amount, payee and purpose of all disbursements.
- (4) To maintain a receipt book and ledger which shall reflect all monies received, from whom, when and on account for and for what purpose.
- (5) To prepare and file with the council a statement of the financial condition of the city as often as may be requested.

- (6) To receive and deposit all monies accruing to the city, or to supervise the receipt and deposit of money by other duly authorized officers or employees.
- (7) To maintain all records concerning the bonded debt and other obligations of the city, determine the amount of money that will be required for debt service or the payment of other obligations during each fiscal year and maintain all sinking funds.
- (8) To supervise the investment of idle funds of the city as directed by the mayor and council.
- (9) To perform such other duties as may be assigned to him by law or the city council.

Secs. 2-201–2-225. Reserved.

ARTICLE IV. DEPARTMENTS AND OTHER AGENCIES OF THE CITY

DIVISION 1. GENERALLY

Sec. 2-226. Organization.

The administrative services of the city may be divided into the following departments and heads thereof:

- (1) Police department: police chief.
- (2) Department of public works: director of public works.
- (3) Fire department: fire chief.

The council may establish other departments as the need arises.

Secs. 2-227–2-250. Reserved.

DIVISION 2. DEPARTMENT OF PUBLIC WORKS

Sec. 2-251. Composition.

The department of public works will be headed by a director of public works, who will be in charge of all officers and employees assigned thereto by the mayor and council.

Sec. 2-252. Appointment of director.

The director of public works shall be selected and appointed by the mayor and the city council. He shall have control over all officers and employees assigned to the department, subject to the control of the mayor and council and subject to any directives, guidelines or duties assigned by the council to such officers and employees.

Sec. 2-253. Duties of director.

The director of public works shall have the following duties:

- (1) To have charge of and be responsible for the care, maintenance and operation of the city water distribution system and the sewage collection system and the sanitary disposal plant.
 - a. The director will be continuously licensed by the state board of examiners for certified water and wastewater treatment plant operators, and shall attend such seminars, workshops and conventions as required to maintain proficiency in those operations.
 - b. He shall receive water meter usage books from the city treasurer and shall cause meters to be read and recorded during a period not earlier than the 20th of each month or later than the 25th of each month, at which time all books will be returned to the treasurer for billing.
- (2) To provide for and supervise the care, maintenance, construction and extension of all streets, sidewalks, street gutters and drains, alleys and public ways.
- (3) To supervise the care and maintenance of all public property of the city, including all parks, parkways, playgrounds, city buildings, and any other utilities.
- (4) To supervise the collection and disposal of garbage and refuse.
- (5) To have charge of and be responsible for the condition of all motor vehicles, trucks and other heavy equipment, and of all buildings or places in which the same are housed or kept.
 - a. A standard system of periodic preventive maintenance will be established for all motor driven equipment and shall include a daily before use "walk around" inspection by the equipment operator.
 - b. A fuel and oil usage ticket or log system will be maintained for all motor driven equipment and will include date, vehicle mileage or hour meter reading (as applicable), tire repair or replacement, and other repair or maintenance cost. These tickets or log will be forwarded to the city treasurer periodically for accounting purposes.
 - c. Police cars will remain in the custody of the police department, but will be included in the periodic maintenance program as police business permits.
- (6) To be the custodian of all tools, equipment and other personal property belonging to the city and not assigned to the care of any other public officer of the city. A running inventory will be maintained at all times and a formal inventory will be conducted annually prior to the end of the fiscal year, the results of which will be forwarded to the city treasurer so as to be available for the annual audit.
- (7) To provide inspection of new construction, additions to existing buildings, plumbing additions, etc., to ensure compliance with applicable codes and ordinances.

- (8) To prepare a projected annual budget for the department for submission to the city clerk on or before October 15 to cover operations for the upcoming fiscal year.
- (9) To purchase materials vital to the operation of the department by purchase order issued by the city treasurer. Purchase orders in excess of \$50.00 must be approved by the mayor. Purchase orders in excess of \$500.00 must be approved by the mayor and council.
- (10) To establish such standard operating procedures which may be required in order to operate the department efficiently.
- (11) To keep in mind that the department is a service organization and is established to serve all citizens equally and courteously.
- (12) To perform such additional duties or detailing of the general duties listed in this section as may be assigned to him from time to time by the mayor and council, and subject to the control and approval of the mayor and council.

Secs. 2-254--2-280. Reserved.

DIVISION 3. FIRE DEPARTMENT

Sec. 2-281. Composition.

The fire department shall be voluntary and shall consist of a chief and such volunteer firefighters as may from time to time be provided for by the mayor and city council and qualified in accordance with applicable state and county laws and regulations.

Sec. 2-282. Fire chief.

(a) *Appointment.* The fire chief shall be appointed by the mayor and council and be the chief executive officer of the fire department, subject always to the orders and regulations of the mayor and council.

(b) *Powers and duties.* The fire chief shall be responsible for and shall have control over the fire department and all fire apparatus belonging to the city and shall have the following duties:

- (1) To see to the proper and speedy extinguishment of all accidental or intentionally caused fires.
- (2) To see to the enforcement of any fire prevention code which may be adopted or may govern the city.
- (3) To keep or cause to be kept accurate records of all fires, inspections of equipment, fire prevention efforts and other activities of the department.
- (4) To submit, when requested, an oral or written report to the mayor and council on the activities of the department.

- (5) To establish rules and regulations concerning the discipline, good order, proper conduct, care and management of the fire department, subject to approval by the mayor and council.
- (6) To investigate the causes of all extended or destructive fires occurring within the city.

Sec. 2-283. Firefighters.

(a) *Qualifications.* Firefighters shall be volunteers and shall meet such minimum qualifications as may be required by state law.

(b) *Duties.* It shall be the duty of all firefighters to become familiar with and proficient in the handling of all of the apparatus of the fire department, to be prepared at a moment's notice to respond to all alarms of fire, to observe all rules and regulations of the fire department and to obey all orders of the commanding officer at all fires.

Sec. 2-284. Right-of-way of apparatus.

The fire department, including its apparatus, when going to any fire in the city or returning therefrom, shall have the right-of-way over the streets, lanes and ways of the city to exclusion of all persons, vehicles and railroad trains of every kind.

Sec. 2-285. Command at fires.

In case of fire, the officer of the highest rank at the fire shall take command of the fire department and direct the management thereof for the suppression of the fire in the best manner possible. Such commanding officer may undertake and may direct such actions as are reasonably necessary for the protection of other property in the prevention of the spread of the conflagration.

Sec. 2-286. Use of equipment outside the city limits.

Upon the orders of the fire chief or the mayor, members of the fire department are authorized to go outside the corporate limits of the city for the purpose extinguishing fires or rendering aid in the case of accident; provided, however, one fire truck shall at all times remain within the city limits.

Secs. 2-287–2-310. Reserved.**DIVISION 4. POLICE DEPARTMENT****Sec. 2-311. Composition.**

The police department shall consist of the chief of police and such other officers and persons as the mayor and council shall prescribe.

Sec. 2-312. Police chief.

(a) *Appointment and powers.* The police chief shall be appointed by the mayor and city council and shall be the executive officer of the police department, subject always to the orders and regulations of the mayor and council. In the exercise of his duties, the police chief shall have the power to establish and enforce rules and regulations for the governing of the members and employees of the department, which rule shall, however, be consistent with the ordinances of the city and the laws of the state.

(b) *Duties.* The police chief shall have the following duties:

- (1) To preserve the public peace, prevent infraction of the law, and arrest violators thereof.
- (2) To protect the rights of persons and property.
- (3) To see that the ordinances, rules and regulations of the city and all statutes applicable therein are faithfully enforced.
- (4) To attend all meetings of the city council and all trials before the municipal court.
- (5) To see to the proper service of all summons, subpoenas, citations, executions, attachments and other documents as may be directed by the city council.
- (6) To see that all judgments and sentences imposed by the municipal court are enforced and specifically to monitor that all fines imposed are collected and community service and public work imposed is served as ordered.
- (7) To oversee the conduct of the members of the police force and to be held strictly responsible for such conduct and for the general good order of the department.
- (8) To keep adequate records of all personnel and equipment of the department including a log of all questions, activities and investigations.
- (9) To submit a monthly report to the city council outlining the number and type of responses made by the department, arrest for state offenses, the number and types of cases involving violations of municipal ordinances and such other reports as may be required by the mayor and council.
- (10) To maintain proper records of the functioning of the police department as required by the standards and regulations of the state and to submit such reports on a monthly or other basis as prescribed by law to the state department of public safety.
- (11) To discharge such other duties as may be required of him by the mayor or council.

(c) *Resignation, removal, death or disability.* In the event of the death or disability of the police chief, the officer next in rank shall perform the duties of the chief until an acting chief shall be designated or appointed by the mayor and council. In the event of resignation or removal, an acting chief will be appointed by the mayor and council to serve until a successor chief of police has been duly appointed.

Sec. 2-313. Police officers.

(a) *Qualifications.* In addition to requirements established by state law, all persons employed as police officers will meet such qualifications as may be set forth in the manual for the personnel of the city police department. An official copy of such manual is on file in the office of the city clerk.

(b) *Duties.* It shall be the duty of the officers of the police department to acquire a full knowledge of and to enforce all of the ordinances of the city and all statutes applicable therein, to become familiar with the manual governing the personnel of the police department and with any rules and regulations established by the police chief concerning the discipline, good order, proper conduct, care and maintenance of the police department, and to respect and obey all orders of the police chief not in conflict with the laws or ordinances of the city, and at all times to abide by the guidelines and requirements set forth in the police department manual.

(c) *Conduct.* Members of the police department shall conduct themselves in a proper and law abiding manner at all times and shall avoid the use of unnecessary force. Conduct will be in accordance with the guidelines and requirements set forth in the police department manual.

Secs. 2-314—2-340. Reserved.

ARTICLE V. BOARDS, COMMISSIONS AND COMMITTEES**Sec. 2-341. Planning commission.**

The planning commission shall consist of such members who shall be appointed in such manner and for such terms and shall have such duties as are set forth in the bylaws of the city planning commission.

Sec. 2-342. Zoning board of appeals.

The zoning board of appeals shall consist of such members who shall be appointed in such manner and for such terms and shall have such duties and powers as are set forth in the comprehensive zoning ordinance of the city.

Cross reference—Zoning, app. A.

Sec. 2-343. Library committee.

The library committee shall consist of such members who shall be appointed in such manner and for such terms and shall have such duties as are set forth in the bylaws of the city library committee. The mayor shall appoint the committee members from the members of the city council and from the citizens of the city. The director of the county public library system shall be an ex officio member of the library committee.

Sec. 2-344. Recreation committee.

The recreation committee shall consist of such members who shall be appointed in such manner and for such terms and shall have such duties as are set forth in the bylaws of the recreation committee. The mayor shall appoint the committee members from the members of the city council and from the citizens of the city.

Secs. 2-345–2-370. Reserved.**ARTICLE VI. FINANCE****DIVISION 1. GENERALLY****Sec. 2-371. Fiscal year.**

The city operates on a fiscal year which shall begin on January 1 and end on December 31 of each year.

Sec. 2-372. Expenditures.

Department heads may purchase materials vital to the operation of their department by purchase order for orders up to \$50.00. Purchases over \$50.00 and under \$500.00 must be approved by the mayor. Purchases over \$500.00 must be approved by the mayor and council.

Sec. 2-373. Capital program.

A five-year capital program may be submitted to the city council at the same time that the budget is recommended for approval. Such capital program may include:

- (1) A clear general summary of its contents.
- (2) A list of all capital improvements which are proposed to be undertaken for the next five fiscal years.
- (3) Cost estimates, method of financing and recommended time schedules for each such improvement.
- (4) The estimated annual cost of operating and maintaining facilities to be constructed or acquired.

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

Sec. 2-374. Annual audit report.

Within six months after the close of each fiscal year an annual audit of the financial affairs and transactions of all funds and activities for the past fiscal year shall be made in accordance with O.C.G.A. § 36-81-7. A copy of such audit report shall be forwarded to the state auditor within six months after the close of the fiscal year.

Sec. 2-375. Local government finances report.

The city shall submit annually to the department of community affairs such reports as are required by O.C.G.A. § 36-81-8.

Secs. 2-376–2-400. Reserved.

DIVISION 2. BUDGET

Sec. 2-401. Adoption.

(a) The city shall operate under an annual balanced budget.

(b) The city budget shall be introduced, approved, amended and adopted by resolution passed by the city council. The procedure shall comply with O.C.G.A. § 36-81-1 et seq. and shall be essentially as follows:

- (1) *Preliminary budget-making process.* Prior to the month of November of each year, the finance committee shall meet in workshop sessions called by the chairman for the purpose of preparing a proposed budget. The last workshop session prior to the regular November meeting of the council shall include the council as a whole.
- (2) *Submission of proposed budget.* At the regular meeting of the council in November of each year, the proposed city budget, which at a minimum shall provide a statement of the amount budgeted and realized for anticipated revenue by category and the amount budgeted and expended for expenditures by category for the current year, including budget amendments, and the anticipated revenues and proposed expenditures for the proposed budget year shall be submitted to the council in writing by the finance committee. A copy of the proposed budget shall be placed in city hall conveniently accessible to the public.
- (3) *Public advertisement of proposed budget.* As soon after the submission of the proposed budget as is possible, a statement shall be published in a newspaper of general circulation with the city advising that the proposed budget is available for inspection and advising of the time and place of a public hearing to be held on the proposed budget. Such statement shall be a prominently displayed advertisement or newspaper article and shall not be placed in the legal notice section. Such notice must be published at least seven days prior to the date of such hearing.
- (4) *Public hearing.* At least one week prior to adoption of the budget ordinance or resolution, the city council shall conduct a public hearing, at which time any persons to be heard on the budget may appear.
- (5) *Adoption.* On a date after the conclusion of the public hearing and prior to the beginning of the ensuing fiscal year, the city council shall adopt a budget ordinance or resolution making appropriations for the ensuing fiscal year in such sums as the governing authority may deem sufficient, whether greater or less than the sums presented in the proposed budget. The budget ordinance or resolution shall be adopted

at a public meeting, which shall be advertised in accordance with the requirements set forth in subsection (3) of this section, at least one week prior to the meeting at which the budget ordinance or resolution is scheduled for adoption. The notice of the meeting at which the adoption of the budget is scheduled may be combined with the notice of the availability of the proposed budget and of the notice of the public hearing on the proposed budget.

Sec. 2-402. Form and content.

The final budget may be prepared in any form that the city council deems most efficient in enabling it to make the fiscal policy decisions embodied in the budget, but such final budget shall show anticipated revenues and appropriations by fund. It shall be so arranged as to clearly reflect activities, programs and functions by fund or funds. Separate items shall be included for at least the following:

- (1) Administration, operation and maintenance expenses of each department or office of the city, including a breakdown for salaries and wages for each such units.
- (2) Interest and debt redemption charges.
- (3) Proposed capital expenditures, detailed by departments and offices when practicable.
- (4) Cash deficits of the preceding year.
- (5) Contingent expenses.
- (6) Such reserves as may be deemed advisable by the city council.

Sec. 2-403. Emergency appropriations.

To adjust to changing governmental needs during the fiscal year, the city council may make emergency appropriations after the adoption of a budget for a purpose which was not foreseen at the time of the adoption thereof or for which adequate provision was not made therein. Such appropriation shall be made to meet a public emergency affecting life, health, safety, property or the public peace and shall be made only out of actual unappropriated revenue.

Sec. 2-404. Transfer of appropriations.

The council may at any time during the fiscal year transfer part or all of any unencumbered appropriation balance among programs within a department or office, and the council may transfer a part or all of the unencumbered appropriation balance from one department or office to another. If changing governmental needs during the fiscal year require modification of budgeted expenditures, the budget shall be amended accordingly.



Chapter 3

ALCOHOLIC BEVERAGES*

- Art. I. In General, §§ 3-1–3-50**
Art. II. Distribution and Sale, §§ 3-51–3-120
Div. 1. Generally, §§ 3-51–3-80
Div. 2. Licenses, §§ 3-81–3-120
Art. III. Pouring and Sale by the Drink, §§ 3-121–3-163
Div. 1. Generally, §§ 3-121–3-150
Div. 2. Licenses, §§ 3-151–3-163

ARTICLE I. IN GENERAL

Secs. 3-1–3-50. Reserved.

ARTICLE II. DISTRIBUTION AND SALE

DIVISION 1. GENERALLY

Sec. 3-51. Definitions.

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

Alcoholic beverage means and includes all distilled spirits, malt beverages, wine and fortified wine.

Election means a general election, primary election, runoff election, special election or referendum held within the city limits.

Groceries means meats, produce, dairy products and foodstuffs of all kinds, nonalcoholic beverages, soap, detergent, cleansers, paper, plastic and rubber products designed primarily for use in households and other supplies and products customarily stocked by households.

***Cross references**—Sale of alcoholic beverages in game room unlawful, § 4-28; consumption of intoxicant in public place, § 10-1; public intoxication, § 10-2; taxation and business licenses, ch. 14.

State law references—Use of proceeds of alcoholic beverage tax for prevention, education and treatment, Ga. Const. art. 3, sec. 9, par. 6; Georgia Alcoholic Beverage Code, O.C.G.A. § 3-1-1 et seq.; furnishing to, purchase of or possession by persons under 21 years of age, use of false identification, O.C.G.A. § 3-3-23; public drunkenness, O.C.G.A. § 16-11-41; furnishing alcoholic beverages to persons under 21 years of age, jurisdiction of municipal courts, O.C.G.A. § 36-32-10; treatment of alcoholics and intoxicated persons, O.C.G.A. § 37-8-1 et seq.; driving under the influence of alcohol or drugs, O.C.G.A. § 40-6-391.

License year means the period of time from the date of issuance of a license as provided in this article to the last day of February next ensuing subsequent to the issuance of such license.

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

Measured distance means the distance measured by way of the most direct traveled road, street or highway from the entrance to a licensed location to the building or property line, as the case may be, of an involved location.

Wine means any alcoholic beverage containing not more than 21 percent alcohol by volume, made from fruits, berries or grapes, either by natural fermentation or by natural fermentation with brandy added. Wine includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouth, special natural wines, wine coolers, rectified wines and like products.

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 3-52. Regulations.

(a) No holder of a license authorizing the sale of malt beverages and/or wine at retail in the city, nor any agent or employee of the licensee, shall do any of the following upon the licensed premises:

- (1) Knowingly sell malt beverages and/or wine to an underage person as defined from time to time by state law.
- (2) Knowingly sell malt beverages and/or wine to any person while such person is in an intoxicated condition.
- (3) Sell malt beverages and/or wine at the licensed location, other than during hours of operation permitted by this article.
- (4) Permit, on the licensed location, any disorderly conduct or breach of the peace.

(b) It shall be unlawful for a person to manufacture, sell or possess for the purpose of sale any malt beverages and/or wine where such person does not hold a valid license issued by the city to sell or possess for sale such beverages.

(c) Malt beverages and/or wine shall be received at or delivered to only the licensed location of the retail licensee and by no means other than by conveyance owned and operated by the wholesale dealer with a permit from the city to make deliveries in the city.

(d) A license shall be a mere grant of privilege to carry on business during the term of the license, subject to all conditions and provisions imposed by this article or any future ordinance of this kind and subject to suspension or revocation for violation of this article or of state law relating to the possession, sale, distribution or taxability of alcoholic beverages. In the event

of revocation or suspension the licensee shall not be entitled to a refund of any portion of the license fee.

(e) It shall be unlawful for any underage person, as defined from time to time by state law, to attempt to purchase or to purchase any alcoholic beverage within the city, and it shall be unlawful for any person to purchase alcoholic beverages for any underage person.

(f) It shall be unlawful for any underage person to exhibit faked, forged or borrowed credentials in an effort to obtain alcoholic beverages to which he is not legally entitled.

(g) The holder of a license issued pursuant to this article shall not allow malt beverages and/or wine to be consumed on the premises where sold and shall sell such beverages only for off-premises consumption.

(h) It shall be unlawful for any person to consume or use any alcoholic beverage or to attempt to consume or use any alcoholic beverage from a can, bottle, glass or other container, or to possess in an open can, bottle, glass or other container any alcoholic beverage while such person is on the streets, sidewalks, public ways, parks, parking lot and buildings open to the public, whether such areas or buildings are publicly or privately owned, within the city limits.

Sec. 3-53. Hours of operation.

The hours of operation of establishments holding a retail license for the sale of malt beverages and/or wine for off-premises consumption shall be between the hours of 7:00 a.m. and 11:00 p.m. The hours of operation of establishments holding a wholesale license for the distribution of malt beverages and/or wine within the city shall be between the hours of 7:00 a.m. and 8:00 p.m. There shall be no malt beverages and/or wine sold or distributed within the city on Sunday, Christmas Day or other day prohibited by state law, nor during the hours prohibited by state law on any election day.

Sec. 3-54. Excise tax.

(a) There is hereby levied and imposed upon all wholesale dealers selling malt beverages and/or wine within the city a specific excise tax in the maximum gross amount allowable by state statute per ounce or applicable measure of quantity of malt beverages and/or wine sold by each wholesale dealer within the city limits.

(b) Each wholesale dealer selling malt beverages and/or wine within the city shall file a report with the city clerk by the tenth day of each month showing for the preceding calendar month the exact quantities of malt beverages and/or wine by size and type of container sold by such dealer within the city. Each such wholesale dealer shall remit to the city not later than the tenth day of the month next succeeding the calendar month in which such sales were made the amount of excise tax due in accordance with this section.

(c) The excise tax provided for in this section shall be in addition to the license fee, which is now or may in the future be imposed upon the business of selling malt beverages and/or wine at wholesale within the corporate limits of the city.

(d) As an effective cross-check to enforce the provisions of this section, all retail licensees shall make those portions of their books and records showing quantities of alcoholic beverages purchased from wholesalers available for inspection by city officials.

(e) In addition to any other grounds for revocation of licenses to distribute or sell malt beverages and/or wine in the city, the following are additional grounds for revocation of licenses of wholesale dealers:

- (1) A finding that false and fraudulent reports have been made by the wholesale dealer, his agents, officers or employees, and upon which an incorrect payment of malt beverage and/or wine excise tax was reported or paid to the city; and
- (2) The monthly report and payment called for in this section is past due more than 30 days.

Sec. 3-55. Violation and penalty.

In addition to constituting a ground for the suspension or revocation of a license as provided in this article, any alleged violation of this article shall be tried in the municipal court of the city, and if convicted the violator shall be subject to the general penalty as set forth in section 1-12.

Secs. 3-56–3-80. Reserved.

DIVISION 2. LICENSES

Sec. 3-81. Necessity.

It shall be unlawful to distribute at wholesale or to sell at retail, except as may be provided in article III of this chapter, any malt beverage or wine within the corporate limits of the city without having procured a wholesale license or retail license, as the case may be, as provided in this article.

Sec. 3-82. Required for retail sale.

Except for licenses issued pursuant to article III of this chapter, licenses for the retail sale of malt beverages and/or wine within the city will be for off-premises consumption only and may be issued only to a specific person and for a specific location, which location must house a business actively engaged in the retail sale of groceries and which at all times must maintain and offer for sale an on-premises inventory of groceries having a minimum wholesale value of \$4,000.00.

Sec. 3-83. Retail license requirements.

The retail licensee must be a natural person of good moral character and reputation in the community in which he resides and in which he works. The following qualifications as to

persons and locations shall also be met in order to be issued and in order to retain a retail license:

- (1) The licensee shall not have been convicted of, pled nolo contendere to, or forfeited bond on, within five years of the date of his application, any felony or any violation of the laws of this state or city or any other state or city relating to the sale, possession or taxability of alcoholic beverages.
- (2) The licensee shall be the owner of the location for which the license is to be held or the holder of a written lease thereon, or if the owner of the location or the holder of a lease is a corporation, then the licensee shall be a person who owns at least as high a percentage of voting stock as is held by any other stockholder in such corporation.
- (3) The licensee shall be responsible for the management and operation of the business for which the license is granted.
- (4) The licensee shall be a citizen of the United States, shall be over the age of 21 years and shall be of sound mind.
- (5) The licensee shall not have had revoked, within the last five years, a license issued under this article or any licensing ordinance dealing with alcoholic beverages.
- (6) If the application covers a partnership, all members of the partnership must be qualified to obtain a license and each must file an application.
- (7) The location to be licensed, at the time of application, shall not be within a measured distance of 200 feet from the property line of any property on which there exists a church or house of worship, school, college or library building.

Sec. 3-84. Wholesale license requirements.

Wholesale licenses shall be issued only to those parties, natural or corporate, who are licensed by the state to sell and distribute malt beverages and/or wine at wholesale. In addition to other application requirements set forth in this article, the application for a wholesale license shall have attached thereto evidence showing that the applicant holds all required state licenses and permits.

Sec. 3-85. Application contents.

(a) The application for a license to sell malt beverages and/or wine at retail for off-premises consumption or to distribute such beverages wholesale shall be in writing, shall be executed under oath by each applicant, shall be addressed to the city council and shall be delivered to the city clerk. The application shall be accompanied by the applicant's fingerprints and a copy of the applicant's permit or license from the state and any other applicable licensing authority. The application shall contain all information required to determine whether the applicant is qualified and shall set forth the following information:

- (1) Whether the applicant desires to sell malt beverages and/or wine at wholesale or retail;

- (2) The street address of the place of business wherein malt beverages and/or wine are to be sold;
- (3) The name of applicant;
- (4) The age of the applicant;
- (5) The social security number of the applicant;
- (6) The citizenship of the applicant;
- (7) The home address of the applicant for the immediately preceding five years;
- (8) The employer and business address of the applicant; and
- (9) The names and ages of persons who shall be employed in the carrying on of such business.

(b) Any misstatement or concealment of fact in the application shall be grounds for suspension or revocation of any license issued and shall subject the applicant to prosecution for perjury.

Sec. 3-86. Investigation and presentation of application.

The chief of police of the city and the city clerk shall cause the character and reputation of the applicant and suitability of the location of the establishment for which the license is sought to be fully investigated, and a report made to the city council. All license applications shall be expeditiously presented to and considered by the mayor and council in regular or special sessions, legally assembled, provided a minimum of 30 days have elapsed subsequent to the date of filing and all necessary investigations have been completed.

Sec. 3-87. Consideration of application.

The applicant shall be provided a minimum of five days' written notice, by personal delivery or certified mail, to the address appearing on the application, of the date, time and place at which the application will be considered by the mayor and council. At such meeting the applicant shall have the opportunity to be heard regarding his application and the report made by the chief of police and the city clerk. Consideration of the application and a decision on the application may be continued to a later date should the mayor and council determine a continuation to be appropriate and provided that the date, time and place of any continuation shall be announced at the meeting which is being continued. A final decision must be reached and announced at a scheduled meeting held not later than the next immediately subsequent regularly scheduled meeting of the council. If the application is approved, the license shall be issued to the approved applicant for the approved business location by the city clerk upon payment of the license fee. Approval of an application shall expire on the 91st day subsequent to the date of approval unless the license fee is paid prior thereto. If the application is not approved, the reasons therefor shall be reduced to writing and a copy thereof shall be personally delivered to the applicant or mailed to the applicant. Under circumstances deemed ap-

propriate by the council, conditional approval may be given to an application subject to future full compliance with all requirements of this article.

Sec. 3-88. Fees.

After approval and prior to the issuance of any license, the applicable license fee for the then-current calendar year shall be paid to the city clerk. The wholesale and retail license fees for the license year shall be as is determined from time to time by the council and listed in the schedule of fees and charges maintained at city hall; provided, however, that one-half of the fee amount is hereby established as the license fee if the license is issued during the last six months of the license year. All licenses shall expire on the last day of February next ensuing subsequent to the issuance of such license. Such license fees may from time to time be reestablished by resolution of the city council.

Sec. 3-89. Renewal.

(a) Each licensee shall make written application for renewal of his license on or before January 15 of each year on forms approved by the clerk, if the clerk shall approve and prepare such forms, and the license fee shall be paid in full on or before March 1 of each year.

(b) The application for renewal shall be referred to the designee of the council, who shall expeditiously prepare and report to the city council at its regularly scheduled meeting for the month of February the licensee's activity, if any, and the activity at the location of the licensed business, if any, during the year which might effect the licensee's or the location's continuing to qualify.

(c) Consideration of applications for the renewal of licenses shall be made an order of business at the regularly scheduled meeting of the city council to be held in February of each year. The city council shall not deny an application to renew a license unless it shall have provided the renewal applicant with a public hearing and shall have complied with section 3-90 of this article.

Sec. 3-90. Transfer.

Retail licenses shall not be transferable from one person to another and wholesale licenses shall not be transferable from one party to another. Should a transfer of license to a different location be desired, the proposed location must meet all requirements for a new license to be issued hereunder, and an application for a transfer of the license to a new location, along with a nonrefundable fee equal to 50 percent of an initial license application fee must be completed and filed. No additional fee will be required if the proposed location qualifies and is approved by the city council. In situations where one or more persons have ownership interests in the license and/or in the business establishment at the licensed location and the percentage of ownership interest changes, but as a result of such ownership interest change the licensee continues to own a substantial interest in the license and/or business establishment, a transfer shall not be deemed to have occurred. However, any such change in ownership must be made known to the city council.

Sec. 3-91. Suspension, revocation and denial of renewal.

(a) Any license which may be issued by the city to any licensee may be suspended or revoked or renewal may be denied by the city council if due cause as defined in subsection (b) of this section exists therefor. Before the city council shall deny any application for renewal of a license or shall revoke or suspend any license, the applicant shall be given notice in writing to show cause before the city council at the time and place specified therein, which shall be not less than five nor more than ten days from the date of service of the notice, which may be served personally or by certified or registered mail to the address of the licensed business establishment, why the application for renewal of a license should not be denied or why the license should not be revoked or suspended, as the case may be, stating the grounds therefor. At the appointed time and place, the licensee shall have an opportunity to be fully heard. The hearing need not be held at a regular meeting of the city council, and in the case of a renewal application an attempt will be made to schedule the hearing prior to the last day of February. A hearing may be continued to a later date should the mayor and council determine a continuation to be appropriate to receive additional information or for other purposes. The date, time and place for any continuation shall be announced at the hearing which is being continued. All decisions suspending or revoking any license or denying the renewal of a license shall be in writing, with the reasons therefor stated, and mailed or delivered to the licensee.

(b) Due cause for the suspension, revocation or denial of the renewal of any license shall consist of a finding that the licensee has failed to comply with this article or has violated any city, state or federal law, other than a traffic violation; or that the licensee or his employees have failed on more than one occasion to properly report to the police department any violation of state law or city ordinance, or disturbance or altercation occurring on the premises; or that the licensed establishment has become a trouble spot in the judgment of the council by reason of repeated disturbance or acts of disorderly conduct or violence having occurred in or on or about the premises; or if the failure to control the operation in the premises or outside has resulted in repeated incidents of controlled substance abuse, prostitution, gambling, flagrant obscenity, fighting, disorderly conduct, drunkenness, excessive noise, littering or illegal parking.

(c) The mayor is delegated authority to suspend any license during a riot, general civil commotion, disaster or other state of emergency situation, with the suspension being effective immediately and remaining in force until the next regular or called meeting of the city council, at which time the extension of the license or the lifting of the license will be considered by the council, and the licensee shall have an opportunity to appear and be heard.

(d) Whenever the state shall revoke any permit or license to sell any alcoholic beverage, the city license to deal in such products shall thereupon be automatically revoked without any action by the city council. If the state has suspended the permit or license or placed the license on probation, then the city license is automatically suspended or probated as the case may be.

(e) When a license is revoked or suspended or surrendered or not used, the city shall not be required to refund any portion of the license fee.

Secs. 3-92–3-120. Reserved.

ARTICLE III. POURING AND SALE BY THE DRINK

DIVISION 1. GENERALLY

Sec. 3-121. 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:

Alcoholic beverage means and includes all distilled spirits, malt beverages and wine.

Business location means the location or proposed location of a pouring outlet.

Chief of police means the police chief of the city.

Election day means any general election, primary election, runoff election, special election or referendum held within the city limits.

License year means the period of time from the date of the issuance of a pouring license to the last day of February next ensuing subsequent to the issuance of a pouring license.

Lounge means a separate premises connected with, adjacent to and directly accessible from a restaurant, as defined in this section. It is further provided that:

- (1) It must have sufficient openings and lighting so as to permit vision into the lounge from the connected restaurant or from the outside.
- (2) Food prepared on site as well as prepackaged food and snacks must be regularly available, offered and served within the lounge premises.
- (3) The seating capacity of the lounge shall not exceed 100 percent of the seating capacity of the restaurant to which it is connected.

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

Measured distance means the distance measured by way of the most direct traveled road, street or highway from the front entrance of a pouring outlet to the building or property line, as the case may be, of an involved location.

Pour means to sell for beverage purposes, to sell for consumption on the premises and to sell by the drink.

Pouring outlet means any place of business where wine and/or malt beverages are poured or proposed to be poured. Only a lounge as defined in this section, shall qualify as a pouring outlet.

Pouring outlet manager means the person who does or will actually manage or operate the pouring outlet.

Premises means a defined, enclosed area, whether room or building, wherein pouring takes place.

Private residence means a dwelling for two families or less and not unoccupied for six months or more.

Restaurant means any public place kept, used, maintained, advertised and held out to the public as a place where food is actually prepared on site and regularly served, and which:

- (1) Meets all health and sanitation requirements set forth for food service establishments by the city, county, state and federal governments.
- (2) Has installed and maintains adequate and sanitary kitchen and dining room equipment to prepare and serve food as required in this article.
- (3) Provides a regular seating capacity at tables or booths designed for food service for at least 40 persons, exclusive of the seating capacity of any adjacent and connected lounge.
- (4) Maintains in regular use a complete place setting of dining flatware pieces and dishes required for serving at the same time a minimum of 60 food customers.
- (5) Employs sufficient personnel to prepare and serve food as required in this article.
- (6) Contains a minimum interior gross floor area of 2,000 square feet, inclusive of the gross floor area of an adjacent and connected lounge.
- (7) Serves food prepared on site at least four days per week, with the exception of holidays, vacations and periods of renovating or redecorating.
- (8) A minimum of 55 percent of the combined gross sales receipts generated per calendar quarter by a restaurant and a connected lounge must be derived from the sale of foodstuffs of all kinds and beverages other than alcoholic beverages sold on site, whether such foodstuffs and beverages shall be purchased for consumption on site or shall be purchased for takeout.

The council may from time to time conduct such inspections, inquiries and investigations as it deems relevant to determine whether the requirements of subsections (1)–(8) of this section are being met on a continuous basis. The council shall review the gross sales receipts from each establishment at the end of each calendar quarter of each calendar year and determine if the sales meet the required ratio. Applicants and licensees shall be obligated to submit sales tax and other relevant data as requested and otherwise cooperate with the council in undertaking to determine that these requirements are being met.

Wine means any alcoholic beverage containing not more than 21 percent alcohol by volume, made from fruits, berries or grapes, either by natural fermentation or by natural fermentation with brandy added. Wine includes, but is not limited to, all sparkling wines, champagnes, any

combination of such beverages, vermouth, special natural wines, wine coolers, rectified wines and like products.

(Ord. of 1-18-91, § 2)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 3-122. Conduct at pouring outlets and conduct of business.

The following regulations shall apply to pouring outlets:

- (1) The building or proposed building where pouring will take place shall meet all requirements of the building inspector and the state and county health inspector and state fire marshal.
- (2) No pouring shall be permitted except from 5:00 p.m. until midnight on Monday through Saturday.
- (3) Consumption of malt beverages or wine which has been poured prior to midnight may continue until 1:00 a.m., at which time all persons other than employees must completely vacate and clear the premises. The premises must be completely vacated and cleared of all persons not later than 2:00 a.m.
- (4) No malt beverage or wine shall be poured or given away by any licensee during any election day hours as defined by state law.
- (5) No malt beverage or wine shall be poured or given away on Christmas Day.
- (6) The sale of wine or malt beverages by the package or for off site consumption is prohibited by the holder of a pouring license, but the holder of a pouring license may sell malt beverages by the pitcher or wine by the bottle or decanter for consumption on the premises.
- (7) It shall be unlawful to employ in any pouring outlet in any capacity whatsoever any person who, within the past ten years, has plead guilty or nolo contendere to or has been convicted of or has forfeited bond for prostitution, solicitation for prostitution, any other sex offense, pandering, maintaining a disorderly place, illegal use or dealing in controlled substances, murder, attempted murder, rape, attempted rape, mayhem, attempted mayhem, aggravated assault, attempted aggravated assault, robbery, attempted robbery, or for any charge relating to the manufacture, distribution or sale of alcoholic beverages.
- (8) Not more than one sign advertising or announcing the sale of malt beverages or wine may be affixed to the exterior of the pouring outlet premises, and not more than two signs advertising or announcing the sale of malt beverages and wine shall be affixed to or displayed within the adjacent restaurant premises. No sign may be erected unless it has been submitted to and approved by the city council. No sign shall be approved unless it shall meet the following minimum criteria:
 - a. No sign shall be larger than two feet by three feet.
 - b. All signs must comply with zoning ordinance regulations.

- (9) The holder of a pouring license shall, within seven days, make report to the city clerk of any change in the information as stated in the application for a license or any change in the interest in or ownership of the licensed business or any change in the list of employees of the licensed business.
 - (10) The list of employees at the pouring outlet shall at all times be on file with the city clerk.
 - (11) No person under the age of 21 years shall be allowed to pour or serve malt beverages or wine.
 - (12) No malt beverages or wine shall be poured for or furnished to a minor, as defined under the applicable provisions of state law, a mental incompetent, or an intoxicated person.
 - (13) No intoxicated person shall be allowed to remain upon the premises of any place of business of a pouring outlet.
 - (14) No employee of any pouring outlet shall work in the place of business while intoxicated, and no employee shall drink alcoholic beverages or use illegal drugs while working and employed in such business.
 - (15) Not more than one person per 15 square feet of usable net floor area shall be permitted within a pouring outlet at any one time.
 - (16) No malt beverage or wine shall be knowingly poured or furnished for any customer who is not consuming or has not consumed food on the premises, or has not placed an order for food to be consumed on the premises. The licensee shall cause at least one publicly visible poster or sign to be displayed which states that alcoholic beverages will be served only to food customers.
- (Ord. of 1-18-91, § 16)

Sec. 3-123. Violation and penalty.

In addition to constituting a ground for the suspension or revocation of a pouring license as provided in this article, any alleged violation of this article shall be tried in the municipal court of the city and if convicted the violator shall be subject to punishment as set forth in section 1-12.

(Ord. of 1-18-91, § 18)

Secs. 3-124–3-150. Reserved.

DIVISION 2. LICENSES

Sec. 3-151. Necessity.

It shall be unlawful to pour or offer to pour any malt beverage or wine within the corporate limits of the city without having procured a pouring license as provided in this article, or to

carry on such activity in violation of the terms of such license or this article. A pouring license may be issued only to a specific person and only for a specific business location.

(Ord. of 1-18-91, § 4)

Sec. 3-152. Privilege granted.

From and after January 18, 1991, the city will issue pouring licenses for the sale for on-premises consumption of malt beverages and wine within the city limits, in accordance with and subject to all of the terms, conditions and provisions of this article. Any license issued hereunder shall be a grant of a mere privilege to engage in business during the term of the license, subject to the terms, conditions and provisions of this article, and subject to suspension and revocation as provided in this article. No malt beverage or wine shall be poured except in a lounge adjacent and connected to a restaurant, as both are defined in this article, under the restrictions set forth in this article, and such beverages shall not be poured at bars or sham establishments. The serving and consumption of poured malt beverages and wine shall likewise be limited to such premises.

(Ord. of 1-18-91, § 3)

Sec. 3-153. Separate license for each outlet.

A separate license shall be required for each business location of a pouring outlet, and separate applications shall be made for each such location, even though the ownership of each pouring outlet or location may be identical.

(Ord. of 1-18-91, § 5(A))

Sec. 3-154. Application contents.

An application for a pouring license shall be as follows:

- (1) Each initial applicant shall make an application to the council for the privilege of engaging in pouring malt beverages and wine on such forms as may be approved by the clerk.
- (2) The application shall be filed with the clerk accompanied by an application fee of \$100.00 for investigation of the applicant and the proposed location and the processing of the application. The application fee shall be refunded only if the application is approved and a license is issued and paid for.
- (3) The application, whether on forms supplied by the clerk or otherwise, shall state the following:
 - a. As to the applicant:
 1. Full name;
 2. Social security number;
 3. Age;
 4. Present home address;
 5. Home address for the immediately preceding ten years;

6. Present employer and business address;
 7. Employers and business addresses for the immediately preceding ten years; and
 8. Complete record of all convictions, guilty pleas, nolo contendere pleas, and bond forfeitures for violations by applicant of all city, state and federal laws, excluding traffic offenses other than DUI.
- b. As to the applicant's proposed pouring outlet manager (if the applicant is not to be the manager), the same information shall be required as that required of the applicant in subsection (3)a. of this section, and such information shall be provided as to each successor outlet manager within seven days of his employment as such.
 - c. Street address of proposed business location.
 - d. Name and address of owner or landlord and/or resident manager of property proposed for the business location and whether or not there is a building proposed to be used already erected thereon.
 - e. Trade name or proposed trade name of proposed business.
 - f. Names and addresses and the nature and extent of interest of all persons or corporations having any financial interest in the pouring outlet by way of ownership of the building or stock or right to receive income from the business venture or otherwise.
 - g. Whether or not the applicant has previously been issued or denied a license by any authority to sell or deal in or with alcoholic beverages and if so, the date thereof.
- (4) The application shall be sworn to.
- (5) The application shall be accompanied by the following information:
- a. A scale drawing of the buildings or proposed buildings as situated on the proposed lot, showing all interior walls, doors, and passageways.
 - b. The proposed off-street parking facilities available to the building.
 - c. The exact location of the business including the block and lot as shown on the city tax map.
 - d. Current zoning classification of the location.
 - e. Both the straight line distance and the measured distance in lineal feet from each of the following: The nearest church, the nearest school ground or college campus, the nearest public park, the nearest hospital or clinic, the nearest public library, boys' club, girls' club, Salvation Army center, YMCA, community center, residential zone and nearest private residence. The requirement of showing the distance from any of these shall not exist where such area or facility is in excess of 600 feet from the proposed business location; however, a certificate so stating shall be attached to the application.
 - f. A copy of the applicant's permit or license from the state and other applicable licensing authority.

- g. Such other information as may be required by the chief of police or city attorney, through interrogatories or otherwise.
- h. Evidence of approval of the building inspector and/or zoning administrator, i.e., building permit, certificate of occupancy or otherwise.
- i. Evidence of approval of the state fire marshal.
- j. Applicant's fingerprints.
- k. A copy of the deed reflecting ownership by the applicant or if the owner is a corporation, by the corporation, of real estate in the county.

(Ord. of 1-18-91, § 7)

Sec. 3-155. Investigation and presentation of application.

The chief of police of the city and the city clerk shall cause the character and reputation of the applicant and suitability of the location of the establishment for which the license is sought to be fully investigated and a report made to the city council. All license applications shall be expeditiously presented to and considered by the mayor and council in regular or special sessions, legally assembled, provided a minimum of 30 days have elapsed subsequent to the date of filing and all necessary investigations have been completed.

(Ord. of 1-18-91, § 9)

Sec. 3-156. Incomplete application.

An application filed and submitted before containing substantially all information required may be rejected by the city council, and an applicant shall not refile for a period of 90 days.

(Ord. of 1-18-91, § 8)

Sec. 3-157. Consideration of application and guidelines for granting or denying license.

(a) The applicant shall be provided a minimum of five days' written notice, by personal delivery or certified mail to the address appearing on the application, of the date, time and place at which the application will be considered by the mayor and council. At such meeting the applicant shall have an opportunity to be heard regarding his application and the reports made by the chief of police and the city clerk. Consideration of the application and a decision on the application may be continued to a later date should the mayor and council determine a continuation to be appropriate and provided that the date, time and place of any continuation shall be announced at the meeting which is being continued. A final decision must be reached and announced at a scheduled meeting held not later than the next immediately subsequent regularly scheduled meeting of the council. If the application is approved, the license shall be issued to the approved applicant for the approved business location by the city clerk upon payment of the license fee. Approval of an application shall expire on the 91st day subsequent to the date of approval unless the license fee is paid prior thereto. If the application is not approved, the reasons therefor shall be reduced to writing and a copy thereof shall be personally delivered to the applicant or mailed to the applicant. Under circumstances deemed ap-

propriate by the council, conditional approval may be given to an application, subject to future full compliance with all requirements of this article.

(b) In determining whether or not any license applied for under this article shall be granted, in addition to all other provisions of this article, in the public interest and welfare, the following factors will be considered and may warrant withholding the grant of a license:

- (1) The nature of the neighborhood immediately adjacent to the proposed location, that is, whether the neighborhood is predominantly residential, industrial or business and whether the pouring outlet would be incompatible with other uses in the area.
- (2) Whether the proposed location has adequate parking available for its patrons.
- (3) Whether the location would tend to increase and promote traffic congestion, and the resulting hazards therefrom.
- (4) Whether the general character, reputation and financial responsibility of the applicant and the pouring outlet manager cast doubt on their ability to be responsible operators.
- (5) Whether any information furnished in the application or statement is false and whether all requirements have been complied with.
- (6) Whether any license for sale of beer or wine previously issued for the location has been revoked.
- (7) Whether the applicant holds or possesses any other license for the sale of beer or wine issued by the city.
- (8) Whether the building location or establishment proposed for the pouring outlet has a history or reputation for the occurrence of prostitution or other sex offenses, fighting, shooting, stabbing or other violent activities, gambling, illegal dealing in alcoholic beverages, drugs or controlled substances, or other violations of law.
- (9) If the applicant is a previous holder of a license to sell any alcoholic beverage, whether the manner in which the applicant conducted the business thereunder necessitated unusual police observation and inspection in order to prevent the violation of any law, regulation or ordinance; and whether the operation of such business necessitated numerous responses by the police department of applicable jurisdiction.

(Ord. of 1-18-91, § 10)

Sec. 3-158. Fee.

After approval and prior to the issuance of any pouring license, a license fee for the then-current license year shall be paid to the city clerk. The sum of \$500.00 is hereby established as a license year pouring license fee; provided, however, that one-half of the amount is hereby established as the pouring license fee if the license is issued during the last six months of the license year. All pouring licenses shall expire on the last day of February next ensuing

subsequent to the issuance of such license. Such licensee fee may from time to time be re-established by resolution of the city council.

(Ord. of 1-18-91, § 6)

Sec. 3-159. Renewal.

(a) Each licensee shall make written application for renewal of his license on or before January 15 of each year on forms approved by the clerk, if the clerk shall approve and prepare such forms, and the license fee shall be paid in full on or before March 1 of each year.

(b) The application for renewal shall be referred to the designee of the council, who shall expeditiously prepare and report to the city council at its regularly scheduled meeting for the month of February the licensee's activity, if any, and the activity at the location of the licensed business, if any, during the year which might affect the licensee's or the location's continuing to qualify.

(c) Consideration of applications for the renewal of pouring licenses shall be made an order of business at the regularly scheduled meeting of the city council to be held in February of each year. The city council shall not deny an application to renew a pouring license unless it shall have provided the renewal applicant with a public hearing and shall have complied with section 3-90.

(Ord. of 1-18-91, § 13)

Sec. 3-160. Transfer.

Licenses issued for pouring outlets under this article shall not be transferable to another person. Should a transfer to a different pouring outlet location be desired, the proposed location shall meet all requirements of a new license to be issued hereunder, except payment of the license fee. An application for transfer of the license to the new pouring outlet, along with a nonrefundable fee equal to 50 percent of an initial license application fee, must be completed and filed. No additional fee will be required if the proposed pouring outlet qualifies and is approved by the city council. In situations where one or more persons have ownership interests in the license and/or in the business establishment at the pouring outlet and the percentage of ownership interest changes, but as a result of such ownership interest change the licensee continues to own a substantial interest in the license and/or business establishment, a transfer shall not be deemed to have occurred. However, any such change in ownership must be made known to the city council in accordance with this article.

(Ord. of 1-18-91, § 14)

Sec. 3-161. Grounds for denial.

(a) *Prohibited locations.* It shall be unlawful to grant a pouring license within the following areas of the city:

- (1) Within any of the following zoning districts: R-1, R-2 or M.

- (2) Within a measured distance of 200 feet from any girls' club, boys' club, YMCA, Salvation Army center, public library or private residence.
- (3) Within a measured distance of 300 feet from any church building or schoolgrounds or college campus.
- (4) In any existing building or establishment having a history of or reputation for the repeated occurrence of prostitution or other sex offenses; fighting, shooting, stabbing or other violent activities; gambling; or illegal dealing in alcoholic beverages, drugs or controlled substances or other violations of law.

(b) *Prohibited persons.* It shall be unlawful to grant a pouring license to a prohibited person, which is defined as follows:

- (1) A person who does not own real estate in the county or who is not an owner of a substantial interest in a corporation which owns real estate in the county.
- (2) A person who does not have a substantial ownership interest in the business establishment sought to be licensed.
- (3) A person who is not of good character and reputation in the community in which he resides and works.
- (4) A person who has been convicted of or pled nolo contendere to or forfeited bond on a felony or who has been convicted of violating the ordinances of the city relating to the use, sale, taxability or possession of alcoholic beverages or violations of the laws of the state or federal government pertaining to the manufacture, possession, transportation or sale of alcoholic beverages or taxability thereof.
- (5) A person who has previously had revoked a license under this article or any other licensing ordinance dealing with alcoholic beverages.
- (6) A person who is under 21 years of age.
- (7) A person who owes outstanding and past due taxes to the federal, state or city governments or who owes any debt to the city for which arrangements to pay acceptable to the particular governmental body have not been made or are not being complied with.
- (8) A person who is not of sound mind.
- (9) A person who is an officer or employee of the city.
- (10) A partnership, unless all partners qualify.
- (11) A corporation.
- (12) A person who does not own at least as high a percentage of voting stock as any other stockholder in any corporation which owns and operates or proposes to own and operate the business establishment sought to be licensed. Further, all shareholders

who are the beneficial owners of 20 percent or more of any class of outstanding stock in such corporation must not be or become a prohibited person.

(c) *Becoming a prohibited person.* Any licensee who becomes a prohibited person shall, within ten days of the event, make the fact known to the city clerk and shall surrender his license upon demand by the city council.

(Ord. of 1-18-91, §§ 11, 12)

Sec. 3-162. Suspension, revocation and denial of renewal of license.

(a) Any license which may be issued by the city to any licensee may be suspended or revoked or renewal may be denied by the city council if due cause as defined in subsection (b) of this section exists therefor. Before the city council shall deny any application for renewal of a license or shall revoke or suspend any license, the applicant shall be given notice in writing to show cause before the city council at the time and place specified therein, which shall be not less than three nor more than ten days from the date of service of the notice, which may be served personally or by certified or registered mail to the address of the licensed business establishment, why the application for renewal of a license should not be denied or why the license should not be revoked or suspended, as the case may be, stating the grounds therefor. At the appointed time and place the licensee shall have an opportunity to be fully heard. The hearing need not be held at a regular meeting of the city council and in the case of a renewal application an attempt will be made to schedule the hearing prior to the last day of February. A hearing may be continued to a later date should the mayor and council determine a continuation to be appropriate to receive additional information or for other purposes. The date, time and place for any continuation shall be announced at the hearing which is being continued. All decisions suspending or revoking any license or denying the renewal of a license shall be in writing, with the reasons therefor stated, and mailed or delivered to the licensee.

(b) Due cause for the suspension, revocation or denial of the renewal of any license shall consist of a finding that the licensee has failed to comply with this article or has violated any city, state or federal law, other than a traffic violation; or that the licensee or his employees have failed on more than one occasion to properly report to the police department any violation of state law or city ordinance, or disturbance or altercation occurring on the premises; or that the licensed establishment has become a trouble spot in the judgment of the council by reason of repeated disturbances or acts of disorderly conduct or violence having occurred in or on or about the premises; or if the failure to control the operation in the premises or outside has resulted in repeated incidents of controlled substance abuse, prostitution, gambling, flagrant obscenity, fighting, disorderly conduct, drunkenness, excessive noise, littering or illegal parking.

(c) The chief of police, or in his unavailability the highest ranking available officer, is authorized to verbally order all sales of malt beverages and wines to be immediately suspended on receipt of evidence that:

- (1) Within a pouring outlet numerous persons are presently acting out of control or are disorderly and disruptive and refuse to obey the orders of a law enforcement officer to cease such disruptive conduct and/or to disburse;

- (2) That an employee of a pouring outlet is presently involved in the distribution within the pouring outlet of non-tax-paid or otherwise prohibited alcoholic beverages or controlled substances; or
- (3) That several underaged persons are presently consuming alcoholic beverages within the pouring outlet.

Such suspension shall be effective immediately and shall continue pending a hearing conducted by the council to be scheduled within 48 hours subsequent to the issue of the temporary suspension order. Such temporary suspension shall terminate after 48 hours unless extended by the council after conducting a hearing. The licensee shall be notified of the hearing and shall have a right to appear and be heard. After hearing evidence, the council may lift such suspension, or may extend same or may revoke the license, in the manner provided in this section.

(d) The mayor is delegated authority to suspend any pouring license during a riot, general civil commotion, disaster or other state of emergency situation, with such suspension being effective immediately and remaining in force until the next regular or called meeting of the city council, at which time the extension of the pouring license or the lifting of the pouring license will be considered by the council and the licensee shall have an opportunity to appear and be heard.

(e) Whenever the state shall revoke any permit or license to sell any alcoholic beverage, the city license to deal in such products shall thereupon be automatically revoked without any action by the city council. If the state has suspended the permit or license or placed the permit or license on probation, then the city license is automatically suspend or probated as the case may be.

(f) When a license is revoked or suspended or surrendered or not used, the city shall not be required to refund any portion of the license fee.

(Ord. of 1-18-91, § 15)

Sec. 3-163. Surrender.

Immediately upon the sale or closing of a pouring outlet or discontinuation of use of a pouring license, it shall be the duty of the licensee to surrender his license to the city council.
(Ord. of 1-18-91, § 5(B))

Chapter 4

AMUSEMENTS*

- Art. I. In General, §§ 4-1-4-25
Art. II. Game Rooms, §§ 4-26-4-49
Div. 1. Generally, §§ 4-26-4-45
Div. 2. License, §§ 4-46-4-49

ARTICLE I. IN GENERAL

Secs. 4-1-4-25. Reserved.

ARTICLE II. GAME ROOMS

DIVISION 1. GENERALLY

Sec. 4-26. Definition.

For purposes of this article, a game room is any commercial establishment which contains one or more electronic games such as pinball machines, baseball games, bowling machines and the like and games involving playing cards.

(Ord. of 5-11-83, § 1)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 4-27. View of interior.

During all hours of operation of a game room, windows on the premises shall be unobscured by blinds, curtains, shutters, paint or otherwise, so that there is clear view of the interior of the premises from the outside sidewalk in front.

(Ord. of 5-11-83, § 4)

Sec. 4-28. Sale or consumption of intoxicating beverages.

It shall be unlawful for intoxicating beverages to be sold or consumed in a game room.
(Ord. of 5-11-83, § 5)

Cross references—Alcoholic beverages, ch. 3; offenses, ch. 10.

Sec. 4-29. Hours of operation.

A game room may be open only between the hours of 6:00 a.m. and 11:00 p.m. from Monday through Thursday; between 6:00 a.m. and 12:00 midnight on Friday and Saturday,

***Cross reference**—Taxation and business licenses, ch. 14.

State law references—Exchange of free replay for anything of value unlawful, O.C.G.A. § 16-12-35(c); operators of billiard rooms, O.C.G.A. § 43-8-1 et seq.

and between 1:00 p.m. and 5:00 p.m. on Sunday, exclusive of pool or billiard tables, which must be covered on Sunday.

(Ord. of 5-11-83, § 5)

Sec. 4-30. Use of pool or billiard tables on Sunday.

Any game room or other establishment which contains a pool or billiard table, whether coin-operated or not, shall be governed by state law regulating poolrooms when such pool or billiard tables are in use. Therefore, it shall be unlawful for the operator of any game room which is open on Sunday to allow a pool or billiard table to be used on Sunday.

(Ord. of 5-11-83, § 1)

State law reference—Local governing authority to license and regulate billiard rooms, O.C.G.A. § 43-8-2.

Secs. 4-31—4-45. Reserved.

DIVISION 2. LICENSE

Sec. 4-46. Required.

No game room shall be operated in the city without obtaining a license therefor as provided in this division.

(Ord. of 5-11-83, § 2)

Sec. 4-47. Issuance.

No license shall be issued for the operation of a game room without the city council first having approved the location of the game room. Upon such approval being granted, the city clerk shall be authorized to issue a license to the operator upon payment of the license fee required by this division.

(Ord. of 5-11-83, § 3)

Sec. 4-48. Fee.

(a) There is hereby levied an annual license fee upon each pool table and game machine within any establishment in the city, in an amount as determined from time to time by the city council and listed in the schedule of fees and charges on file in the city clerk's office.

(b) The license fees established in this section shall be due and payable as other license fees each year. For each pool table or game machine in use for less than a full year, the fee shall be assessed and prorated on a quarterly basis.

(Ord. of 5-11-83)

State law reference—Authorization to fix license fee for operation of billiard rooms, O.C.G.A. § 43-8-6.

Sec. 4-49. Suspension; revocation.

A violation of the provisions of this article shall be grounds for temporary suspension or permanent revocation of the license granted under this division.

(Ord. of 5-11-83, § 6)



Chapter 5

ANIMALS*

Sec. 5-1. 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:

Agent of the humane society means the person appointed by, contracted with or employed by the city council as animal control officer and such agents or employees designated by such officer to carry out the duties of such officer under this chapter.

Animal means any domestic animal, livestock or fowl.

At large is a term applied to an animal that is found off of the premises of the owner and is not under the restraint, control, custody, charge or possession of the owner or other responsible person either by leash, cord or chain or as otherwise provided in this chapter.

Free-running line means a line which is attached or is secured by a swivel or other device which will turn and remain free-running when wrapped around some object.

Kennel means any person engaged in the commercial business of breeding, buying, selling or boarding wild or domestic animals, livestock or fowl.

Owner means the person owning, feeding, sheltering, keeping, maintaining or controlling an animal, including permanent and temporary harboring of animals.

Pound means any premises designated by action of the Thomasville-Thomas County Humane Society, Inc., for the purpose of impounding and caring for animals found running at large or in violation of this chapter.

Restraint means immediate, continuous physical control of an animal at all times by means such as a fence, leash, cord or chain of such strength to restrain the animal. In the case of specifically trained or hunting animals which immediately respond to such commands, restraint shall also include oral control, if the controlling person is at all times clearly and fully within unobstructed sight and hearing of the animal.

(Ord. of 3-10-86, § 1)

Cross reference—Definitions and rules of construction generally, § 1-2.

***State law references**—City's authority to exercise animal control, Ga. Const. art. 9, sec. 2, par. 3(a)(3); livestock running at large or straying, O.C.G.A. § 4-3-1 et seq.; permitting dogs in heat to roam or run free, O.C.G.A. § 4-8-6; Dangerous Dog Control Law, O.C.G.A. § 4-8-20 et seq.; Georgia Animal Protection Act, O.C.G.A. § 4-11-1 et seq.; control of rabies, O.C.G.A. § 31-19-1 et seq.; cruelty to animals, O.C.G.A. § 16-12-4; liability of owner or keeper of vicious or dangerous animal for injuries caused by animal, O.C.G.A. § 51-2-6.

Sec. 5-2. Penalty for violation of chapter.

Any person who is convicted of a violation of any of the provisions of this chapter shall be punished in the municipal court as provided in section 1-12.

(Ord. of 3-10-86, § 10)

Sec. 5-3. Delegation of animal control authority.

(a) The city does hereby delegate its police powers and authority for the control and impounding of dogs and other small animals to the Thomasville-Thomas County Humane Society, Inc. Such delegation shall be formalized by contract between the city and the society, and renewed from time to time as appropriate or necessary.

(b) The contract, amendments to the contract, renewals or other action appropriate to accomplish the purposes of this section shall be authorized by proper motion or ordinance adopted by the city council.

(Ord. of 3-10-86, § 2)

State law reference—Local governments may contract for joint dog control services, O.C.G.A. § 4-8-22(b).

Sec. 5-4. Pound.

The Thomasville-Thomas County Humane Society, Inc., animal shelter located at 299 Davenport Drive in the City of Thomasville, Georgia, is hereby designated as the pound serving the city. The operation and management of such pound shall be under the supervision of the Thomasville-Thomas County Humane Society, Inc., and shall comply with the provisions of the contract between the city and the Humane Society as authorized in section 5-3.

(Ord. of 3-10-86, § 3)

Sec. 5-5. Keeping of animals generally.

Every person desiring to keep animals within the corporate limits of the city shall provide and maintain adequate and sanitary facilities for the keeping of such animals in accordance with the standards required by the provisions of this chapter and the laws of the state.

(Ord. of 3-10-86, § 4(a))

Sec. 5-6. Restraint.

Every owner of an animal shall keep such animal in a condition of restraint to prevent its being at large. When animals are off the owner's premises, they must at all times be under the direct control of such owner or other competent person by means of a secure leash not over ten feet in length, or at heel or under some other means of positive control, or on or within a vehicle. No animal shall be confined on the owner's premises by a leash of less than ten feet in length, except by a leash which is a free-running line.

(Ord. of 3-10-86, § 4(b))

Sec. 5-7. Impoundment; disposition of impounded animals.

(a) Animals running at large shall be taken into custody by agents of the Humane Society and shall be impounded and confined in the Humane Society pound in a humane manner until disposition can be made of them in accordance with the provisions of this chapter.

(b) Immediately upon impounding an animal, the Humane Society or its agent shall make a reasonable effort to notify the owner of such animal, if known, of its impoundment, and to further inform such owner of the conditions under which the animal may be reclaimed. All conditions and fees required for the administration of this chapter shall be set by the Humane Society. The conditions and fees shall be prominently posted on the premises operated by the Humane Society for animal control.

(c) If the owner of any impounded animal does not claim such animal within three days after notice of impoundment, or if the owner is unknown and cannot be found after reasonable effort within three days after impoundment, such animal may be released to any person desiring to adopt the animal upon payment of the prescribed fee set by the Humane Society, or in the sole discretion of the Humane Society or its agent may be humanely destroyed.

(d) Notwithstanding any other provisions of this chapter, the Humane Society or its agent has the absolute authority, after receiving a concurring opinion from a licensed veterinarian, to humanely destroy any animal at any time whatsoever which is suffering extreme pain, has incurred an irreversible medical condition which might reasonably prove to be fatal in the immediate future, or carries a communicable disease dangerous to animals or humans.

(Ord. of 3-10-86, § 5)

Cross reference--Offenses, ch. 10.

Sec. 5-8. Records of impoundment.

It shall be the duty of the Humane Society to keep or cause to be kept accurate and detailed records of the impoundment and disposition of all animals coming into its custody.

(Ord. of 3-10-86, § 9)

Sec. 5-9. Sanitation.

All animals shall be confined in facilities which are adequate in size and maintained property. Facilities shall not be offensive to human sight or smell and shall not cause conditions which are hazardous to human health. The mayor and council, at their discretion, may cause an inspection of the facilities by a health officer of the county health department to determine potential or existing hazards to human health.

(Ord. of 3-10-86, § 7)

Sec. 5-10. Cruelty to animals.

(a) All animals shall at all times be furnished with adequate food, water, shelter and protection from the elements. It shall be unlawful for any person to treat any animal in a cruel

manner, to abandon any animal, or to release any animal upon public or private property with the intention of abandoning it.

(b) It shall be unlawful for any person willfully and cruelly to injure or kill any animal by any mode or means causing it unnecessary fright or pain, and it shall further be unlawful for any person, by neglect or otherwise, to cause or allow any animal to endure pain, suffering or injury, or to fail or neglect to aid or attempt alleviation of any pain, suffering or injury so caused to any animal. Acts in violation of this section shall include but are not limited to the following:

- (1) Failure to provide adequate shelter from inclement weather.
- (2) Failure to provide animals food for a period of more than 24 hours or water or care for more than 18 hours.
- (3) Abandoning any animal on private or public property.
- (4) Failure on the part of the driver of a motor vehicle to stop or to call the police or other agencies for assistance after striking or injuring an animal with the motor vehicle.
- (5) Leaving or exposing any poison substance, food or drink, or aiding or abetting any person in so doing, except insect or rodent poison when used for the control of insects, mice or rodents.

(Ord. of 3-10-86, § 6)

Cross reference--Offenses, ch. 10.

Sec. 5-11. Interference with animal control officer.

No person shall resist, interfere with, hinder or molest any agent of the Humane Society or other authorized official in the performance of the duties imposed upon them by this chapter, or seek to release any animal in the custody of the Humane Society or its agents, except as provided in this chapter.

(Ord. of 3-10-86, § 8)

Chapter 6

BUILDINGS AND BUILDING REGULATIONS*

- Art. I. In General, §§ 6-1-6-25
Art. II. Numbering of Buildings, §§ 6-26-6-50
Art. III. Mobile Homes, §§ 6-51-6-75
Art. IV. Unsafe Buildings or Structures, §§ 6-76-6-84

ARTICLE I. IN GENERAL†

Sec. 6-1. Delegation of enforcement authority.

The city does hereby delegate its authority for the enforcement of the building code to the county building inspection department and does designate the chief building official of the county as the chief building officer of the city. Such delegation is formalized by contract between the city and the county commissioners and renewed from time to time as appropriate or necessary. The contract, amendments to the contract, renewals or other action appropriate to accomplish the purposes of this section shall be authorized by proper motion or resolution adopted by the city council.

(Ord. of 4-11-88, § 9)

Sec. 6-2. Contractors license; registration of contractors.

(a) All general building contractors shall be licensed. The chief building official is hereby authorized to give suitable examinations and issue licenses. General building contractor licenses issued by other state governmental entities will be considered to be licensees in the city

***Cross references**—Construction contractors, § 6.2-81 et seq.; flood damage prevention, ch. 7; nuisances, ch. 9; solid waste management, ch. 11; streets and sidewalks, ch. 12; subdivisions, ch. 13; utilities, ch. 16; zoning, app. A.

State law references—Governing body may enact standards to determine safety of buildings, Ga. Const. art. 1, sec. 4, par. 1; authority of city or county to provide codes, including building, housing, plumbing and electrical codes, Ga. Const. art. 9, sec. 2, par. 3(12); adoption and continuation of state minimum standard codes, O.C.G.A. § 8-2-21; state-wide application of minimum standard codes, codes requiring adoption by municipality or county, O.C.G.A. § 8-2-25; enforcement of codes, O.C.G.A. § 8-2-26; providing of fire escapes by building owners, O.C.G.A. § 8-2-50; access to and use of public facilities by physically handicapped persons, O.C.G.A. § 30-3-1 et seq.; authority to repair, close or demolish unfit buildings or structures, O.C.G.A. § 41-2-7.

†Editor's note—A 1989 amendment to O.C.G.A. § 8-2-25 provides for the statewide implementation of various standard building codes after October 1, 1991. The building codes and regulations adopted in the Ord. of 4-11-88 remain in effect pending implementation of the 1989 amendment, and copies are available for inspection in the clerk's office and the Thomas County Building Inspection Department, Thomasville, GA.

and will be registered without examination. All general building contractors doing business in the city shall be so registered in the office of the chief building official.

(b) If a property owner desires to serve as his own general contractor or do his own construction on his real property, then no contractors license shall be required; however, the owner/contractor shall be required to obtain a permit for the construction and the construction shall comply with the provisions of the building code.

(Ord. of 4-11-88, § 6)

Sec. 6-3. Permit and inspection fees.

The schedule of building permit and inspection fees adopted and enforced by the board of commissioners of the county is hereby adopted by the city council.

(Ord. of 4-11-88, § 11)

Sec. 6-4. Prerequisites for furnishing of utilities.

(a) No public utility may furnish temporary electrical, water or gas connections for construction purposes unless the contractor has been issued a construction permit by the chief building official.

(b) No public utility may furnish permanent electrical, water or gas connections until the contractor has been issued a certificate of occupancy by the chief building official.

(c) No public utility may furnish power to a mobile home site until the owner has been issued either a building permit or a certificate of occupancy by the chief building official.

(Ord. of 4-11-88, § 7)

Sec. 6-5. Approval of water and sewage disposal systems.

(a) Building permits will not be issued until plans for water supply and sewage disposal have been approved by the city's director of public works or by the county board of health.

(b) Certificates of occupancy will not be issued until the completed water supply and sewage disposal facilities have been approved by the city's director of public works or by the county board of health, as applicable.

(Ord. of 4-11-88, § 8)

Sec. 6-6. Excavation and grading code adopted.

Pursuant to the provisions of O.C.G.A. § 8-2-25(b), the city council adopts by reference the Excavation and Grading Code (SBCCI).

Secs. 6-7-6-25. Reserved.

ARTICLE II. NUMBERING OF BUILDINGS**Sec. 6-26. Uniform system established.**

There is hereby established a uniform system for numbering buildings fronting on all streets, avenues and public ways in the city, and all houses and other buildings shall be numbered in accordance with the provisions of this article.

(Ord. of 5-10-82, § 1)

Sec. 6-27. Official map.

For the purpose of facilitating a correct numbering system, an official map of all streets, avenues and public ways within the city showing the proper numbers of all houses or other buildings fronting upon all streets, avenues or public ways shall be kept on file in the office of the city clerk. This map shall be available for public inspection during regular office hours.

(Ord. of 5-10-82, § 6)

Sec. 6-28. Baseline.

(a) Jefferson Street shall constitute the baseline which will divide the city into northern and southern parts. All streets north of this baseline and running generally in a north-south direction shall be considered "North" streets, and all streets south of this baseline and running generally in a north-south direction shall be considered "South" streets. Main Street shall be considered the baseline which divides the city into east and west parts. Streets east of this baseline and running in a generally east-west direction shall be considered "East" streets, and streets west of Main Street and running in a generally east-west direction shall be considered "West" streets.

(b) Each building north of Jefferson Street and facing a street running in a northerly direction shall carry a number and address indicating its location north of the base street.

(c) Each building south of Jefferson Street and facing a street running in a southerly direction shall carry a number and address indicating its location south of the base street.

(d) Each building east of Main Street and facing a street running in an easterly direction shall carry a number and address indicating its location east of the base street.

(e) Each building west of Main Street and facing a street running in a westerly direction shall carry a number and address indicating its location west of the base street.

(f) All buildings on diagonal streets shall be numbered the same as buildings on northerly and southerly streets if the diagonal runs more from the north to the south, and shall be numbered the same as buildings on easterly and westerly streets if the diagonal runs more from the east to the west.

(Ord. of 5-10-82, § 2)

Sec. 6-29. Assignment of numbers—Generally.

(a) The numbering of buildings on each street shall begin at the baseline. All numbers shall be assigned on the basis of one number for each 25 feet of frontage along the street. Grid lines, as shown on the property numbering map, indicate the point at which numbers will change from 100 to the next higher hundred. All buildings on the south side of east-west streets and the east side of north-south streets shall bear odd numbers, and all buildings on the north side of east-west streets and the west side of north-south streets shall bear even numbers.

(b) Where any building has more than one entrance serving separate occupants, a separate number shall be assigned to each entrance serving an occupant.

(c) The building shall be assigned the number of the 25-foot interval in which the main entrance of the building falls. In measuring the 25-foot intervals of street frontage, if the main entrance of the building falls exactly upon the line which divides a 25-foot interval from the next higher interval, either the number of the lower interval or the number of the next higher interval will be assigned to that entrance.

(d) A multiple-family dwelling having only one main entrance shall be assigned only one number, and separate apartments in the building will carry a letter designation such as "A", "B" or "C" in addition to the number assigned to the main entrance of the building.

(e) Duplex houses having two front entrances shall have a separate number for each entrance. If both entrances fall within the same increment, either the preceding number or the next highest number shall be used for one entrance number, and the interval number in which the entrances fall shall be used for the other entrance.

(Ord. of 5-10-82, § 3)

Sec. 6-30. Same—Streets not extending to baseline.

All buildings facing streets not extending through to the baseline shall be assigned the same relative numbers as if the street had extended to the baseline.

(Ord. of 5-10-82, § 4)

Sec. 6-31. Placement of numbers.

(a) The mayor and council shall cause a survey to be made after which there shall be assigned to each house and other residential or commercial building located on any street, avenue or public way in the city its respective number under the uniform system provided for in this article and according to the survey. When the survey has been completed and each house or building has been assigned its respective number, the owner, occupant or agent shall place or cause to be placed upon each house or building controlled by him the number assigned.

(b) Such numbers shall be placed on existing buildings within 30 days after the assigning of the proper number. The cost of the numbers shall be paid for by the property owners and numbers will be made available to the property owner at the price of the units to the city. The

numbers shall not be less than three inches in height and shall be made of durable and clearly visible material.

(c) The numbers shall be conspicuously placed immediately above, on or at the side of the proper door of each building so that the number can be seen plainly from the street line. Whenever any building is situated more than 50 feet from the street line or sidewalk, the number shall be located upon a gatepost, fence, tree, post or other permanent structure so that it is easily discernible from the street or sidewalk.

(Ord. of 5-10-82, § 5)

Sec. 6-32. New or altered buildings.

Whenever any house, building or structure shall be erected or located in the city after the establishment of the uniform system of numbering, in order to preserve the continuity of numbers, it shall be the duty of the owner or developer to procure the correct number as designated by the city clerk for the property and to immediately place or cause to be placed the number upon the building as provided by this article. No building permit shall be issued until the owner or developer has secured from the building official the official number of the premises. Final approval of any structure erected, repaired, altered or modified after May 10, 1982, the effective date of the ordinance from which this section derives, shall not be given until permanent and proper numbers have been affixed to the structure.

(Ord. of 5-10-82, § 7)

Secs. 6-33–6-50. Reserved.

ARTICLE III. MOBILE HOMES

Secs. 6-51–6-75. Reserved.

ARTICLE IV. UNSAFE BUILDINGS OR STRUCTURES*

Sec. 6-76. Declaration of necessity.

It is found and declared that in the city there exist dwellings, buildings or structures which are unfit for human habitation or commercial, industrial or business uses due to dilapidation and defects which increase the hazards of fire, accident or other calamities; lack of adequate ventilation, light or sanitary facilities; or other conditions rendering such dwellings, buildings or structures unsafe, unsanitary or dangerous or detrimental to the health, safety or welfare or otherwise inimical to the welfare of the residents of the city. There also exist premises which, due to an accumulation of weeds, trash, junk, filth and other unsafe or

*State law reference—Ordinances relating to unfit buildings or structures, O.C.G.A. § 41-2-9.

unsanitary conditions, create a public health hazard or a general nuisance to those persons residing in the vicinity; and there exist vacant, dilapidated structures being used in connection with the commission of drug crimes; and it is necessary to exercise the city's police power, as authorized by O.C.G.A. §§ 41-2-7—41-2-17, to repair, close or demolish such dwellings, buildings or structures and to remedy such unsafe or unsanitary premises in the manner provided in this article.

(Ord. of 4-8-91(1), § 1)

Sec. 6-77. 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:

Closing means securing and causing a dwelling, building or structure to be vacated.

Drug crime means an act which is a violation of the Georgia Controlled Substances Act [O.C.G.A. § 16-13-20 et seq.].

Dwellings, buildings or structures means any building or structure or part thereof used and occupied for human habitation; commercial, industrial or business uses; or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith and also includes any building or structure of any design.

Owner means the holder of the title in fee simple and every mortgagee of record.

Parties in interest means persons in possession of the property and all individuals, associations and corporations who have an interest of record in the county where the property is located in a dwelling, building or structure or premises, including executors, administrators, guardians and trustees.

Premises means vacant lots or the areas surrounding and/or appurtenant to dwellings, buildings or structures.

Public authority means any housing authority or any officer who is in charge of any department or branch of the government of the city, county or state relating to health, fire or building regulations or to other activities concerning dwellings, buildings or structures in the city.

Repair means closing a dwelling, building or structure or 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 or on any premises.

Unfit or unsafe buildings, structure and premises include the following:

- (1) Those whose interior or exterior bearing walls or other vertical structural members list, lean or buckle to such extent as to weaken the structural support of such member or members below the minimum required by the building codes of the city.

- (2) Those which have parts which are so attached that they are likely to fall and injure persons or property.
- (3) Those which in whole or in part are so dilapidated, decayed, damaged from any cause or deteriorated in any manner that they are likely to cause injury to persons or property.
- (4) Those which are likely to cause injury to persons or property because they contain weakened, defective or deteriorated footings or foundations, floorings or floor supports, ceilings or ceiling supports, or roof or chimney.
- (5) Those which have visible soil erosion adjacent to or under any structural support.
- (6) Those which are likely to cause injury to persons or property in the event of catastrophe, windstorm, fire, earthquake, or panic because of inadequate stairways, elevators, escalators, fire escapes or other means of egress as required by the building and safety codes of the city.
- (7) Those which are likely to cause injury to persons or property because they have defective or inadequate plumbing, improper sanitation facilities, insufficient ventilation, or lack of running water, as required by the building codes of the city, or other ordinances of the city.
- (8) Those which constitute fire hazards as defined in the housing code of the city or other applicable ordinances and which are thereby dangerous to persons or property.
- (9) Those which are vacant, and because of lack of proper maintenance, deterioration or decay or fire hazards are otherwise dangerous to human life, safety, health or morals.
- (10) Those premises where an accumulation of weeds, trash, junk, filth and other unsanitary or unsafe conditions create a public health hazard or a general health hazard or a general nuisance to those persons residing in the vicinity.
- (11) A vacant, dilapidated structure being used in connection with the commission of drug crimes based upon the personal observation of a law enforcement agency and evidence of drug crime commission.

(Ord. of 4-8-91(1), § 2)

Cross reference--Definitions and rules of construction generally, § 1-2.

Sec. 6-78. Enforcement officer.

(a) The municipal judge and the members of the standing committee on public and private property, acting by majority vote, shall be the public officer designated and appointed to exercise the powers prescribed by this article. The municipal judge shall act as chairman of such tribunal.

(b) The public officer shall exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this article, including the following powers in addition to others herein granted:

- (1) To investigate the building conditions in order to determine which dwellings, buildings or structures therein are unfit for human habitation or are unfit for current commercial, industrial or business use;
- (2) To administer oaths and affirmations, to examine witnesses and to receive evidence;
- (3) To enter upon premises for the purpose of making examinations; provided, however, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
- (4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this article; and
- (5) To delegate any of his functions and powers under this article to such officers and agents as he may designate.

(c) It is the policy of the city for its designated officials to investigate and determine which buildings or structures in the city are unfit for human habitation or occupancy. The public officer may determine under this article that a dwelling, building, structure or premises is unfit for human habitation or is unfit for its current commercial, industrial or business use or is a nuisance if he finds that conditions exist in such building, dwelling, structure or premises which are dangerous or injurious to the health, safety or morals of the occupants of such dwelling, building or structure; of the occupants' neighborhood dwellings, buildings or structures; or of other residents of the city as determined under this article.

(Ord. of 4-8-91(1), § 3)

Sec. 6-79. Filing of complaint and hearing.

Whenever a request is filed with the public officer by a public authority or by at least five residents of the city charging that any dwelling, building, structure or premises is unfit for human habitation, or for commercial, industrial or business use or is creating a nuisance or whenever it appears to the public officer, on his own motion, that any dwelling, building, structure or premises is unfit for human habitation or is unfit for its current commercial, industrial or business use, or is creating a nuisance, or is vacant, dilapidated and is used in connection with the commission of a drug crime, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and any parties in interest in such dwelling, building, structure or premises a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer at a place within the county in which the property is located therein, fixed not less than ten days nor more than 30 days after the serving of such complaint. The owner and any parties in interest shall be given the right to file an answer to the complaint and to appear in person or otherwise, and give testimony at the place and time fixed in the complaint.

The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

(Ord. of 4-8-91(1), § 4)

Sec. 6-80. Service of complaints.

(a) Complaints or orders issued by a public officer pursuant to this article shall in all cases be served upon each person in possession of the property, each owner, and each party in interest. The return of service signed by the public officer or an affidavit of service executed by any citizen of this state reciting that a copy of such complaint or orders were served upon each person in possession of the property, each owner, and each party in interest personally or by leaving such copy at the place of his residence shall be sufficient evidence as to the service of such person in possession, owner and party in interest.

(b) If any of the owners and parties in interest shall reside out of the city, service shall be perfected by causing a copy of such complaint or orders to be served upon such parties by the sheriff or any lawful deputy of the county of the residence of such parties, or such service may be made by any citizen. The return of the sheriff or lawful deputy or the affidavit of such citizen that such parties were served either personally or by leaving a copy of the complaint or orders at the residence shall be conclusive as to such service.

(c) Nonresidents of this state shall be served by posting a copy of such complaint or orders in a conspicuous place on premises affected by the complaint or orders. Where the address of such nonresidents is known, a copy of such complaint or orders shall be mailed to them by registered or certified mail.

(d) If either the owner or any party in interest is a minor or an insane person or person laboring under disabilities, the guardian or other personal representative of such person shall be served, and if such guardian or personal representative resides outside the city or is a nonresident, he shall be served as provided for in subsection (c) or (d) of this section in such cases. If such minor or insane person or person laboring under disabilities has no guardian or personal representative, or if such minor or insane person lives outside the city or is a nonresident, service shall be perfected by serving such minor or insane person personally or by leaving a copy at the place of his residence, which shall be sufficient evidence as to the service of such person. In the case of other persons who live outside of the city or are nonresidents, service shall be perfected by serving the judge of the probate court of the county, who shall stand in the place of and protect the right of such minor or insane person or appoint a guardian ad litem for such person.

(e) If the whereabouts of any owner or party in interest is unknown and the owner or party in interest cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the service of such complaint or order upon such persons shall be made in the same manner as provided in subsection (c) of this section, or service may be perfected upon any person holding himself out as an agent for the property involved.

(f) A copy of such complaint or orders shall also be filed in the proper office for the filing of a lis pendens notice in the county and such filing of the complaint or orders shall have the force and effect as other lis pendens notices provided by law. Any such complaint or orders or an appropriate lis pendens notice may contain a statement to the effect that a lien may arise against the described property and that an itemized statement of such lien is maintained on a lien docket maintained by the city clerk.

(Ord. of 4-8-91(1), § 5)

Sec. 6-81. Order upon hearing.

(a) If, after notice and hearing as provided for in this article, the public officer determines that the dwelling, building, structure or premises under consideration is unfit for human habitation or is unfit for its current commercial, industrial or business use or is creating a nuisance, or is vacant, dilapidated and is used in connection with the commission of a drug crime, he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order requiring the owner or parties in interest within the time specified in the order to:

- (1) Repair, alter or improve such dwelling, building, structure or premises so as to render it fit for human habitation or for current commercial, industrial or business use or to abate the nuisance or to vacate and close the dwelling, building or structure as a human habitation, if the repair, alteration or improvement of such dwelling, building, structure or premises can be made at a reasonable cost in relation to the value of the dwelling, building, structure or premises.
- (2) Remove or demolish such dwelling, building or structure, if the repair, alteration or improvement of the dwelling, building or structure cannot be made at a reasonable cost in relation to the value of the dwelling, building or structure within the time specified in the order.

(b) In no event shall the city require removal or demolition of any dwelling, building, or structure except upon a finding that the cost of repair, alteration, or improvement thereof exceeds one-half the value such dwelling, building or structure will have when repaired to satisfy the minimum requirements of this article.

(Ord. of 4-8-91(1), § 6)

Sec. 6-82. Enforcement of orders.

If the owner or parties in interest fail to comply with any order to repair, remove or demolish the dwelling, building or structure, the city council may by ordinance order the public officer to proceed to effectuate the purpose of this article 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 current commercial, industrial or business use, and if the city council so approves, the public officer may cause such dwelling, building or structure to be repaired, altered or improved or to be vacated and closed or demolished; and that the public officer may

cause to be posted on the main entrance of any building, dwelling, or structure so closed a placard with the following words:

“This building is unfit for human habitation or commercial, industrial or business use; the use or occupation of this building for human habitation or for commercial, industrial or business use is prohibited and unlawful.”

(Ord. of 4-8-91(1), § 7)

Sec. 6-83. Lien on property for costs.

(a) The amount of the cost of repair, vacating and closing or removal or demolition by the public officer shall be a lien against the real property upon which such cost was incurred. The lien shall attach to the real property upon the payment of all costs of demolition by the public authority and the filing of an itemized statement of the total sum of the costs by the public officer in the offices of the clerk of the superior court of the county and the city clerk on lien dockets maintained by such clerks for such purposes. If the dwelling, building or structure is removed or demolished by the public officer, he shall sell the materials of such dwellings, buildings or structures and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the superior court by the public officer, shall be secured in a manner as may be directed by such court, and shall be disbursed by such court to the person found to be entitled thereto by final order or decree of such court.

(b) The city may enforce the collection of any amount due on such lien for removal or demolition of dwellings, buildings or structures only in the following manner:

- (1) The owner or parties in interest shall be allowed to satisfy the amount due on such lien by paying to the city, within 30 days after the perfection of such lien, a sum of money equal to 25 percent of the total amount due, and by further paying to the city the remaining balance due on such lien, together with interest at the rate of seven percent per annum, in three equal annual payments, each of which shall become due and payable on the anniversary date of the initial payment made as prescribed.
- (2) Should the property upon which such lien is perfected be sold, transferred or conveyed by the owner or parties at interest at any time prior to the termination of the three-year period, then the entire balance due on such lien shall be due and payable to the city.
- (3) Should the amount due on such lien, or any portion thereof, be unpaid after the passage of the three-year period, or upon the occurrence of the contingency provided for in subsection (2) of this section, the city may enforce the collection of any amount due on such lien for alteration, repair, removal or demolition of dwellings, buildings or structures in the same manner as provided in O.C.G.A. § 48-5-358 and other applicable state statutes. This procedure shall be subject to the right of redemption by

any person having any right, title or interest in or lien upon the property, all as provided by O.C.G.A. § 48-4-40 et seq.

(Ord. of 4-8-91(1), § 8)

Sec. 6-84. Application to other private properties.

All the provisions of this article, including the method and procedure, may also be applied to private property premises where an accumulation of weeds, trash, junk, filth and other unsanitary or unsafe conditions shall create a public health hazard or a general nuisance to those persons residing in the vicinity. A finding by any governmental health department, health officer or building inspector that such property is a health or safety hazard shall constitute prima facie evidence that such property is in violation of this article.

(Ord. of 4-8-91(1), § 9)

Chapter 6.2

BUSINESSES*

- Art. I. In General, §§ 6.2-1–6.2-50
- Art. II. Auctions, §§ 6.2-51–6.2-80
- Art. III. Construction Contractors, §§ 6.2-81–6.2-110
- Art. IV. Flea Markets, §§ 6.2-111–6.2-145
- Art. V. Junk Dealers and Junkyards, §§ 6.2-146–6.2-180
- Art. VI. Pawnbrokers, §§ 6.2-181–6.2-215
- Art. VII. Peddling, Soliciting and Canvassing, §§ 6.2-216–6.2-245
- Art. VIII. Dealers in Precious Metals and Gems, §§ 6.2-246–6.2-285
- Art. IX. Tent Meetings; Carnivals; Open Air Gatherings, §§ 6.2-286–6.2-325
- Art. X. Used Car Dealers, §§ 6.2-326–6.2-331

ARTICLE I. IN GENERAL

Sec. 6.2-1. 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.

Administrator means the city clerk, who shall be the administrator for the licensing of businesses under this chapter and who may be assisted by employees of the clerk's office.

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

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

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 6.2-2. License required.

Every business in this city or person doing business or engaged in business within the city is hereby required to have a business license from the city for the privilege of engaging in a

***Cross reference**—City clerk to receive application for and to issue all licenses and permits, § 2-199(4).

State law references—Authorization of cities to levy and collect taxes and fees, Ga. Const. art. 9, sec. 4, par. 1; specific business and occupation taxes, O.C.G.A. § 48-13-1 et seq.

business, profession or occupation within the corporate limits, unless city licensing is prohibited under state law or the activity is exempted by this Code.

Sec. 6.2-3. Administration of chapter.

The administrator shall administer and enforce the provisions of this chapter for the application for and issuance of business licenses under this chapter of the Code.

Sec. 6.2-4. Duties of administrator.

The administrator shall have, among others, the following duties:

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

Sec. 6.2-5. Separate businesses.

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

Sec. 6.2-6. Application; fee; temporary business.

(a) Every person required to procure a license under the provisions of this Code shall submit an application for the license to the administrator, which application shall conform to the requirements of this section in addition to any other provisions of this Code.

(b) Unless otherwise provided in this Code, each application shall be a written statement upon forms provided by the city and submitted before March 1 of each year or within ten days of opening a new business or reopening of a business under a new ownership.

(c) Each application shall contain the following information:

- (1) Name, social security number and home address of the applicant if an individual, or home office address and identification number if a corporation or partnership;
- (2) Place where the proposed business is to be located;
- (3) Kind and class of business to be carried on;

- (4) Names, social security numbers and home addresses of the partners, if a partnership;
- (5) Names and home addresses of the officers and directors, if a corporation;
- (6) Any information as may be required by the administrator for the purpose of determining the amount of any business taxes to be collected under this Code; and
- (7) Any additional information which the administrator may find reasonably necessary to the fair administration of this chapter of the Code, which may include a complete record of all arrests and convictions against the applicant and every partner, officer or director of the applicant for violations of any and all laws and ordinances of the city, state or federal government other than minor traffic violations.

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

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

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

(g) Any application, license and registration fees as fixed from time to time by the mayor and council and set forth on a license fee schedule maintained at city hall, or business taxes required under this Code and set forth on a business tax schedule maintained at city hall shall accompany the application. The required amount shall be prorated semiannually to the end of the license year.

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

Sec. 6.2-7. Duration of license.

Any license referred to in this chapter shall automatically expire on the last day of February next ensuing subsequent to issuance, unless such license provides for an earlier expiration.

Sec. 6.2-8. Casual and isolated activity.

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

Sec. 6.2-9. Special daily business license.

In lieu of obtaining a business license as provided in this chapter, a person not maintaining a fixed place of business in the city may obtain from the administrator a special daily

business license which shall expire at 12:00 midnight of the day for which it is issued. A new license shall be obtained for each day on which any type of business is to be conducted. Any person desiring to engage in a business licensed under this chapter shall obtain a license prior to engaging in business on the day for which the license is issued and pay all license fees and business taxes required under this Code.

Sec. 6.2-10. Procedure for issuance of license.

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

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

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

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

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

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

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

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

Sec. 6.2-11. Display of licenses and registrations.

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

Sec. 6.2-12. Renewal of licenses.

Each licensee shall make a written application for renewal on forms supplied by the administrator no later than February 15 of each calendar year, which application may require substantially the same information as the initial application. Renewal license fees shall be due and payable on March 1 of each year. A penalty of 20 percent of the required license fee shall be assessed for license fees not paid within 45 days subsequent to the due date.

Sec. 6.2-13. Revocation; suspension.

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

Sec. 6.2-14. Change of address.

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

Sec. 6.2-15. Transfer of licenses.

Business licenses shall not be transferable except as provided in this section. If the owner of a business holding a currently valid, paid-up business license should sell or transfer the business to another person, the purchaser of the business shall obtain free of charge a new license in his name for the balance of the current term of the seller's business license, upon making application to the administrator. The purchaser shall be punishable for violation of this chapter if the transfer of the business license provided for in this section is not made before the transferee begins to engage in the business. At the date of renewal of the seller's business

license, the buyer must obtain a new annual business license and pay all license fees and business taxes required by this chapter and comply with all applicable provisions of this chapter and all ordinances in the same manner as if he had been the original owner of the business.

Sec. 6.2-16. Issuance of replacement licenses.

If the administrator is notified that the licensee has lost his copy of the license, he shall make a new copy, upon showing by the licensee that the required fees have been paid. In addition, the licensee shall be charged a replacement fee as fixed from time to time by the mayor and council. Replacement licenses shall be signed by the administrator and shall indicate the time and date upon which issued. The possession of a replacement license shall not be a defense to any charge of violation of this chapter except a charge made after the time of the issuance of the replacement license.

Sec. 6.2-17. Special provisions for disabled veterans.

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

Sec. 6.2-18. Owner and manager both punishable for violations.

If a business is being conducted without a license, both the person owning the business and the person in charge of the management of the business in the city may be held liable for the violation of the provisions of this chapter, and upon conviction either or both may be punished as provided for in section 6.2-19.

Sec. 6.2-19. Violations and penalties.

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

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

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

(d) Any person violating any of the provisions of this chapter shall, upon conviction in the recorder's court of the city, be punished as provided in section 1-12 of this Code.

Sec. 6.2-20. Defense to prosecution.

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

Sec. 6.2-21. Subsequent amendments; other fees.

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

Secs. 6.2-22–6.2-50. Reserved.**ARTICLE II. AUCTIONS*****Sec. 6.2-51. License required; fee.**

(a) Each person who desires to conduct an auction within this city shall be required to obtain a license therefor from the city clerk in the manner specified in this chapter.

(b) The business license fee for each auction licensed under this section shall be set by the mayor and council from time to time.

Sec. 6.2-52. Application.

Application for a license under this article shall be made as provided in article I of this chapter, except that such application shall contain the following additional information:

- (1) A statement setting forth when, where, and for how long the auction sale will be conducted;
- (2) A certified copy of the state auctioneer's license of the person who is to conduct the auction; and
- (3) A full and true inventory of all the articles to be sold at the auction sale, together with an affidavit that all information contained in the application is true and that the inventory contains a true listing of all the articles to be sold at the auction.

*State law reference—Auctioneers, O.C.G.A. § 43-6-1 et seq.

No auction sale shall be held except as set forth in the application and affidavit and no other articles shall be sold except those included in the sworn inventory, unless a new affidavit shall be filed listing additional goods to be sold. No other person shall be allowed to conduct the auction sale except such person listed in the affidavit, unless a new affidavit is filed setting forth such other person who may be employed to conduct such auction and cry off such goods.

Sec. 6.2-53. Bond.

Every applicant for a license under this article shall file with the city clerk a surety bond running to the city in the amount of \$5,000.00 with surety acceptable to and approved by the city council, conditioned that the applicant, if issued a license hereunder, will comply fully with all of the provisions of the ordinances of this city and the statutes of this state regulating and concerning auctions and auctioneers, will render true and strict accounts of all his sales to any person or persons employing him to make the same, will not practice any fraud or deceit upon bidders or purchasers of property from him at any auction sale or suffer or permit any person in his employ to practice any such fraud or deceit, and will pay all damages which may be sustained by any person by reason of any fraud, deceit, negligence or other wrongful act on the part of the licensee, his agent or employees in the conduct of any auction or in the exercise of the calling of auctioneer. A liability insurance policy issued by an insurance company authorized to do business in this state which conforms to the requirements of this section may be permitted by the city council in his discretion in lieu of a bond.

Sec. 6.2-54. Cappers, boosters, by-bidders.

It shall be unlawful for any person to act or to employ another in any auction sale as a by-bidder or what is sometimes known as a "capper" or "booster," or to make or to accept any false or misleading bid, or to pretend to buy or sell any article sold or offered for sale at such action.

Sec. 6.2-55. Exemptions.

Nothing in this article shall be held to apply to auction sales conducted by trustees or referees in bankruptcy, executors, administrators, receivers, or other public officers acting under judicial process, nor to the sale of repeal property at auction.

Secs. 6.2-56—6.2-80. Reserved.

ARTICLE III. CONSTRUCTION CONTRACTORS***Sec. 6.2-81. Plumbers.**

No master, contracting, or journeyman plumber, as such terms are defined in O.C.G.A. § 43-14-2, shall be permitted to engage in any plumbing business in this city unless such person shall hold a valid certificate of qualification issued to him by the state construction industry licensing board.

Sec. 6.2-82. Electrical contractors.

No electrical contractor, as such term is defined in O.C.G.A. § 43-14-2, shall be permitted to engage in any electrical contracting business in this city unless such person shall hold a valid license issued to him by the state construction industry licensing board.

Sec. 6.2-83. Conditioned air contractors.

No conditioned air contractor, as such term is defined in O.C.G.A. § 43-14-2, shall be permitted to engage in any conditioned air contracting business in this city unless such person shall hold a valid certificate of qualification issued to him by the state construction industry licensing board or by the county.

Sec. 6.2-84. General contractors.

All general contractors who contract with this city for any public work exceeding \$1,000.00 in amount shall be required to obtain a performance and payment bond in the amount and manner specified by state law.

Sec. 6.2-85. Solid waste management.

(a) No license shall be issued to any person whose solid waste collection vehicles do not meet the standards established for such vehicles in section 11-17.

(b) It shall be the duty of all persons issued a license under this article to conform to the requirements of chapter 11 of this Code, and failure to so conform shall be grounds for revocation of the license.

Secs. 6.2-86–6.2-110. Reserved.**ARTICLE IV. FLEA MARKETS****Sec. 6.2-111. 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:

Flea market means and includes any business that is located within a "flea market" promotion or which derives 25 percent or more of its gross receipts from the sale, trade or

***Cross reference**—Buildings and building regulations, ch. 6.

State law reference—Electrical contractors, plumbers, conditioned air contractors, low-voltage contractors, and utility contractors, O.C.G.A. § 43-14-1 et seq.

barter of used and previously owned personal property, other than operable motor vehicles. In this connection, therefore, all businesses in the city which meet the definition contained in this section shall be subject to the provisions of this and the following sections dealing with flea markets, whether such businesses be generally known as jewelry stores, coin shops, salvage operations, clothing stores or by any other name or names; provided, however, nothing contained in this section shall apply to any purchase where the retail value of the merchandise or goods is \$10.00 or less.

Yard sale means the sale of clothing and/or other used or surplus household items normally reflecting items in surplus by a single household or a small group of households. Such sales normally will not occur more than two times per year per location.

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 6.2-112. Yard sales exempt from licensing requirement.

Bona fide yard sales will not require a business license.

Sec. 6.2-113. Flea market promoters and vendors; license required.

(a) *Flea market promoters.* All persons, before beginning the business of operating and promoting a flea market, shall first file an application with the city clerk for a license to conduct such business. Such application shall contain such information as necessary to properly regulate the business. A promoter's license fee shall be as contained in the city business license schedule. An official copy of such schedule is on file in the office of the city clerk.

(b) *Flea market vendors.* All persons, before beginning the business of selling, buying, trading or bartering in a flea market, shall first file an application with the city clerk for a license to conduct such business. Such application shall be made on a form prescribed by the city and shall contain such information as necessary to properly regulate the business. A vendor's license fee shall be as prescribed in the city business license schedule. An official copy of such schedule is on file in the office of the city clerk.

(c) *Investigation of applications.* The police department shall cause an investigation to be made into the information contained in the applications described in subsections (a) and (b) of this section and into the background, character and reputation of applicants. After such investigation, the department shall file a written report with the mayor and council, whose duty it shall be to make a decision on the issuance of the license.

Sec. 6.2-114. Fees.

The annual business license fee for flea markets in the city shall be set by the mayor and council from time to time.

Sec. 6.2-115. Revocation of license.

The mayor and council shall revoke the license of any flea market promoter when such revocation is necessary to prevent the purchase, sale, barter or trade of stolen property or to prevent the purchase, sale, barter or trade of property with minors, and provided the promoter has been previously warned of such activity and has not taken action to prevent a reoccur-

rence. The failure to keep and provide accurate records as required by section 6.2-116 shall be prima facie evidence of a vendor dealing in stolen property or with minors or both.

Sec. 6.2-116. Precautions to be taken.

(a) *Records; identification.* All vendors in flea markets and all other businesses similarly situated and which meet the definition in section 6.2-111 shall keep accurate records of all transactions of \$10.00 or more where cash, credit or merchandise is bought or traded for by such vendors. The record of each transaction shall be made on a form prescribed by the city and furnished by the vendor. The form shall be dated and require an accurate description of the personal property, including identifying marks, numbers and manufacturers, and shall include personal identification as to name, address, sex, race, height, weight and date of birth and shall include either a legible thumbprint or information showing that the vendor was shown positive identification by the seller or trader of the property. A valid driver's license with a photo or identification of like quality shall be required, and such identification shall be all that is acceptable as positive identification. The city may from time to time describe identification other than driver's licenses that may be accepted as positive identification and which is of like quality.

(b) *Forms to be supplied to law enforcement officers.* Each business covered by subsection (a) shall provide law enforcement officers with the forms completed since the last previous request for such forms.

(c) *Dealing with minors prohibited.* It shall be unlawful for any flea market vendor or other business owner similarly situated, his agents or employees to purchase or trade for any merchandise or property with minors. The burden to ascertain age shall be upon the vendor or business.

State law reference—Age of legal majority, O.C.G.A. § 39-1-1.

Sec. 6.2-117. Holding period for certain merchandise.

Any person operating under a flea market promoter's or a flea market vendor's license or any precious metal dealer who takes any used or previously owned merchandise by purchase, trade or barter shall hold such merchandise for at least ten days before disposing of such merchandise by sale, trade, barter, transfer or shipment. Such merchandise shall be kept readily available for inspection by law enforcement officers of the city. Nothing contained in this section shall apply to merchandise having a retail value of \$10.00 or less.

Secs. 6.2-118–6.2-145. Reserved.

ARTICLE V. JUNK DEALERS AND JUNKYARDS***Sec. 6.2-146. 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:

Business premises or premises means the area of a junkyard as described in a junk dealer's license or application for license, as provided for in this article.

Junk means old iron, steel, brass, copper, tin, lead, or other base metals; old cordage, ropes, rags, fibers, or fabrics; old rubber; old bottles or other glass; bones; wastepaper and other waste or discarded material which might be prepared to be used again in some form; and motor vehicles, no longer used as such, to be used for scrap metal or stripping of parts; but "junk" shall not include materials or objects accumulated by a person as byproducts, waste, or scraps from the operation of his own business, or materials or objects held and used by a manufacturer as an integral part of his own manufacturing processes.

Junk dealer means a person who operates a junkyard, as defined in this section, within the city.

Junkyard means a yard, lot, or place, covered or uncovered, outdoors or in an enclosed building, containing junk as defined in this section, upon which occurs one or more acts of buying, keeping, dismantling, processing, selling, or offering for sale any such junk, in whole units or by parts, for a business or commercial purpose, whether or not the proceeds from such act or acts are to be used for charity.

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 6.2-147. License required.

Each junk dealer as such term is defined in section 6.2-146 who does business within this city shall be required to obtain a license from the city clerk in the manner specified in this chapter.

Sec. 6.2-148. Fee established.

The annual business license fee for each junk dealer doing business in this city shall be set by the mayor and council from time to time.

***State law references**—Junk or metal dealers records, O.C.G.A. § 10-1-350 et seq.; junkyards, O.C.G.A. § 32-6-240 et seq.; purchase and resale of used motor vehicles and used parts, O.C.G.A. § 40-4-40 et seq.; junk dealers, O.C.G.A. § 43-22-1; Used Motor Vehicle Dismantlers, Rebuilders and Salvage Dealers Registration Act, O.C.G.A. § 43-48-1 et seq.

Sec. 6.2-149. Application contents.

Application for a license under this article shall be made as provided in article I of this chapter, except that such application shall contain the following additional information:

- (1) Trade names used during the previous five years by the applicant and each person signing the application, along with the locations of prior establishments;
- (2) Names and addresses of employers of each person signing the application during the previous five years;
- (3) The name, residence address, and telephone number of each person employed or intended to be employed in the business as of the time the application is filed;
- (4) A sketch of the actual premises to be used in connection with the business, giving distances in feet and showing adjoining roads, property lines, buildings, and uses; and
- (5) A description of the materials with which any buildings to be used in connection with the licensed business are or are to be made; a sketch giving distances, showing the location of such buildings on the business premises; and a diagram or plan giving distances and heights, showing floors, exits, entrances, windows, ventilators, and walls.

Sec. 6.2-150. Review of application.

No action on any application for a license to operate a junkyard shall be taken by the city council until the planning commission has reviewed such application and forwarded its recommendation thereon to the city clerk in the manner specified in this chapter.

Sec. 6.2-151. General operating requirements.

The following general operating requirements shall apply to all junk dealers licensed in accordance with the provisions of this article:

- (1) The junkyard, together with things kept therein, shall at all times be maintained in a sanitary condition.
- (2) No space not covered by the license shall be used in the licensed business.
- (3) No water shall be allowed to stand in any place on the premises in such manner as to afford a breeding place for mosquitoes.
- (4) No weeds shall be permitted to attain a height of more than four inches.
- (5) No garbage or other waste liable to give off a foul odor or attract vermin shall be kept on the premises; nor shall any refuse of any kind be kept on the premises, unless such refuse is junk as defined in section 6.2-146 and is in use in the licensed business.
- (6) No junk shall be allowed to rest upon or protrude over any public street, walkway, or curb, or become scattered or blown off the business premises.

- (7) Junk shall be stored in piles not exceeding ten feet in height and shall be arranged so as to permit easy access to all such junk for firefighting purposes.
- (8) No combustible material of any kind not necessary or beneficial to the licensed business shall be kept on the premises, nor shall the premises be allowed to become a fire hazard.
- (9) Gasoline and oil shall be removed from any scrapped engines or vehicles on the premises.
- (10) No junk or other material shall be burned on the premises in any incinerator not meeting the requirements of the building code; and no junk or other material shall be burned on the premises in the open.
- (11) No noisy processing of junk or other noisy activity shall be carried on in connection with the licensed business on any Sunday, Christmas, Thanksgiving, or at any time between the hours of 6:00 p.m. and 7:00 a.m.
- (12) The area on the premises where junk is kept (other than indoors) shall be enclosed, except for entrances and exits, with a solid, vertical wall or fence of minimum height of ten feet measured from ground level. The fence or wall shall not contain any poster or advertising of any kind, excepting one sign of the licensee not exceeding 20 square feet in size. Entrances and exits shall not be wider or more numerous than reasonably necessary for the conduct of the licensed business.
- (13) The licensee shall permit inspection of the business premises by any police officer at any reasonable time.
- (14) No junkyard shall be allowed to become a nuisance; nor shall any junkyard be operated in such manner as to become injurious to the health, safety, or welfare of the community or of any residents close by.

Sec. 6.2-152. Records.

Each acquisition of junk shall be recorded in a permanent type register kept on the business premises, giving the name and residence address of the person from whom the acquisition was made, a description of the junk acquired, and the date of the transaction. Such data shall be held available for inspection by any police officer.

Sec. 6.2-153. Minors.

No junk dealer shall have any business dealings as a junk dealer with a minor, nor shall a junk dealer's license be issued to a minor, nor shall a junk dealer employ a minor to assist him in his business.

State law reference—Age of legal majority, O.C.G.A. § 39-1-1.

Sec. 6.2-154. Stolen goods.

Every junk dealer who shall receive or be in possession of any goods, articles, or things of value which may have been lost or stolen shall upon demand produce such article or thing to any member of the police department for examination.

Sec. 6.2-155. Vehicles.

Every vehicle used by a junk dealer in the conduct of his business shall bear thereon in legible characters the name and address of the owner and proprietor thereof.

Secs. 6.2-156–6.2-180. Reserved.**ARTICLE VI. PAWNBROKERS*****Sec. 6.2-181. License required.**

No person shall conduct business as pawnbroker, or maintain an establishment for the purposes of conducting business as a pawnbroker, until a business license has been obtained from the city clerk. Such license application shall be made to the city clerk and the license issued only upon approval by the mayor and council of the city.

Sec. 6.2-182. Review of application.

No action on any application for a pawnbroker's license shall be taken until the police department has reviewed such application and forwarded its recommendation thereon to the mayor and council of the city for their consideration, approval or denial.

Sec. 6.2-183. Limitation on issuance.

No pawnbroker's license shall be issued to any person or persons who have been convicted of any crime involving as an element thereof the theft of property.

Sec. 6.2-184. Fee established.

The annual business license fee for each pawnbroker doing business within the city or for each individual establishment maintained for the purpose of doing business as a pawnbroker within the city shall be as set by the mayor and council from time to time and listed in the schedule of fees and charges on file in the clerk's office.

Sec. 6.2-185. Records.

Each pawnbroker licensed hereunder shall furnish to the police department each week a list of every item pledged with him or sold to him during the previous week. Such list may be a copy of the information required to be kept by O.C.G.A. § 44-12-132, or any other list maintained containing the same information. The furnishing of such list shall be in conjunction with and in addition to the maintaining of those records required by state law and shall in no way be considered as relieving such person of the duty to maintain these records, or to make them available for inspection as required by state law.

*State law reference—Pawnbrokers, O.C.G.A. § 44-12-130 et seq.

Sec. 6.2-186. Weapons.

No pawnbroker shall receive as a pledge or purchase any revolver, pistol or other firearm or weapon prohibited by state law, and no pawnbroker shall display in the window or shop any such firearms or weapons for sale.

Sec. 6.2-187. Minors.

No pawnbroker shall have any business dealings as a pawnbroker with a minor, nor shall a pawnbroker's license be issued to a minor, nor shall a pawnbroker employ a minor to assist him in his business.

State law reference—Age of legal majority, O.C.G.A. § 39-1-1.

Sec. 6.2-188. Stolen goods.

It shall be the duty of every pawnbroker to report to the police any article pledged with him or which is sought to be pledged with him, if he shall have reason to believe the article was stolen, or lost and found by the person attempting to pledge it in the case of a lost article.

Secs. 6.2-189—6.2-215. Reserved.**ARTICLE VII. PEDDLING, SOLICITING AND CANVASSING*****Sec. 6.2-216. Registration required.**

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

Sec. 6.2-217. Registration fee; application for identification card.

Any person desiring to peddle, solicit or canvass within the city shall pay to the city clerk a registration fee as fixed from time to time by the mayor and council and shall make application under oath with the police department for an identification card, which shall show payment of the registration fee and the days that the registrant has registered to peddle, solicit or canvass within the city.

Sec. 6.2-218. Exhibition of registration card.

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

***State law reference**—County licensing of peddlers, O.C.G.A. § 43-32-1 et seq.

Sec. 6.2-219. Unlawful acts.

- (a) It shall be unlawful for any person to peddle, canvass or solicit after sundown.
- (b) It shall be unlawful for any person to peddle within the fire zone of the city.
- (c) It shall be unlawful for any person to peddle, canvass or solicit without having registered with the city clerk in accordance with section 6.2-217 or to peddle, solicit or canvass without having on his person and in his possession an identification card issued in accordance with section 6.2-217.

Secs. 6.2-220—6.2-245. Reserved.**ARTICLE VIII. DEALERS IN PRECIOUS METALS AND GEMS*****Sec. 6.2-246. 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:

Dealer in precious metals or gems means:

- (1) Any person engaged in the business of purchasing precious metals or gems or goods made from precious metals or gems from persons or sources other than manufacturers, manufacturers' representatives or other dealers in precious metals or gems; or
- (2) A person engaged in any other business if, in conjunction with such business, precious metals or gems or goods made from precious metals or gems are purchased from persons or sources other than manufacturers, manufactures' representatives or other dealers in precious metals or gems where such purchase is for resale in its original form or as changed by remounting, melting, reforming, remolding or recasting or for resale as scrap or in bulk.

Gems means any precious or semiprecious stone which is cut and polished.

Precious metals means gold, silver, platinum, or any alloy containing gold, silver or platinum.

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 6.2-247. Applicability of regulations.

No person shall be exempt from the provisions of this chapter by reason of association temporarily with any dealer or permit holder or by reason of conducting temporary or transient business in connection with or as a part of the business in the name of any dealer or permit holder. Every dealer or permit holder shall be liable for all the penalties provided for

*State law reference—Dealers in precious metals and gems, O.C.G.A. § 43-37-1 et seq.

violation of any provision of this chapter, whether such violation be committed by himself or his agent, clerk or employee.

Sec. 6.2-248. Application for license; oath.

(a) *Contents of application.* Applicants for a license pursuant to this article, whether a person, firm, corporation, partnership, or other legal entity, shall file with the city clerk a written application under oath, signed by the applicant if an individual, by all partners if a partnership, and by the president if a corporation, showing the following:

- (1) The name or names of the person or persons having the management or supervision of the applicant's business during the time that it is supposed to be carried on in the city, together with the permanent address or addresses of such person or persons; the capacity in which such person or persons will act; the name and address of the person, firm, partnership, corporation or other legal entity for whose account the business will be carried on, if any; and, if a corporation, under the laws of what state the corporation is incorporated.
- (2) The fingerprints of the principals, agents and employees of the applicant's business, and such other evidence which establishes to the satisfaction of the city the good character of such persons who carry on the business.
- (3) The place or places in the city where it is proposed to carry on the applicant's business and the length of time during which it is proposed that the business shall be conducted.
- (4) The place or places, other than the permanent place of business of the applicant, where the applicant within the six months next preceding the date of the application conducted a business as described herein, stating the nature thereof and giving the post office and street address of the building or office in which such business was conducted.
- (5) A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers.
- (6) Whether or not a person or persons having the management or supervision of the applicant's business, together with all agents and employees, have been convicted of a crime, misdemeanor or the violation of any city ordinance (except traffic offenses), the nature of such offense and the punishment assessed therefor.
- (7) Credentials from the person for which the applicant proposes to do business, authorizing the applicant to act as such representative.
- (8) The social security number of the applicant; the previous home address of the applicant and how long the applicant was a resident there.
- (9) A list of all employees containing the name, past employers, age, residence address and social security number of each and every employee.

(b) *Oath.* The following oath shall be required on the application:

“Comes now the undersigned and upon being duly sworn states on oath that all of the information contained herein is true and correct and that the same is hereby sworn to be true under penalty for false swearing as provided by law. This _____ day of _____, 19____.

(Applicant’s signature)

(Notary Public)”

Sec. 6.2-249. Investigation of applicant; issuance; denial of license.

Upon receipt of an application for engaging in the business of dealing in precious metals and gems, the city clerk shall forward such application to the police department, which shall make such investigation of the person’s business responsibility or moral character as it deems necessary to the protection of the public good. If, as a result of such investigation, the applicant’s character and business responsibility are found to be unsatisfactory, the application shall be denied. If, as a result of the investigation, the character and business reputation of the applicant appear to be satisfactory, the police department shall certify such in writing and a license shall be issued by the city clerk. Such license shall contain the number of the license, the date the license is issued, the nature of the business authorized to be carried on, the amount of the license fee paid, the expiration date of the license, the place where the business may be carried on under the license, and the name or names of the person or persons authorized to carry on the business. The city clerk shall keep a full record in his office of all licenses issued. If the city clerk shall deny an application so filed, the applicant shall have the right to appeal the decision to the mayor and council and have a hearing held thereon concerning the denial of the application. The decision made by the mayor and council shall be final, subject, however, to any appeal through the courts of the state or federal court systems which shall be had by the applicant.

Sec. 6.2-250. Bond required.

Every person engaging in the business of dealing in precious metals and gems as defined in this article shall file with the city clerk a surety bond executed by such applicant secured by a corporation surety company authorized to do business in the state in the amount of not less than \$10,000.00, conditioned upon compliance with the provisions of this chapter, and upon the prompt report of all suspicious persons dealing with the obligor, and of stolen property or property suspected of being stolen, and for the returning to the police department or to the true and lawful owner of any such property or making payment therefor. The bond shall be taken in the name of the city and the city or any person injured by the breach of the bond may bring an action on the bond in the city’s or the person’s own name to recover damages therefor.

Sec. 6.2-251. Display of license; expiration; renewal.

The license issued pursuant to this article shall be posted conspicuously in the place of business named therein. If the applicant shall desire to do business in more than one place within the city, separate licenses shall be purchased and issued for each place of business and shall be posted conspicuously in each place of business. No license shall be transferred without written consent from the mayor and council by an endorsement on the face of the license by the city clerk showing to whom the license is transferred and the date of the transfer. Every license issued pursuant to this article shall expire on January 31 of the year in which the license was issued. Each applicant filing for a renewal license or otherwise shall comply with every provision of the application as provided in this article for each year during which the applicant intends to do business in the city.

Sec. 6.2-252. Revocation of license—Grounds.

The license issued pursuant to this article may be revoked by the mayor and council after notice and hearing for any of the following causes:

- (1) Any fraud, misrepresentation or false statement contained in the application for the license.
- (2) Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares or merchandise.
- (3) Any violation of this chapter.
- (4) Failure to maintain the daily record as required in section 6.2-256.
- (5) Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude.
- (6) Purchasing, bartering, exchanging or otherwise acquiring any goods from a person under 18 years of age.
- (7) Conducting the business licensed under this chapter in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

Sec. 6.2-253. Same—Procedure.

Notice of hearing for revocation of a license shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. The notice shall be served on the licensee by handing the notice personally to the person in charge of the licensee's business or by mailing the notice, postage paid, to the licensee at his last known address at least five days prior to the date set by hearing.

Sec. 6.2-254. Penalty for failure to register and obtain license.

It is hereby declared to be unlawful and an offense punishable as provided in section 1-12 to engage in the business of dealing in precious metals, gems, or jewelry from the members of

the general public within the corporate city limits of the city without first complying with the registration and other provisions of this chapter and obtaining a license as provided in this chapter. Each day such offense occurs or continues shall constitute a separate offense.

State law reference—Registration of proposed business with police department required by state law, O.C.G.A. § 43-37-2.

Sec. 6.2-255. Prohibited acts.

It shall be unlawful for any dealer in precious metals or precious stones to commit any of the following acts:

- (1) Fail to make an entry of any material matter in his daily record;
- (2) Make any false entry therein;
- (3) Falsify, obliterate or destroy such daily record or remove the daily record from his place of business, except to file the daily record in the office of the police department;
- (4) Refuse to allow any duly authorized law enforcement officer to inspect such daily record or any goods in his possession during the ordinary hours of business or at any reasonable time;
- (5) Fail to file his daily record in the office of the police department as required in section 6.2-257;
- (6) Fail to comply with this chapter in any other particular; or
- (7) Purchase any precious metal or precious stone from a minor.

Sec. 6.2-256. Records of transactions.

(a) Every dealer in precious metals and gems shall maintain a daily record, in which shall be entered in legible English and in ink at the time of each transaction the following information:

- (1) The date and time of day of the transaction.
- (2) The name of the person conducting the transaction.
- (3) The name, age, address and race of the seller, a description of the general appearance and estimated height and weight of the seller, any and all distinguishing characteristics of the seller, and distinctive number from the seller's driver's license or other similar identification.
- (4) A full identification and description of the article or articles, including kind, style, material, color, design and kind and number of stones in jewelry, if any, and all identifying marks and numbers inscribed thereon.
- (5) The price paid for each item.
- (6) The number of the check issued for the purchase price if payment is made by check.
- (7) The signature of the customer.

(b) Entries shall appear in chronological order in ink. No blank lines may be left between entries. No obliterations, alterations or erasures shall be made. Corrections shall be made by drawing a line of ink through the entry without destroying its legibility. The book shall be open to the inspection of any officer of the city and any representative of the collector of revenue's office and any deputy sheriff of the county or officer of the state during the ordinary hours of business or at any reasonable time. The records of each purchase or sale transaction, as provided in this section, shall be maintained for period of not less than two years.

Sec. 6.2-257. Reports to police.

The complete daily record of each day's transaction as required in section 6.2-256 shall be filed on or before the following day in the office of the police department and shall, prior to filing, be open to the inspection of duly authorized law enforcement officers as stated in section 6.2-256.

Sec. 6.2-258. Retention period for purchased articles.

Every dealer in precious metals or gems shall retain possession of each article or item purchased in the city for at least 15 days following each purchase. It shall be unlawful for any dealer in precious metals or gems to alter in any manner, or to transfer possession of, any article or item purchased in the city within the period of 15 days or less after purchase. If any article or item so purchased shall be removed from the city limits within a period of 15 days after purchase, the dealer in precious metals or precious stones shall notify the police department in writing, prior to such removal, of the precise location and address to which the article or items shall be removed and shall consent to inspection of the article or items by any duly authorized law enforcement officer at such location.

Sec. 6.2-259. Penalties for violations.

Any violation of any provision of this article shall constitute a misdemeanor. Any person who shall violate any of the provisions of this article shall be punished upon conviction in the municipal court as provided by section 1-12.

Secs. 6.2-260–6.2-285. Reserved.

ARTICLE IX. TENT MEETINGS; CARNIVALS; OPEN AIR GATHERINGS

Sec. 6.2-286. Permit required.

No person, firm, corporation, or other legal entity, whether religious, profit-making, civic or otherwise, shall erect, set up, or otherwise construct or maintain on any private or public land within the city limits any tent or makeshift or portable structure, for the purpose of holding a meeting of any kind or conducting road shows and/or carnivals or conducting open air gatherings to which the public is invited, without having first obtained a written permit for such purposes from the city clerk.

Sec. 6.2-287. Application for permit.

Such person, firm, corporation, or other legal entity shall first make application either in writing or orally to the city clerk, requesting the permit. The clerk shall then present the application to the mayor and council at the next regular meeting, or at any called meeting thereof.

Sec. 6.2-288. Guidelines and conditions for permits; revocation.

(a) Guidelines and conditions set forth in the minutes of the council meeting held on June 16, 1989, will be applicable to all such permits. Additional reasonable conditions may be imposed by the council if the circumstances of individual applications warrant such reasonable conditions.

(b) Such permits shall be within the discretion of the council as to period of time; place where such meeting, show or carnival shall be held; and conditions under which the same may be held. The council shall have the right to revoke the permit at any time and for any reason it deems expedient to the general welfare of the community and its citizens. A majority vote of the council shall be necessary in order to revoke a permit.

Secs. 6.2-289—6.2-325. Reserved.**ARTICLE X. USED CAR DEALERS*****Sec. 6.2-326. License required; fee.**

(a) Any used car or used motor vehicle dealer, as such terms are defined in O.C.G.A. § 43-47-2, who does business within this city shall be required to obtain a license from the city clerk in the manner specified in this chapter.

(b) The annual business license fee for each used car or used motor vehicle dealer doing business in the city shall be set by the mayor and council from time to time.

Sec. 6.2-327. Review of application.

No action on any application for a license under this article shall be taken by the city council until the chief of police has reviewed such application and forwarded his recommendation thereon to the city clerk in the manner specified in this chapter.

Sec. 6.2-328. Restriction on issuance.

No license under this article shall be issued to any applicant who has not been licensed by the state board of registration of used car dealers.

*State law reference—Used Car Dealers Registration Act, O.C.G.A. § 43-47-1 et seq.

Sec. 6.2-329. Records.

Each used car or used motor vehicle dealer licensed hereunder shall keep a record of all motor vehicles offered for sale, exchange, or disposal to the public, which record shall show the make of the motor vehicle, the year of its manufacture, its serial number, and its engine number, which record shall always be kept available for the chief of police or any patrolman or police officer within the city and be open to inspection at any time. It shall be the further duty of every such person to immediately report to the chief of police the presence in his place of business of any motor vehicle on which the serial or engine number has been defaced or altered.

Sec. 6.2-330. Inspections.

It shall be the duty of the chief of police to make inspections from time to time for the purpose of seeing that the records required in this article are being kept.

Sec. 6.2-331. Exceptions.

Nothing in this article shall be deemed to apply to any individual making an isolated sale of his own vehicle.

Chapter 6.5

ELECTIONS*

- Art. I. In General, §§ 6.5-1–6.5-30
Art. II. Candidates, §§ 6.5-31–6.5-60
Art. III. Elector Registration and Qualification, §§ 6.5-61–6.5-90
Art. IV. Voting, §§ 6.5-91–6.5-97

ARTICLE I. IN GENERAL

Sec. 6.5-1. Adoption of state laws, rules and regulations.

The provisions of the municipal election code contained in O.C.G.A. § 21-3-1 et seq. and future amendments thereof, together with the rules and regulations promulgated by the state election board which pertain to municipal elections, are hereby adopted as the provisions that shall govern the conduct of municipal general and special elections in this city.

Sec. 6.5-2. Expenses.

Such funds as are necessary for the conduct of elections and for the performance of the duties that are specified by this Code shall be budgeted and appropriated annually, and from time to time.

Sec. 6.5-3. Date of city elections.

(a) *General election.* All general city elections occurring after January 1, 1993, shall be held on the Tuesday next following the first Monday in November, 1993, and on such day biennially thereafter. Public notice of such election shall be published by the governing authority in a newspaper of general circulation in the city at least 30 days prior to the election.

(b) *Special election.* The dates of all special elections shall be as provided in O.C.G.A. § 21-3-52, and not earlier than 29 days after the call of such special election by the governing authority. Notice of such call shall be published promptly in a newspaper of general circulation within the city.

Secs. 6.5-4–6.5-30. Reserved.

ARTICLE II. CANDIDATES

Sec. 6.5-31. Notice of candidacy.

(a) *Filing.* Each candidate desiring to have his name placed on the ballot for an office to be filled in a city general or special election shall file personally or by his designee, notice of

*State law reference—Georgia Municipal Election Code, O.C.G.A. § 21-3-1 et seq.

his candidacy in the manner and accompanied by the documents and information required by O.C.G.A. § 21-3-91. Such filing shall be made at least 22 days, but not more than 52 days, prior to the election in the case of a general election, and at least 15 days, but not more than 30 days, prior to the election in the case of a special election; or at least 50, but not more than 60 days prior to the election in the case of a city general or special election held in conjunction with a November general election.

(b) *Designation of office sought.* If a candidate seeks one of two or more public offices of the city, each having the same title and to be filled at the same election by the vote of the same electors, such candidate shall designate the specific office he is seeking by identifying the designated post, naming the incumbent, or providing other appropriate designation.

Sec. 6.5-32. Qualifications.

Every candidate for city office must be an elector of the city, must have resided in the city for a period of one year prior to the election for which he desires to be a candidate, and must meet the constitutional and statutory qualifications for holding the office being sought. Challenges to and determination of qualifications shall be in the manner prescribed in O.C.G.A. § 21-3-3 and any other pertinent section of Georgia Municipal Election Code.

Sec. 6.5-33. Qualification fee.

The qualification fee for candidates filing a notice of candidacy for any office in any general or special election shall be three percent of the annual salary of the office sought, which fee shall be paid to the city clerk at the time of the filing of such notice of candidacy. A pauper's affidavit as provided in O.C.G.A. § 21-3-90(b) may be filed in lieu of paying the qualifying fee.

Sec. 6.5-34. Campaign financing disclosure.

All candidates for city public office shall file and keep all such reports as are required by O.C.G.A. § 21-5-34.

Secs. 6.5-35–6.5-60. Reserved.

ARTICLE III. ELECTOR REGISTRATION AND QUALIFICATION

Sec. 6.5-61. Registration list.

The city shall utilize the county voter registration list.

Sec. 6.5-62. Qualifications.

Any person desiring to vote in any city general or special election must:

- (1) Register with the registrar for the county as an elector at least 30 days prior to the general election at which he desires to vote, or register with the registrar for the

county prior to the close of the registrar's business on the fifth business day after the call of such special election in which he desires to vote.

- (2) Be a citizen of the United States and the state.
- (3) Be a resident of the city.
- (4) Be 18 years of age or older.
- (5) Possess all other qualifications prescribed by law, including not being mentally incompetent unless the disability has been legally removed, and not having been convicted of a felony involving moral turpitude unless the sentence has been completed and the right to vote restored.

Sec. 6.5-63. Challenge of qualifications.

Any elector of the city may challenge the right of registration of any person whose name appears upon the elector's list. Such challenge and the procedure for deciding same will be in the manner provided in O.C.G.A. § 21-3-138.

Secs. 6.5-64–6.5-90. Reserved.

ARTICLE IV. VOTING

Sec. 6.5-91. Election officials.

(a) *Appointment.* The following election officials may be appointed by the mayor and council and shall receive such compensation as is provided by the resolution appointing same:

- (1) Municipal election superintendent.
- (2) Chief manager.
- (3) Two assistant managers.
- (4) Clerks as necessary.

(b) *Qualifications and powers.* The municipal election superintendent and all poll officers shall meet such qualifications, take such oaths and exercise all such powers and duties as are provided in the Georgia Municipal Election Code.

Sec. 6.5-92. Election districts.

The area comprising the corporate limits of the city, as the city is now or shall hereafter exist, shall constitute the sole election district of the city.

Sec. 6.5-93. Polling places.

The polling place within the city shall be the city hall in the city.

Sec. 6.5-94. Write-in votes.

Write-in votes shall be permitted in city elections, except that no write-in vote shall be counted in a primary, runoff primary or runoff election.

Sec. 6.5-95. Absentee ballots.

Absentee ballots shall be used in all city elections, and such use shall be governed by the provisions of O.C.G.A. § 21-3-280 et seq.

Sec. 6.5-96. Votes required for election.

Candidates for nomination for any public city office in any primary and candidates for any public city office in any general election shall be nominated or elected by majority of the votes cast to fill such nomination or public office.

Sec. 6.5-97. Recounts and contested elections.

Any eligible person desiring a recount or wishing to contest the results of a primary or general election shall proceed in compliance with O.C.G.A. § 21-3-420.

Chapter 7

FLOOD DAMAGE PREVENTION*

Art. I. In General, §§ 7-1–7-30

Art. II. Administration, §§ 7-31–7-50

Art. III. Provisions for Flood Hazard Reduction, §§ 7-51, 7-52

ARTICLE I. IN GENERAL

Sec. 7-1. 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:

Area of special flood hazard means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

Base flood means the flood having a one percent chance of being equalled or exceeded in any given year.

Development means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood hazard boundary map or FHBM means the official map issued by the Federal Emergency Management Agency where the areas of special flood hazard have been designated as zone A.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Lowest floor means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of 44 CFR 60.3.

***Cross references**—Buildings and building regulations, ch. 6; streets and sidewalks, ch. 12; subdivisions, ch. 13; utilities, ch. 16; zoning, app. A.

Mobile home means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

Start of construction, for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Public Law 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, other than a mobile home, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not a part of the main structure. For a structure other than a mobile home without a basement or poured footings, the actual start includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, the actual start means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, the actual start is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed, including at a minimum the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities, is completed.

Substantial improvement means, for a structure built prior to the enactment of the ordinance from which this section derives, any repair, reconstruction or improvement of a structure the cost of which equals or exceeds 50 percent of the market value of the structure, either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first alteration on any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. Substantial improvement does not include any alteration of a structure in order to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to ensure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

(Ord. of 1-14-85, Art. 2)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 7-2. Findings of fact.

(a) The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other properties which are inadequately elevated, floodproofed or otherwise protected from flood damage.

(Ord. of 1-14-85, Art. 1, § B)

Sec. 7-3. Purpose of chapter.

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

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

(Ord. of 1-14-85, Art. 1, § C)

Sec. 7-4. Objectives of chapter.

The objectives of this chapter are to:

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

(Ord. of 1-14-85, Art. 1, § D)

Sec. 7-5. Lands to which chapter applies.

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

(Ord. of 1-14-85, Art. 3, § A)

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

The areas of special flood hazard identified by the Federal Insurance Administration in its flood insurance rate map no. 130402, dated June 17, 1986, and any revision thereto, are adopted by reference and declared to be a part of this chapter.

(Ord. of 1-14-85, Art. 3, § B)

Sec. 7-7. Compliance with chapter.

No structure or use of land shall, after the date of adoption of the ordinance from which this section derives, be located or extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

(Ord. of 1-14-85, Art. 3, § C)

Sec. 7-8. Abrogation and greater restrictions.

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

(Ord. of 1-14-85, Art. 3, § D)

Sec. 7-9. Interpretation of chapter.

In the interpretation and application of this chapter, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. of 1-14-85, Art. 3, § E)

Sec. 7-10. Warning and disclaimer of liability.

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

(Ord. of 1-14-85, Art. 3, § F)

Sec. 7-11. Penalty for violation of chapter.

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be punished as provided in section 1-12, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing contained in this chapter shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. of 1-14-85, Art. 3, § G)

Secs. 7-12–7-30. Reserved.**ARTICLE II. ADMINISTRATION****Sec. 7-31. Development permit.**

(a) A development permit shall be required in conformance with the provisions of this chapter.

(b) Application for a development permit shall be made to the public works director on forms furnished by him, and may include but not be limited to the following: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill and storage of materials; drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (1) The elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures.
- (2) The elevation in relation to mean sea level to which any nonresidential structure will be floodproofed.
- (3) Certification by a registered professional engineer or architect that the nonresidential floodproofed structure meets the floodproofing criteria in subsection 7-52(2).
- (4) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(Ord. of 1-14-85, Art. 4, § A)

Sec. 7-32. Duties of public works director.

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

- (1) *Permit review.*
 - a. The public works director shall review all development permits to determine that the permit requirements of this chapter have been satisfied.

- b. The public works director shall advise permittees that additional federal or state permits may be required and, if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the development permit.
 - c. The public works director shall review all development permits to determine if proposed development adversely affects the flood-carrying capacity of the floodplain. For purposes of this chapter, adversely affects means causing damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas. In addition:
 - 1. If it is determined that there is no adverse effect and the development is not a building, then the permit shall be granted without further consideration.
 - 2. If it is determined that there is an adverse effect, then technical justification, i.e., a professional engineering analysis, for the proposed development shall be required.
 - 3. If the proposed development is a building, then the provisions of this chapter shall apply.
- (2) *Use of other base flood data.* When base flood elevation data has not been provided in accordance with section 7-6 pertaining to basis for establishing the areas of special hazard, then the public works director shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer section 7-52.
- (3) *Information to be obtained and maintained.*
- a. The public works director shall verify and record the actual elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved structures.
 - b. The public works director shall verify and record the actual elevation, in relation to mean sea level, to which the new or substantially improved structures have been floodproofed. Certification of such floodproofing shall be obtained in accordance with section 7-52(2).
 - c. All records pertaining to the provisions of this chapter shall be maintained in the office of the public works director and shall be open for public inspection.
- (4) *Duties pertaining to alteration of watercourses.*
- a. The public works director shall notify adjacent communities and the state department of natural resources prior to any alteration or relocation of a watercourse, and shall submit evidence of such notification to the Federal Insurance Administration.
 - b. The public works director shall require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.
- (5) *Interpretation of boundaries.* Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazard, for example, where there ap-

pears to be a conflict between a mapped boundary and actual physical conditions, the public works director shall make the necessary interpretation.
(Ord. of 1-14-85, Art. 4, §§ B-F)

Secs. 7-33–7-50. Reserved.

ARTICLE III. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 7-51. General standards.

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

(1) *Anchoring.*

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- b. All mobile homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top ties to ground anchors. Specific requirements shall be that:
 1. Over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side;
 2. Frame ties be provided at each corner of the home, with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional ties per side;
 3. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
 4. Any additions to the mobile home be similarly anchored.

(2) *Construction materials and methods.*

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

(3) *Utilities.*

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

(4) *Subdivision proposals.*

- a. All subdivision proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision proposals shall have public utilities facilities such as sewer, gas, electric and water systems located and constructed to minimize flood damage.
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than the lesser of 50 lots or five acres.

(5) *Encroachments.* The cumulative effect of any proposed development shall not adversely affect the area of special flood hazard. This determination is to be made in accordance with section 7-32(1)c.

(Ord. of 1-14-85, Art. 5, § A)

Sec. 7-52. Specific standards.

In all areas of special flood hazard where base flood elevation data has been provided as set forth in section 7-32(2), the following provisions are required:

- (1) *Residential construction.* New construction or substantial improvement of any residential structure, including mobile homes, shall have the lowest floor, including basement, elevated to or above base flood elevation.
- (2) *Nonresidential construction.* New construction or substantial improvement of any commercial, industrial or other nonresidential structure, including mobile homes, shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in subsection 7-31(b)(3).

(Ord. of 1-14-85, Art. 5, § B)

Chapter 8

MUNICIPAL COURT*

Sec. 8-1. Scope of jurisdiction.

The municipal court of the city shall have jurisdiction to hear and try all alleged violations of city ordinances and any state laws where jurisdiction has been granted or allowed to municipal courts; and shall have power and authority to impose sentence upon persons convicted of such offenses as may be provided by this Code and/or state law. The municipal court shall have all other powers and authority allowed by state law.

Sec. 8-2. Appointment, qualifications and absence of judge.

The judge of the municipal court shall be appointed by and shall serve at the pleasure of the city council. No person shall be so appointed unless he is a resident of the judicial circuit in which the court is located. In the event of the absence of the municipal court judge or in the event of his disqualification from hearing a particular case, the mayor of the city or some other person appointed by the city council shall serve as judge.

Sec. 8-3. Bailiff.

The chief of police shall act as bailiff for the municipal court. The duties of the bailiff shall consist generally of seeing that the courtroom is in proper condition for sessions of court, of assisting and keeping order while court is in session, and of doing such other acts of assistance as may be required of him by the judge of the court and the city clerk.

Sec. 8-4. Sessions of court.

(a) A regular session of the municipal court shall be held once a month at a fixed hour of a fixed day as may be determined by the municipal court judge, provided any session may be dispensed with when no cases are ready for trial or when in the judgment of the municipal court judge there is insufficient business pending before the court.

(b) The municipal judge may order special sessions when, in his judgment, it is necessary or there is an urgent cause for trial of an accused before the next regular sitting of the court. The necessity or urgency of the cause shall be presumed from the fact of a session being held.

(c) The general form of announcement for opening court may contain the following:

- (1) A command that attention by all is required.
- (2) The name and session of the court.
- (3) A declaration that the court is in session.

***Cross references**—City clerk to serve as municipal court clerk, § 2-199(6); offenses, ch. 10; traffic and motor vehicles, ch. 15.

State law references—Establishment and jurisdiction of municipal courts, Ga. Const. art. 6, sec. 1, par. 1; municipal courts, O.C.G.A. § 36-32-1 et seq.

- (4) The name of the presiding judge.
- (5) A statement that all will conduct themselves in good order.

Sec. 8-5. Record and report of cases.

A court calendar and docket book containing a record of all cases heard in the municipal court shall be kept in a suitable bound volume by the city clerk. Such records shall contain the name of the defendant, the nature of the offense charged, the appearance date, the final disposition of the case and the date of final disposition. The clerk shall also make reports of the disposition of all cases and remit all required fees as provided by state law.

Sec. 8-6. Summons.

All persons charged with violating any city ordinance shall receive notice by service of a summons as provided in this section. Such summons may be issued by the city clerk, the building inspector, any person charged with enforcement or administration of any city ordinance, or any police officer of the city. The summons shall be directed to the accused and shall distinctly state the offense charged, the time and place, as far as practicable, of the offense charged and the date, hour and place of trial requiring the accused to appear before the judge of the municipal court to answer the accusation made. The service of the summons shall be made by a police officer of the city by serving the accused personally, except that in the case of a summons issued for violation of laws or ordinances relating to the parking of motor vehicles, such summons may be directed to an unknown person as the owner of the automobile designated in the summons and may be served upon such person by leaving a copy in or attached to such automobile.

Sec. 8-7. Subpoenas.

The city clerk, the building inspector or any person charged with enforcement or administration of any city ordinance, or any police officer shall issue subpoenas for the appearance of all witnesses necessary for the prosecution or the defense in any case pending before the municipal court. All subpoenas shall be served in the same manner as a summons.

Sec. 8-8. Failure to obey summons or subpoena.

Any person who fails to appear at the time and place set out in any summons or subpoena served upon him shall be subject to having an arrest and appearance warrant issued by the court and shall be subject to punishment for contempt of court, if convicted.

Sec. 8-9. Appearance bond.

When a person has been arrested for an alleged violation of an ordinance of the city, bail shall be as follows:

- (1) The arresting officer, chief of police, municipal court judge or city clerk may accept an appearance bond with good security payable to the city conditioned upon the appear-

ance of the accused at the next session or any subsequent session of the municipal court as stated in the bond to answer the charge.

- (2) The bond shall be in writing in an amount established by a bond schedule adopted by the municipal court judge.
- (3) A person arrested for a violation of a city ordinance may be released on his own recognizance, or may deposit, in lieu of an appearance bond, his driver's license with the arresting officer, police chief, municipal court judge or city clerk, if, in any of these official's determination, the person will appear at the time set for the court appearance in view of the following considerations:
 - a. The seriousness of the offense charged.
 - b. The defendant's character, reputation and previous criminal history.
 - c. The residence of the defendant and the length of time of residence.
 - d. The residency of relatives of the defendant.
 - e. Employment of the defendant: by whom and how long employed.
 - f. Facts which would evidence that the defendant has established community ties.

Sec. 8-10. Forfeiture of bond.

Upon the failure of a person to appear in court at the time and place fixed by the summons, the judge of the court shall enter on the docket where the case is stated, "Bond Forfeited" on any cash bond and/or may issue an arrest warrant for such person. Upon the failure of a principal in the case of a security bond to appear at the time and place fixed by the summons, the judge of the court shall enter on the docket where the case is stated "Bond Forfeited," or similar words, and shall further enter a rule requiring the principal and surety on such bond to show cause on the date named therein, which date shall not be less than 14 days from the entering of such rule, why they should not be required to pay the amount of the bond. Such rule shall be served on the principal and surety by personal delivery or by certified mail addressed to the address of each as shown by court records. If at the time set in such rule no sufficient cause is shown, the judge shall enter judgment against the principal and surety for the amount of the forfeited bond and shall direct the city clerk to issue execution thereon, which shall be collected by levy and sale as in the case for delinquent taxes. Upon forfeiture of any cash bond the sum deposited shall be paid to the city treasury.

Sec. 8-11. Judgment and sentences.

Upon a judgment or plea of guilty or a plea of nolo contendere the court shall impose sentence. The court may:

- (1) Impose a fine for each offense in an amount not to exceed \$1,000.00 or imprison the defendant in the city jail for not more than six months.
- (2) Impose community service work for a period of time not to exceed 99 days.
- (3) Impose both a fine and community service work.

- (4) Suspend the execution of the sentence in whole or in part.
- (5) Defer the execution of the sentence or any portion or portions thereof to one or more fixed dates in the future.
- (6) Notwithstanding subsections (1) through (5) of this section, the court may impose any sentence authorized or permitted by state law.

Sec. 8-12. Disposal of contraband.

Any illegal firearms, weapons, or other illegally possessed or dangerous items or contraband seized by the police and before the court for disposition may be destroyed, sold as provided for city property, or used in the service of the city at the order of the municipal court judge.

Sec. 8-13. Enforcement of sentences; collection of fines.

(a) The municipal court judge shall be authorized to issue arrest and appearance warrants for persons who fail to perform any judgment and sentence of the court. Such persons shall be brought before the court within the time provided by state law and shall be subject to punishment for contempt of court in addition to the revocation or reinstatement of any probated or suspended sentence.

(b) When directed by the judge of the municipal court, the city clerk shall issue executions for fines imposed by the court, including any cost, which executions may be collected by levy and sale as in the case of delinquent taxes.

Sec. 8-14. Transfer of cases.

In cases where an accused is entitled by law to a jury trial and a jury trial is requested, or in cases where an accused is entitled to request a transfer to another court and a transfer is requested, the municipal court judge shall enter an order transferring such cases and all citations, summons, warrants and other court documents and information pertaining to such cases to the court of appropriate jurisdiction. Custody of the accused shall be transferred to the law enforcement agency serving the transferee court. Upon delivery of the accused to the law enforcement agency serving the transferee court, any cash bond will be refunded and any security bond will be canceled. The accused will be responsible for new bail arrangements with the law enforcement agency serving the transferee court.

Sec. 8-15. Appeal.

Persons dissatisfied with the judgment of the municipal court may apply for and obtain a writ of certiorari by petition to the superior court of Thomas County as provided by state law.

Chapter 9

NUISANCES*

Art. I. In General, §§ 9-1–9-20

Art. II. Maintenance of Premises, §§ 9-21–9-23

ARTICLE I. IN GENERAL

Sec. 9-1. Definition.

For purposes of this chapter, the term “nuisance” shall be defined as follows:

- (1) Any dilapidated, deteriorating, structurally unsound and unsafe wall, fence, chimney, building or other thing or structure of similar character which presents an immediate danger for injury to health, life, limb or property.
- (2) Any wall, fence, building or other structure which has been partially consumed or damaged by fire, the elements or otherwise to the extent that it is not economically feasible or practicable to repair or restore the structure by building upon the remains.
- (3) Any condition or structure which presents a public health hazard due to an unsanitary condition or vermin infestation.
- (4) Performing any act, other than an isolated single occurrence, or allowing any condition to exist which may be a menace to the health, life, limb or safety of the public, or performing any act on the public ways or elsewhere in the city to the immediate and significant annoyance, inconvenience or hurt, as determined by an ordinary, reasonable man’s standard, of the citizens in general, or which is injurious to the public health and safety or which tends greatly to corrupt the morals and manners of the public, or which tends greatly to render enjoyment of life and property uncomfortable.

(Ord. of 6-8-81(2), § 2)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 9-2. Creation or maintenance prohibited.

It shall be unlawful for anyone to create or maintain any nuisance in the city, or to possess, own or occupy any building or premises in the city in which any nuisance may exist, and upon a failure upon the part of any such person to remove or abate any such nuisance within the time named in section 9-3, the person committing the violation shall be subject to prosecution for commission of a crime.

(Ord. of 6-8-81(2), § 1)

***Cross references**—Buildings and building regulations, ch. 6; offenses, ch. 10; solid waste management, ch. 11.

State law reference—Nuisances, O.C.G.A. § 41-1-1 et seq.

Sec. 9-3. Notice and hearing; order to abate.

The mayor and council, in ascertaining whether or not a nuisance exists within the city, shall proceed in the following manner:

- (1) Upon determining that there are reasonable grounds to believe a nuisance exists, written notice shall be served upon the person creating or maintaining the alleged nuisance and the owner or occupant of any building or premises where an alleged nuisance is said to exist, commanding such person to appear before the mayor and council at such time and place as may be fixed in the notice. The notice shall state the time and place of the hearing and the purpose of the hearing and shall be served on the person at least seven days prior to the hearing date. Such notice shall be served as follows:
 - a. If the alleged offender is a resident of the city, by personal delivery by the chief of police or a police officer.
 - b. If the alleged offender is a nonresident of the city, by certified mail addressed to the last known residence or business address of the offender as shown on city records, and by posting a copy of the notice at least seven days prior to the hearing date in a conspicuous place in or about the building or location affected by the notice.
 - c. If the identity of the alleged offender is unknown, by publication of the notice in the official organ of the county once a week for two weeks, the last publication date to be at least seven days prior to the hearing date, and by posting a copy of the notice at least seven days prior to the hearing date in a conspicuous place in or about the building or location affected by the notice.
- (2) Should the mayor and council determine under the facts and evidence that a nuisance does exist they shall render a judgment to that effect requiring the person creating or maintaining the nuisance or the owner or occupant of the premises or building to remove and abate the nuisance within one to 180 days. Should the commanded person fail to remove and abate the nuisance within such time, he shall be punished as provided in section 1-12. The mayor and council may grant extensions for abatement of nuisances upon application by the offender and a demonstration of good faith, effort and circumstances preventing abatement within the time allowed.

(Ord. of 6-8-81(2), § 3)

Sec. 9-4. Abatement by city.

In all cases where a nuisance has been declared to exist by the mayor and council, after due notice and trial as provided in section 9-3, if the offender fails to comply with the judgment, the mayor and council may order the chief of police or a police officer or others to enter upon the premises where the nuisance exists and remove, abate or suppress the nuisance, and all expenses of such action shall be charged to the offender. The city clerk shall have authority to

issue therefor execution in the name of the city, which execution shall issue and be levied as executions for taxes due the city are issued and levied.
 (Ord. of 6-8-81(2), § 4)

Sec. 9-5. Appeal.

Any aggrieved person shall have the right to appeal by certiorari the judgment of the mayor and council under section 9-3 to the superior court of the county.
 (Ord. of 6-8-81(2), § 6)

Secs. 9-6–9-20. Reserved.

ARTICLE II. MAINTENANCE OF PREMISES

Sec. 9-21. Required.

The owner, occupant or other person in possession or control of premises within the city shall keep and maintain such premises, whether improved or unimproved, or occupied or unoccupied, relatively free of fallen limbs, trees or decaying organic matter, refuse, large weeds and noncultivated bushes, vines and other wild growth, commercial or private wastes, one or more automobiles, appliances or other equipment unfit for operation or disassembled parts thereof, or other accumulation of materials which causes the premises to have an unsightly, unkempt appearance out of character with the appearance of other premises, considered as a whole, located in the block in which the premises are located.
 (Ord. of 6-8-81(1), § 1)

Sec. 9-22. Complaints; notice to correct conditions.

Upon the complaint of one person owning property in, residing in or having a place of business in the same block as the complained-of premises, upon the complaint of three citizens of the city, or upon the recommendation of two councilmembers, the mayor and council shall inspect and investigate the condition of the complained-of premises. If the mayor and council determine that the premises are being maintained in violation of this article, there shall be sent by certified mail to the last known residence or business address of the owner and occupant or other person in possession or control of the premises a notice which states:

- (1) Sections 9-2 and 9-3 of this article.
- (2) An identifying description of the premises.
- (3) The remedial action to be performed upon the premises to bring the premises into conformity with this article.
- (4) The time within which the remedial action must be performed, which time shall not be less than ten days.

(Ord. of 6-8-81(1), § 2)

Sec. 9-23. Failure to correct conditions; correction by city.

In case of failure or refusal of any person to comply with the notice to remedy the condition of the premises under this article, the person shall be subject to be cited to appear in the municipal court of the city, and upon being found to have violated this article and to have failed without real justification to have performed the remedial action shall be punished as provided in section 1-12. Additionally, the city, through its employees or designees, shall have the right to enter upon and perform the remedial action thereupon requested to be performed by the owner and occupant or other person in possession or control of the premises. All costs of such action shall be charged to the owner and occupant or other person in possession or control of the premises and execution may issue and be enforced as in the case for unpaid taxes due the city.

(Ord. of 6-8-81(1), § 3)

Chapter 10

OFFENSES*

Sec. 10-1. Consumption of intoxicant in public place; possession in open container.

(a) It shall be unlawful for any person to consume or use any intoxicating beverage or drug or attempt to consume or use any intoxicating beverage or drug from a can, bottle, glass or other container; or to possess in an open can, bottle, glass or other container any intoxicant while such person is on the streets, sidewalks, public ways, parks and parking lots and buildings open to the public, whether such areas or buildings are publicly or privately owned, within the city limits.

(b) Any person convicted of violating this section shall be punished as provided in section 1-12; provided however, that such sentence shall be subject to suspension, stay or probation in the sound discretion of the court.

(Ord. of 3-13-89(2), §§ 1, 2)

Sec. 10-2. Public intoxication.

(a) No person shall be drunk or in a state of intoxication on the streets, sidewalks, or any other public place within the city limits, or on private property without the consent of the owner or lawful occupant of such private property.

(b) Any person convicted of violating this section shall be punished as provided in section 1-12; provided, however, that such sentence shall be subject to suspension, stay or probation in the sound discretion of the court.

(Ord. of 3-13-89(3), §§ 1, 2)

Cross reference—Alcoholic beverages, ch. 3.

State law reference—Public drunkenness, O.C.G.A. § 16-11-41.

Sec. 10-3. Disorderly conduct.

(a) No person shall engage in disorderly conduct within the city limits.

(b) A person engages in disorderly conduct when he performs, in a place to which the general public has access or to which it has an open view, an act which reasonably tends to disturb the peace, tranquility and good order of the city. Disorderly conduct shall include performance of any of the following acts in a public place or in public view:

(1) A violent and tumultuous act that places the person or property of another in danger of injury or that disturbs the public peace and tranquility.

***Cross references**—General penalty, § 1-12; alcoholic beverages, ch. 3; sale of alcoholic beverages in game room unlawful, § 4-28; impoundment of animals running at large, § 5-7; cruelty to animals, § 5-10; municipal court, ch. 8; nuisances, ch. 9; penalty for violation of solid waste management chapter, § 11-2; traffic and motor vehicles, ch. 15.

State law references—Limitations on home rule powers of municipal corporations, O.C.G.A. § 36-35-6(a)(2); Criminal Code of Georgia, O.C.G.A. § 16-1-1 et seq.

- (2) Verbally or physically harassing, menacing or intimidating a person to the disturbance of the public peace and tranquility.
- (3) Engaging in a fight which is not a part of an authorized exhibition.
- (4) Recklessly or knowingly committing an act which may reasonably be expected to prevent or disrupt a lawful meeting, gathering or procession.
- (5) Without provocation, using to or of another, in that person's presence, opprobrious, abusive or obscene words, or making an obscene gesture which tends to incite a person to an immediate breach of the peace.
- (6) Exhibiting oneself in public and in an indecent or lewd manner to the disturbance of the public peace and tranquility.
- (7) Making or causing to be made any loud, boisterous and unreasonable noise or disturbance which does or is reasonably likely to annoy other nearby persons of reasonable sensitivity, or which is near to any public street, way, park, parking lot or other public place, whereby the public peace is broken or disturbed.
- (8) Assembling or congregating with another or others for the purpose of or with the intent to engage in gaming or gambling.

(c) Any person convicted of violating this section shall be punished as provided in section 1-12; provided, however, that such sentence shall be subject to suspension, stay or probation in the sound discretion of the court.

(Ord. of 3-13-89(1), §§ 1-3)

State law reference--Offenses against public order, O.C.G.A. § 16-11-30 et seq.

Sec. 10-4. Loitering or prowling.

- (a) A person commits the offense of loitering or prowling when such person:
 - (1) 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. 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 manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances make it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this subsection, afford the person an opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting the person to identify himself and to explain his presence and conduct. No person shall be convicted of an offense under this subsection if the law enforcement officer fails to comply with this 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.

(2) Commits in or upon any public street, public highway, public sidewalk, public parking lot or any other public place or building any act or causes a thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk, public parking lot or any other public place or building, all of which prevents the free and uninterrupted ingress, egress and regress therein, thereon and thereto. As used in this subsection, a public place is a place which is accessible to the general public, whether or not it is publicly or privately owned.

(b) No person shall be convicted under this section upon showing that the predominant intent of such person's conduct was to exercise a constitutional right.

(c) Any person convicted of violating this section shall be punished as provided in section 1-12; provided, however, that such sentence shall be subject to suspension, stay or probation in the sound discretion of the court.

(Ord. of 3-13-89(4), §§ 1-3)

State law references—Governing body may adopt ordinances proscribing loitering or related activities, O.C.G.A. § 16-6-24; loitering or prowling, O.C.G.A. § 16-11-36.

Sec. 10-5. Obstruction of police.

(a) No person shall offer resistance to the lawful orders or lawful arrest of any police officer of the city.

(b) No person, by word or act, shall offer to assist another in resisting arrest or escaping from a police officer of the city. No person, by word or act, shall attempt to interfere with any officer of the city in making an arrest or in the lawful discharge of his other duties.

(c) Any person convicted of violating this section shall be punished as provided in section 1-12; provided, however, that such sentence shall be subject to suspension, stay or probation in the sound discretion of the court.

Sec. 10-6. Obstruction of streets.

(a) No person shall place any obstruction in or on any roadway, street, alley, ditch or sidewalk located within the city in such way as to render same unusable without unreasonable inconvenience or hazard. Any person placing such obstruction shall promptly remove such obstruction after receiving a reasonable request or order of any police officer.

(b) Any person convicted of violating this section shall be punished as provided in section 1-12; provided however, that such sentence shall be subject to suspension, stay or probation in the sound discretion of the court.

Cross reference—Streets and sidewalks, ch. 12.

Sec. 10-7. Obstruction of a fire apparatus.

(a) No person shall obstruct in any manner any fire apparatus or any of the officers or members of the fire department in the performance of their duties. No person shall obstruct any fireplug so as to interfere with approaches to such fireplug by the fire department.

(b) Any person convicted of violating this section shall be punished as provided in section 1-12; provided, however, that such sentence shall be subject to suspension, stay or probation in the sound discretion of the court.

Sec. 10-8. Discharge of firearms.

(a) No person shall discharge a firearm, including pistol, rifle, shotgun or airgun (including BB gun and pellet gun) within the city, except law enforcement officers in the line of duty, military personnel when on drill, in a parade or at a funeral in honor of the dead, or unless permission has been given by the chief of police; provided, however, it shall not be unlawful for any person to use or discharge shotguns for hunting or recreational purposes on farm land away from areas of habitation, nor shall it be unlawful for a person to discharge a BB gun upon private property if that person shall have first obtained the express permission of the owner of that property to do so.

(b) Any person convicted of violating this section shall be punished as provided in section 1-12; provided, however, that such sentence shall be subject to suspension, stay or probation in the sound discretion of the court.

Sec. 10-9. False alarms.

(a) It shall be unlawful for any person to make, give, send or turn in, in any manner whatsoever, a false fire alarm or riot alarm, knowing the same to be false.

(b) Any person convicted of violating this section shall be punished as provided in section 1-12; provided, however, that such sentence shall be subject to suspension, stay or probation in the sound discretion of the court.

Sec. 10-10. Malicious mischief.

(a) It shall be unlawful for any person to commit an act of malicious mischief to the person or property of another, consisting of the intentional injury, damage, defacement, removal or wrongful interference with the person or property of another.

(b) Any person convicted of violating this section shall be punished as provided in section 1-12; provided, however, that such sentence shall be subject to suspension, stay or probation in the sound discretion of the court.

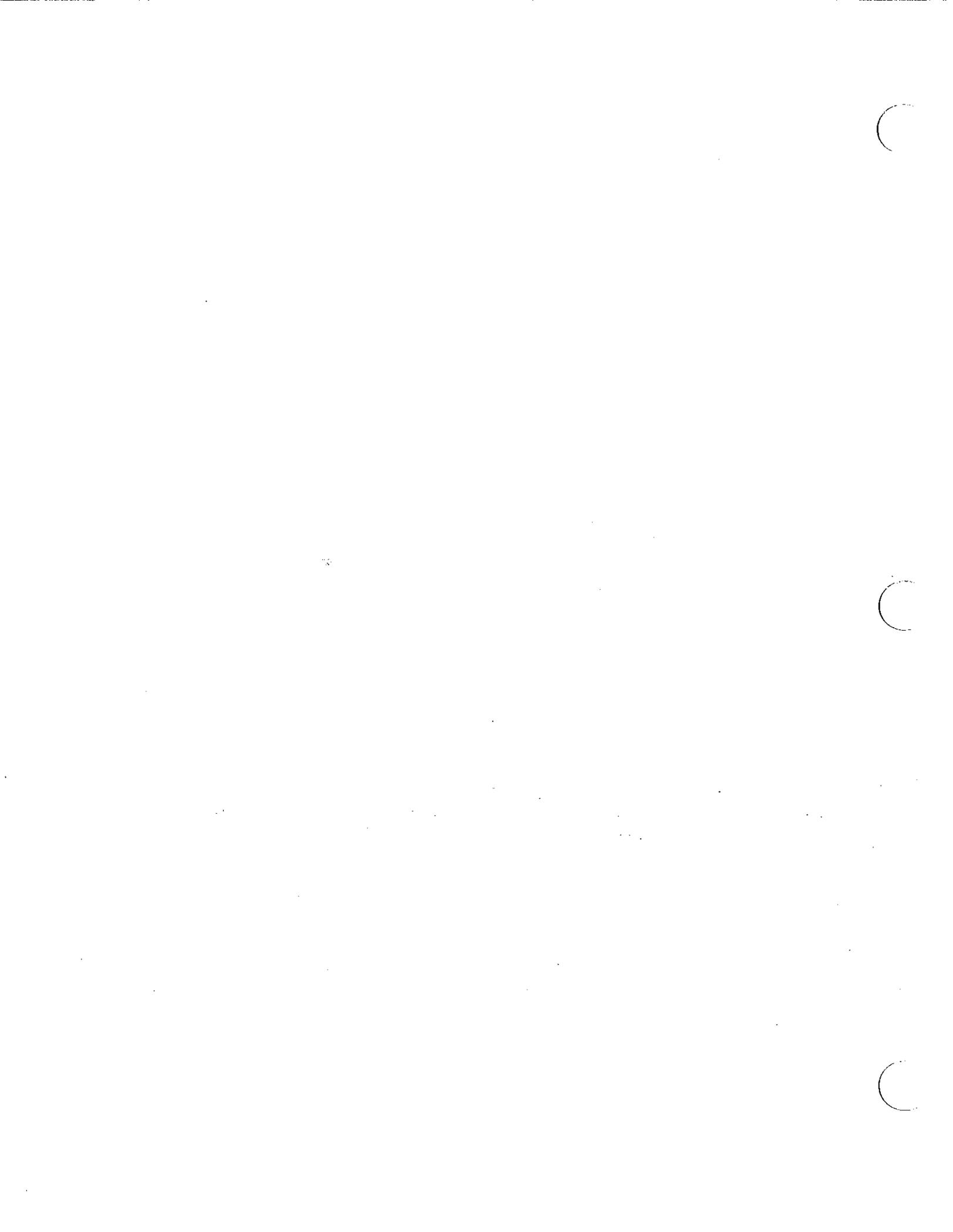
Sec. 10-11. Damage to or interference with public property.

(a) It shall be unlawful for any person to tamper with, alter, injure, deface, damage or remove any public building or other property of the city.

OFFENSES

§ 10-11

(b) Any person convicted of violating this section shall be punished as provided in section 1-12; provided, however, that such sentence shall be subject to suspension, stay or probation in the sound discretion of the court.



Chapter 11

SOLID WASTE MANAGEMENT*

- Art. I. In General, §§ 11-1–11-50
Art. II. Littering, §§ 11-51–11-55

ARTICLE I. IN GENERAL

Sec. 11-1. 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:

Collector means a person who, under formal agreements, verbal or written, with or without remuneration, does the work of collecting or hauling solid wastes for the city.

Garbage has the same meaning as the term "household garbage."

Hazardous waste means material in a solid or semisolid state resulting from the manufacture or use of pesticides or drugs other than normal household use, pathological wastes, chemical wastes, flammable or explosive material, and similar waste material in a solid or semisolid state that the director of public works may consider a likely hazard to the public health or safety.

Household garbage means animal, vegetable and fruit refuse matter and other refuse matter ordinarily generated as by-products of a household or restaurant, such as tin cans, bottles, paper, cardboard, plastics and wrapping or packaging materials.

Industrial waste or industrial solid waste means the solid waste materials from factories, processing plants and manufacturing enterprises, and includes food processing wastes, meat and poultry processing waste, condemned food, ashes and cinders from power plants, agricultural products waste and similar waste.

Premises means land, buildings or other structures, or vehicles, watercraft, or parts thereof, upon or in which solid waste is stored, contained or found to be.

***Cross references**—Administration, ch. 2; buildings and building regulations, ch. 6; nuisances, ch. 9.

State law references—Authorization to provide garbage and solid waste collection and disposal, Ga. Const. art. 9, sec. 2, par. 3; Solid Waste Management Act, O.C.G.A. § 12-8-20 et seq.; hazardous waste disposal, O.C.G.A. § 12-8-61 et seq.; Litter Control Law, O.C.G.A. § 16-7-40; transporting garbage or waste across state or county boundaries pursuant to contract, O.C.G.A. § 36-1-16; Resource Recovery Development Authorities Law, O.C.G.A. § 36-63-1 et seq.; littering highways, O.C.G.A. § 40-6-249; wrecker driver required to remove glass and parts of vehicle being towed, O.C.G.A. § 40-6-277.

Rubbish means a variety of waste not subject to rapid decomposition, derived from places of residence, commercial areas and institutions, which is neither garbage nor trash and is not a noncollectible waste. Rubbish shall include cartons, containers, boxes, discarded furniture and metal articles not weighing more than 50 pounds and reasonably handled by two men.

Scavenging means uncontrolled picking from discarded solid waste materials.

Solid waste means putrescible and nonputrescible waste, except human body waste, and shall include household garbage, rubbish, plastic, rubber, rags, paper, cartons, boxes, wood, furniture, appliances, metals, tin cans, glass, crockery, dunnage, ashes, street refuse, dead animals, waste materials generated in industrial operations, residue from incineration, food processing wastes, demolition wastes, construction wastes, land clearing wastes, and any other wastes in a solid or semisolid state.

Trash means organic, biodegradable waste in its natural state which is subject to decomposition, such as yard trimmings, plants, leaves and tree limbs.

Waste means unwanted or discarded material, except human body waste.
(Ord. of 2-13-84, § I)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 11-2. Penalty for violation of chapter.

Any person who violates any of the provisions of this chapter, upon conviction, shall be punished as provided in section 1-12.

(Ord. of 2-13-84, § VIII)

Cross reference—Offenses, ch. 10.

Sec. 11-3. Administrative officer.

(a) The city council, in order to protect the health and safety of the people in the city, authorizes and directs its director of public works, by implementing and enforcing the provisions of this chapter, to control the storage, collection and disposal of solid waste in the municipal boundary of the city. He shall plan, procure equipment and personnel for, and manage a publicly owned and operated solid waste collection and disposal service, and make recommendations to the council regarding contracts for solid waste collection, disposal site owners, operation of public or private solid waste collection, and disposal systems, methods and sites, if requested.

(b) Collection, transportation and disposal of solid waste shall be under the supervision and control of the director of public works. He shall establish routes and days of collection so as to impartially and efficiently collect waste pursuant to this chapter.

(Ord. of 2-13-84, § II(A), (B))

Sec. 11-4. Appeals.

Any person aggrieved by a requirement of or fee charged by the director of public works shall have the right of appeal to the council, which may confirm, modify or revoke any such requirement or fee.

(Ord. of 2-13-84, § II(D))

Sec. 11-5. Service charge.

A solid waste service charge for the purpose of defraying the cost of collection and transportation to disposal sites shall be levied at the rates per month determined from time to time by the city council and listed in the schedule of fees and charges on file in the clerk's office. (Ord. of 2-13-84, § VII)

Sec. 11-6. Containers.

Solid waste containers shall be provided by the owner or occupant of each residence, industry, place of business or place of congregation of people in such number to accommodate one week's accumulation of garbage. Each container shall be durable, rust-resistant, nonabsorbent, watertight, rodentproof and easily cleaned, and shall have a close-fitting cover and handles or grips at the side for convenient handling. Such container shall not exceed 32 gallons in capacity. Containers failing to comply with this section or with sharp or jagged edges or with defects liable to hamper or injure the person collecting the contents thereof shall be promptly replaced by the owner or occupant.

(Ord. of 2-13-84, § III(A))

Sec. 11-7. Preparation for collection.

(a) Containers of household garbage and other wastes which are collectible by the city pursuant to this chapter shall be located so as to be easily accessible to the collectors. Items of rubbish, trash and other collectible waste which do not lend themselves to storage in a container shall be neatly piled or deposited outside of the roadway at curbside or on the back side of the ditch. No waste shall be dumped, deposited, placed, piled or stored so as to obstruct a roadway or sidewalk or otherwise interfere with the free flow of traffic, nor shall waste be placed so as to obstruct a motorist's vision. All garbage, rubbish and trash shall be placed and maintained so as to reasonably prevent scattering by the elements and animals.

(b) Garbage, trash and rubbish shall not be mixed, but shall be segregated into separate containers or piles.

(c) Household garbage and other waste shall be drained of excess liquid before being placed for collection.

(d) Limbs or cuttings shall be not over four feet in length and single items and bundles shall not exceed 50 pounds in weight. Items of excessive size or weight may be handled at special fees which may be established by the director of public works upon request.

(Ord. of 2-13-84, § III(B))

Sec. 11-8. Collection generally.

All solid waste generated or accumulated in the incorporated areas of the city shall be collected, transported and disposed of by the city through its designated agents, employees or contract representatives, unless such waste is specified in this chapter as being uncollectible by the city. All waste specified as being uncollectible by the city shall be collected, removed,

transported and disposed of by the owner or occupant of the premises on which the waste is found; and such disposal shall be in conformity with the rules of the state department of natural resources and other laws and regulations applicable to waste disposal. By special arrangement and subject to special charges, the city may collect wastes which are otherwise designated as uncollectible under this chapter.

(Ord. of 2-13-84, § II(C))

Sec. 11-9. Frequency of collection; holidays.

(a) In residential areas, not more than seven days shall elapse between one household garbage collection and the next, and routes of collection shall be arranged so that collections shall be made on the same day of each succeeding week, if reasonably possible. Not more than ten days shall elapse between one collection of rubbish, trash and other wastes collectible pursuant to this chapter and the next collection.

(b) Unless otherwise agreed, in commercial and industrial areas, garbage, rubbish and trash collection shall be made on Mondays, Wednesdays and Fridays.

(c) Collections shall not be made on the following holidays unless otherwise specified by the director of public works:

- (1) New Years Day.
- (2) Fourth of July.
- (3) Labor Day.
- (4) Thanksgiving Day.
- (5) Christmas Day.

(Ord. of 2-13-84, § IV(A))

Sec. 11-10. Collection of dead animals.

Small dead animals, not over 50 pounds in weight, if kept separate from garbage and rubbish, will be collected without charge upon notice to the director of public works, except a charge will be made for all such animals collected from animal hospitals, kennels, pet shops or other places requesting more than infrequent pickup. Owners of large dead animals shall be responsible for their removal and disposal.

(Ord. of 2-13-84, § IV(C))

Sec. 11-11. Wastes not collected by city.

The following solid wastes shall not be collected by the city unless special arrangements are made therefor:

- (1) Hazardous waste.
- (2) Industrial waste.
- (3) Waste not conforming to the requirements of sections 11-6 and 11-7.

- (4) Land clearing wastes.
 - (5) Debris and other demolition and construction or building wastes.
 - (6) Large appliances, vehicles and parts thereof, large machinery, and items of furniture in excess of fifty (50) pounds.
- (Ord. of 2-13-84, § IV(D))

Sec. 11-12. Additional collections.

Should any person accumulate between one pickup and the next on a particular premises trash which exceeds the storage capacity of the trash collection vehicle, such excessive trash may be collected upon request, but an additional charge shall be levied, in an amount as determined from time to time by the city council and listed in the schedule of fees and charges on file in the clerk's office, per load or part of a load in excess of one.

(Ord. of 2-13-84, § IV(E))

Sec. 11-13. Unlawful deposit.

No person shall place any solid waste in any street, public place, roadway or private premises unless it is in proper containers or properly piled for collection, or under the express prior approval of the director of public works. No person shall place any solid waste in any stream, lake or other body of water.

(Ord. of 2-13-84, § III(C))

Sec. 11-14. Unauthorized accumulations.

Any accumulation of solid waste which is not collectible pursuant to this chapter, on any premises, is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of such solid waste within such reasonable time as may be fixed by written notice from the director of public works shall be deemed a violation of this chapter.

(Ord. of 2-13-84, § III(D))

Sec. 11-15. Scavenging.

No person other than the owner thereof, an agent or employee of the director of public works, or an employee of a person holding a contract with the city for collection of solid waste shall interfere with any container placed for the purpose of storing solid waste pending collection, remove or take any of the contents thereof, remove any such container from the location where the container has been placed by the owner thereof, or interfere with or remove any rubbish deposited for collection.

(Ord. of 2-13-84, § III(E))

Sec. 11-16. Burning of waste.

No garbage or other materials from which offensive or noxious odors emanate during combustion shall be burned outside of any building.

(Ord. of 2-13-84, § VI)

Sec. 11-17. Contract collectors.

(a) Should the city determine to have contract collectors, any person may offer to contract with the council to engage in the business of collecting, transporting and disposing of solid waste, provided such person has applied for and obtained an appropriate solid waste permit in accordance with regulations of the state department of natural resources rules and regulations for solid waste management. Persons contracting for solid waste collection shall, before engaging in such business, be licensed by the city, shall conform to all regulations providing for safe and sanitary collection and transportation of waste to a point of disposal, and shall execute a bond to the city in such amount as determined from time to time by the city council and listed in the schedule of fees and charges on file in the clerk's office, with a responsible surety company duly authorized to do business in the state, to be approved by the city council, which shall establish conditions for the full and faithful performance of all agreements and covenants in the contract.

(b) Vehicles to be used on streets and roadways for solid waste collection, transportation or disposal shall be kept clean and shall be certified in regard to highway safety by the motor vehicle division of the state department of public safety. Vehicle bodies shall be in good condition and repair, and covered and constructed in such manner that the contents thereof cannot be spilled, leaked or blown from the vehicle.

(Ord. of 2-13-84, § IV(B))

Sec. 11-18. Private disposal sites.

(a) It shall be unlawful for any person to deposit or permit to be deposited on land under his ownership and control any solid waste without having first obtained a disposal area permit as required by regulations of the state department of natural resources, rules and regulations for solid waste management.

(b) The director of public works or authorized representative of the department of natural resources shall be permitted to enter private disposal sites at any time during normal business hours for free and unhindered inspections to determine compliance with this chapter and all other pertinent laws and regulations.

(Ord. of 2-13-84, § V)

Secs. 11-19—11-50. Reserved.**ARTICLE II. LITTERING*****Sec. 11-51. Definitions.**

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

*State law reference—Litter Control Law, O.C.G.A. § 16-7-40.

Litter means all discarded material, putrescible and nonputrescible, which is not placed, disposed of or stored in accordance with article I of this chapter. Litter includes, but is not limited to, sand, gravel, slag, brickbats, household garbage, rubbish, plastic, rubber, rags, paper, cartons, boxes, wood, furniture, appliances, metals, tin cans, glass, crockery, dunnage, ashes, trash, waste materials, refuse, debris, dead animals and all discarded materials of every kind and description.

Public or private property means the right-of-way of any road or highway, any public way, sidewalk, any body of standing or running water, any park, playground, building, parking lot, refuge or recreational area and any residential or farm properties, timber lands, vacant lots or any other real estate, improved or unimproved.

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 11-52. Dumping or depositing litter on public or private property.

It shall be unlawful for any person or persons to dump, deposit, place, throw or leave or to cause or permit the dumping, depositing, placing, throwing or leaving of litter on any public or private property within the boundaries of the city or any waters within the boundaries of the city, unless:

- (1) The property is designated by the city for the disposal of litter or for certain forms of litter and the person is authorized by the proper public authority to use such property for the disposal of the type litter being disposed;
- (2) The litter is placed into a litter receptacle or container installed for such purpose;
- (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 and not in violation of any other ordinance of regulation of the city;
or
- (4) The litter is accumulated, placed and stored in accordance with article I of this chapter.

Sec. 11-53. Designation of containers for litter; misuse or vandalism of such containers.

(a) Containers for the deposit or receipt of litter may be established and maintained at appropriate locations where frequented by the public.

(b) It shall be unlawful for any person to set fire to the contents, indiscriminately scatter or disperse the contents of, or otherwise vandalize any containers provided for the deposit or receipt of litter.

(c) Any person who violates this section of this article shall be subject to punishment as provided in section 1-12.

Sec. 11-54. Prima facie evidence; rebuttal of presumption.

(a) Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle, boat, airplane, or other conveyance of any kind in violation of this article, 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 this article is discovered to contain any article 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.

Sec. 11-55. Penalty.

Any person who is alleged to have violated this article shall be cited to appear before the municipal court of the city, and upon being found guilty of the violation of this article shall be punished as provided in section 1-12, or as follows:

- (1) In the sound discretion of the court, the person may be directed to pick up and remove from any public street or highway or public right-of-way any litter he has deposited and any and all litter deposited thereon by anyone else prior to the date of execution of such sentence; or
- (2) In the sound discretion of the court, the person may be directed to pick up and remove from any public park, recreational area, or public facility of any kind, private right-of-way, or with the prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that he has deposited litter, any and all litter deposited thereon by anyone prior to the date of execution of such sentence.

Any one or combination of the above punishments may be imposed in the sound discretion of the court.

Chapter 12

STREETS AND SIDEWALKS*

- Art. I. In General, §§ 12-1–12-25
- Art. II. Streets, §§ 12-26–12-50
- Art. III. Parades, §§ 12-51–12-56

ARTICLE I. IN GENERAL

Secs. 12-1–12-25. Reserved.

ARTICLE II. STREETS

Sec. 12-26. Standard plan defined.

For purposes of this chapter, the term “standard plan” refers to the drawing on file in the city clerk’s office entitled “Standard Plan—typical section for streets without c and g” and which illustrates specifications for width of right-of-way, roadbed width, shoulder width and roadbed depth.

Sec. 12-27. Acceptance by city.

From and after the enactment of the ordinance from which this section derives, no new road or street within the city limits, whether within or without a subdivision, shall be accepted as a part of the public road system for maintenance by the city unless such road or street conforms to and is constructed in accordance with the specifications set forth in this article and in accordance with the standard plan incorporated in this article.

(Ord. of 6-9-80)

Sec. 12-28. Location and layout.

(a) All roads and streets shall be located on suitable ground so that sufficient drainage, both surface and subsurface, can be obtained.

(b) A new street shall connect to or shall be one in a continuing series of streets which connects to an existing street being maintained by the city. Subdivisions that adjoin existing streets having a right-of-way width of less than 60 feet shall dedicate additional right-of-way

***Cross references**—Buildings and building regulations, ch. 6; flood damage prevention, ch. 7; obstruction of streets, § 10-6; subdivisions, ch. 13; utilities, ch. 16; zoning, app. A.

State law references—Authority to construct and maintain streets and roads, Ga. Const. art. 9, sec. 2, par. 3; powers with respect to municipal street system, O.C.G.A. § 32-4-92; power of city to open, close or extend public streets, alleys and sidewalks, O.C.G.A. § 36-34-3; street improvements, O.C.G.A. § 36-39-1 et seq.; executions for collection of assessments for paving streets and laying sewers, O.C.G.A. § 48-5-358.

to widen such existing street to meet the 60-foot minimum street right-of-way width requirement.

(c) All street layouts are to be according to recognized planning standards to provide for connection of adjoining areas, traffic circulation and utility connections and to facilitate normal municipal functions such as garbage pickup and fire protection.

(d) On intersecting streets with their centerlines offset, where it is impossible to obtain a continuous roadbed alignment, e.g., by offsetting the roadbed within the right-of-way, the minimum centerline offset shall be 125 feet.

(e) Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at an angle of less than 60 degrees. Where possible, four-way intersections should be eliminated from a subdivision design in favor of three-way or "T" intersections.

(f) A dead-end street (cul-de-sac) shall have at its closed end a turnaround having a right-of-way line radius of at least 50 feet.

(Ord. of 6-9-80, § 1)

Sec. 12-29. Right-of-way.

(a) The right-of-way width shall be the distance across a street at right angles from property line to property line. The minimum street right-of-way width shall be 60 feet.

(b) Where existing streets are continued, they shall be continued at the same or greater width, but in no case less than the required width set forth in this section.

(c) The right-of-way shall be grubbed and cleared of all trees, stumps or other obstructions within construction lines. At all intersections the full width of the right-of-way shall be cleared to obtain a safe sight distance.

(d) Branches of trees extending over the street shall be trimmed to give a clearance height of 20 feet above the roadway surface.

(Ord. of 6-9-80, § 2)

Sec. 12-30. Street names.

Street names shall be subject to the approval of the planning commission. Streets that are obviously in alignment with streets already existing and named shall be given the name of the existing street. Except in the case of extension of existing streets, no street names shall be used which will duplicate or be confused with the names of existing streets. Additionally, street names shall not duplicate approved or official names already existing in the county or municipalities within the county, unless such street extends an existing street or road.

(Ord. of 6-9-80, § 3)

Sec. 12-31. Drainage.

(a) Adequate drainage shall be provided for all streets and the subdivisions of which they are a part. The plan for drainage must be approved by the county engineer and shall be based upon the criteria and standards set forth in this section.

(b) Storm sewers shall be designed to carry not less than the stormwater from a rainfall expected to occur once in ten years, with a runoff factor of 85 percent for pavements and buildings, 20 percent for sandy soil and 40 percent for soil with a clay subgrade or surface. Storm drainage designs shall be based upon the rational formula.

(c) All drainage structures or pipe shall be of standard strength and design and of sufficient size to accommodate expected load flow. All drainpipe shall have a fill or cover not less than 12 inches thick. All cross drains must be 18 inches or larger and have a fill or cover of not less than 12 inches.

(d) Side ditches shall have the minimum depth and slopes shown on the standard plan.

(e) Headwalls shall be required on all cross drain pipes and on all side drain pipes where the expected drainwater load flow would likely cause washout or other erosion. Headwalls shall be solid, permanent walls having a minimum thickness of eight inches and constructed of sandbags, riprap, brick, concrete or filled block. The headwall shall extend beyond the pipe on each side a distance equal to the inside pipe diameter or three feet, whichever is smaller. The headwall shall extend downward a distance of 18 inches below the flow line.

(f) All access drives shall be constructed in conformance with this article. The city may furnish and install one 20-foot drive for each dwelling or place of business fronting a street, at a cost to be determined from time to time by the city council. Any additional drives shall be furnished and installed by the property owner, who shall notify the city prior to construction and installation, and installation shall be subject to the inspection and approval of the city.

(g) Outfall ditches, where required, shall be of sufficient size, depth and grade, as approved by the county engineer. Where outfall ditches traverse adjoining property, drainage easements shall be submitted from the adjoining property owners to the city. Such drainage easements shall be of sufficient width to provide for maintenance.

(h) Where a subdivision is traversed by a watercourse, drainageway, natural channel or stream, there may be required an easement or right-of-way conforming substantially to the limit of such watercourse, plus additional width to accommodate future needs, all upon the recommendation of the county engineer.

(i) All construction must be approved by the county engineer.
(Ord. of 6-9-80, § 4)

Sec. 12-32. Grading and surfacing.

(a) Roads or streets shall be formed of suitable material containing no mulch, vegetable matter or other deleterious material.

(b) The width of the roadbed, crown, slopes and the depth of ditches shall meet the minimum requirements shown in the standard plan incorporated in this article.

(c) The width of unpaved streets shall be not less than 34 feet and not more than 40 feet, measured from shoulder to shoulder.

(d) Paved streets shall have a total width of not less than 34 feet and a minimum paved width of 20 feet. The width of dirt shoulders on paved streets shall not be more than 14 feet.

(e) Unpaved roads or streets shall have a selected material surface not less than 30 feet wide and six inches thick of sand-clay, sandy loam or topsoil free of chalky or gummy clay of high plastic characteristic.

(f) Pavement shall conform to standard practice and shall consist of material approved by the county engineer, as set forth in the standard plan of the county's road-building regulations.

(g) The county engineer shall inspect design and construction at times established by him and all design and construction must be approved by the county engineer.

(h) Unless prior approval is obtained from the city, all streets shall be centered within the right-of-way.

(i) Unless prior approval is obtained from the city, utilities service shall be located on the back side or top of the ditch slope.

(Ord. of 6-9-80, § 5)

Secs. 12-33--12-50. Reserved.

ARTICLE III. PARADES*

Sec. 12-51. Definition.

For the purposes of this section, "parade" shall mean any march, ceremony, demonstration, exhibition, or procession of any kind upon any public street of the city.

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 12-52. Registration and permit.

Any person who wishes to organize, form, or conduct a parade as defined in section 12-51 shall be required to register such parade with the chief of police at least 24 hours in advance of the event and to obtain a permit therefor.

***State law references**—Preventing or disrupting lawful procession, O.C.G.A. § 16-11-34; operation of motorcycles and motor vehicles in parades, O.C.G.A. § 40-6-7; funeral processions, O.C.G.A. § 40-6-76.

Sec. 12-53. Application for permit.

Application for a permit to conduct a parade shall be made to the chief of police in writing, shall be signed by the person responsible for the conduct of the parade, and shall contain the following information:

- (1) The time proposed for the parade;
- (2) The route of the proposed parade;
- (3) The number of vehicles, if any, and number of persons whose participation is anticipated in the proposed parade;
- (4) The name and address of the person or organization sponsoring or promoting the proposed parade; and
- (5) The name and address of the person making the application for a parade permit.

Sec. 12-54. Review of application.

The chief of police shall forward the application to the mayor and council who shall review the information set forth in the application and ascertain the following:

- (1) The extent of vehicular and pedestrian traffic to be anticipated at the time and place of and on the route of the proposed parade;
- (2) The availability of police forces to escort the proposed parade and to direct traffic in conjunction with the proposed parade; and
- (3) Whether or not, in the light of all the circumstances, the proposed parade will unreasonably burden or interfere with the normal use of the streets or sidewalks of the city by the general public.

Sec. 12-55. Grant or denial of permit.

If the mayor and council determine in view of all the circumstances that the proposed parade will unreasonably burden and interfere with the normal use of the streets or sidewalks of the city by the general public the request for a parade permit shall be denied; and if they determine on the contrary that the proposed parade will not unreasonably burden or interfere with the normal use of the streets or sidewalks of the city by the general public, the parade permit shall be granted. In either case, the mayor and council shall indicate the disposition on the application and shall notify the applicant of the action taken.

Sec. 12-56. Exemption.

The provisions of this article shall be inapplicable to any parade which is conducted under the supervision of a practicing mortician in conjunction with any funeral.



Chapter 13

SUBDIVISIONS*

- Art. I. In General, §§ 13-1–13-25
- Art. II. Preliminary Proposal and Plat, §§ 13-26–13-45
- Art. III. Final Plat, §§ 13-46–13-65
- Art. IV. Variances, §§ 13-66–13-85
- Art. V. Required Improvements, §§ 13-86–13-90

ARTICLE I. IN GENERAL

Sec. 13-1. Title of chapter.

This chapter shall be known and may be cited as the Subdivision Ordinance of the City of Boston.

(Ord. of 1-13-86, Part I, § 1)

Sec. 13-2. Applicability of chapter.

This chapter shall govern all subdivision or resubdivision of land within the legal jurisdiction of the city.

(Ord. of 1-13-86, Part I, § 2)

Sec. 13-3. Purpose of chapter.

The public health, safety and general welfare require the harmonious, orderly and progressive development of land within the city. In furtherance of this goal, this chapter is adopted for the following purposes, among others:

- (1) To encourage the development of economically sound and ecologically stable communities.
- (2) To ensure that required streets, utilities and other facilities and services are provided to new land developments.
- (3) To ensure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in new land developments.
- (4) To ensure the provision of needed public open spaces and building sites in new land developments for recreational, educational and other public purposes.

(Ord. of 1-13-86, Part I, § 3)

***Cross references**—Buildings and building regulations, ch. 6; flood damage prevention, ch. 7; streets and sidewalks, ch. 12; utilities, ch. 16; zoning, app. A.

State law reference—Georgia Land Sales Act of 1982, O.C.G.A. § 44-3-1 et seq.

Sec. 13-4. Conflicting provisions.

Whenever the provisions of this chapter and those of some other ordinance or statute apply to the same subject matter, the ordinance or statute requiring the highest, most strict standard shall govern.

(Ord. of 1-13-86, Part I, § 5)

Sec. 13-5. 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. Terms not defined in this section shall have their customary dictionary definitions, where not inconsistent with the context.

Alleys means minor ways which are used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

Building lines means such lines as are established in a plat or by recorded restrictive covenants for the purpose of prohibiting construction of any portion of a structure between such line and any easement, right-of-way, or minimum permissible width.

Culs-de-sac means short minor streets with only one end open to vehicular traffic and which are permanently terminated at the other end by a vehicle turnaround.

Dead-end streets means those streets with only one end open to vehicular traffic and which are not provided with a vehicle turnaround at the other end.

Easement means a grant by a property owner of the use, for a specific purpose; of a piece of land by or for the general public.

Governing body means the mayor and council of the city.

Lot means a portion or parcel of land separated from other portions or parcels by description as on a plat of record or as described on record by metes and bounds. A lot is usually thought of as being a described area intended for transfer of ownership or for building development. A lot must be of such minimum size and have such minimum frontage on a public street as is specified in the zoning ordinance.

Marginal access streets means minor streets which are generally parallel and adjacent to arterial streets and highways, and which provide access to abutting properties and protection from through traffic.

Outlots means parcels of land lying within the boundaries of a platted subdivision but not included as a numbered lot.

Performance guarantees means any securities, including performance bonds, escrow agreements and other similar collateral or surety agreements, which may be accepted by the mayor and council as a guarantee that required subdivision improvements will be made by the developer.

Planning commission means the city planning commission.

Private roads means ways not dedicated by deed or usage over a long period by the general public, nor accepted by the city for maintenance, but which are privately owned by one or more persons.

Street means a public way dedicated by deed or usage over a long period for vehicular traffic by the general public, whether designated as a street, highway or other similar designation. For purposes of this chapter, streets are divided into the following categories:

- (1) *Arterial streets and highways* means those which are used primarily for fast or heavy traffic, and includes all federal, state and paved country roads.
- (2) *Collector or feeder streets* means those which carry traffic from minor or access streets to the major system of arterial streets and highways and which promise a traffic potential greater than that of minor streets.
- (3) *Minor streets* means those which are used primarily for access to the abutting properties.

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

- (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots meet the requirements of this chapter and meet any other standards established by other city ordinances.
- (2) The division of land into parcels which front an existing street and where no new street is involved, and where the resultant lots meet the requirements of this chapter and meet any other standards established by other city ordinances.

(Ord. of 1-13-86, Part I, § 6)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 13-6. Plats required.

(a) No person shall create a subdivision within the legal jurisdiction of the city or commence construction of a street or other public improvements on land prior to the approval of the preliminary plat of such proposed development or project in accordance with the provisions of this chapter.

(b) No proposed subdivision lots within the legal jurisdiction of the city shall be divided and offered for sale until a final plat thereof is approved by the planning commission and mayor and council and recorded in accordance with the provisions of this chapter.

(c) No building permit shall be issued for structures located in a subdivision unless a final plat of such subdivision has been approved and recorded as provided in this chapter. No building permit shall be issued for a structure intended as a residence unless the lot on which it is to be built fronts a street which has been accepted as a public street in accordance with this chapter, or unless such street had attained the status of a public street prior to January 1, 1986, or on a street accepted by the mayor and council.

(Ord. of 1-13-86, Part I, § 7)

Sec. 13-7. Suitability of land.

Land subject to flooding, improper drainage or severe erosion, or that for other reasons is unsuitable for residential use, shall not be platted for residential use nor for any other use that will continue or increase danger to health, safety or property destruction unless the hazards can be and are corrected. All lots shall be platted in such a manner that each lot will be suitable for building by including any unusable land in a lot containing adjoining suitable land or by correcting the problem.

(Ord. of 1-13-86, Part I, § 8)

Secs. 13-8—13-25. Reserved.

ARTICLE II. PRELIMINARY PROPOSAL AND PLAT

Sec. 13-26. Preapplication review.

Prior to filing an application for the approval of a preliminary plat as provided in this article, a proposed subdivider may request and is encouraged to meet and consult with the planning commission to review a sketch plan of the proposed layout of streets, lots and other features of the subdivision in relation to existing conditions and streets in the vicinity. The sketch plan may be a freehand pencil sketch. Additionally, the subdivider shall present general subdivision information which shall describe or outline the existing covenants, land characteristics, including drainage patterns, submarginal lands, availability of existing city facilities and utilities, number of proposed lots, typical lot width and depth, proposed restrictive covenants, if any, and proposed provisions for street improvements and water service, sewer service and electric service. The planning commission shall invite the director of public works and an engineer designated by the city to attend the meeting. No formal application shall be required and no fee shall be charged for the preapplication review.

(Ord. of 1-13-86, Part II, § 1)

Sec. 13-27. Application for approval.

(a) A person desiring to create a subdivision shall submit to the city clerk a letter requesting review and approval of a preliminary plat. The letter shall state the name and address of a person to whom the notice of the hearing to be held by the planning commission shall be sent, improvement plans and all other supplemental materials required during the

informal review of the proposed subdivision as provided in section 13-26, three copies of the preliminary plat, and other information and documentation as specified in section 13-29, along with any request for variance from the provisions of this chapter.

(b) A preliminary plat filing fee in such amount as determined from time to time by the city council and listed in the schedule of fees and charges on file in the clerk's office shall be paid at the time of submission.

(Ord. of 1-13-86, Part II, § 2)

Sec. 13-28. Review and approval procedure.

(a) The city clerk shall forward one copy of the preliminary plat and other information to the chairman of the planning commission, which shall afford a hearing on the preliminary plat and proposal application. Notice of the time and place of the hearing shall be sent to the person designated in the application letter, not less than five days prior to the date of the hearing. Such hearing will be held at the regular meeting of the planning commission held within 30 days after submission of the application. The planning commission shall make an on-site inspection of the proposed subdivision development.

(b) Copies of the preliminary plat and proposal application shall be distributed to the county engineer and the county health department for review and recommendation to the planning commission.

(c) After the hearing and review the planning commission shall recommend the approval, disapproval or approval subject to listed modifications of the preliminary plat and proposal application. A notation of the action of the planning commission shall be made in its minutes, including a statement of the reason for disapproval if the preliminary plat and proposal application is disapproved, and a copy of the minutes shall be sent to the subdivider or his agent, the county engineer, the county health department and the city clerk.

(d) At the next ensuing regular meeting of the city council following the hearing held by the planning commission, the review and consideration of the preliminary plat and proposal shall be made a scheduled order of business. At such meeting the subdivider may submit a revised preliminary plat or proposal incorporating the recommendations, if any, made by the planning commission, or provide, in writing, an itemized list of whatever recommendations he is unable or unwilling to accept, along with his reasons for not accepting the recommendations. After reviewing the materials submitted and the recommendation of the planning commission, the mayor and council shall unconditionally approve, approve conditioned on incorporation of specified modifications, or disapprove the preliminary plat and proposal or the revised preliminary plat and proposal.

(e) Should the mayor and council unconditionally approve, all copies of the preliminary plat and supplementary materials, or revised preliminary plat and supplementary materials, as the case may be, will be dated and signed by the mayor, and the city seal shall be affixed. A copy of the approved plat and supplementary materials, signed by the mayor, will be

forwarded to the subdivider, the county health department and the county engineer, and a copy will be maintained in the public records of the mayor and council.

(f) Should the mayor and council approve on condition, the subdivider shall have until the next ensuing regular council meeting to comply with and incorporate the specified modifications and resubmit the preliminary plat and supplementary material so modified, and at such time unconditional approval will be granted. Should the subdivider fail to comply with and incorporate the specified modifications and resubmit within the time specified, such conditional approval shall be deemed to be withdrawn and the preliminary plat and supplementary materials shall be disapproved.

(g) Approval of the preliminary plat shall expire if all proposed improvements have not been completed and if a final as-built plat has not been submitted for approval within 36 months, unless an extension of time is approved by the mayor and council.

(h) Should the mayor and council disapprove the original or revised preliminary plat and supplementary materials, the subdivider may request that the review process be repeated one time, beginning with a rehearing by the planning commission, or take such other action as may be available under current state or federal laws or legislation.

(i) After receiving a copy of the approved plat and supplementary materials signed by the mayor, the subdivider may, through centerline stakes, right-of-way clearance or similar means, locate the proposed streets, and he shall notify the director of public works, who, with the assistance of an engineer designated by the city, if necessary, shall inspect the layout. If, in the opinion of the city's representatives, the layout follows the approved plat, such fact shall be noted on the subdivider's copy of the approved plat and dated and signed by the director of public works. The same notation and date shall be made on the copy of the approved plat maintained in the city's public records. Upon receiving such approval, construction may proceed.

(Ord. of 1-13-86, Part II, § 3)

Sec. 13-29. Specifications.

The preliminary plat and proposal application shall include all data and information required to be presented at the preapplication meeting and shall disclose the following:

- (1) Name and address of the owner of record, and of the subdivider if different from the owner of record.
- (2) Proposed name of the subdivision.
- (3) Boundary lines by bearings and distances.
- (4) Topographical data, with the scale and contour interval as determined by the county engineer if he shall recommend the scale and contour interval.
- (5) Proposed layout, including right-of-way and roadway widths of existing and proposed streets, with proposed street names, other rights-of-way or easements, their location, width and purpose, location of existing and proposed utilities, any land to be reserved

and dedicated for public uses, and sites, if any, intended for purposes other than single-family dwellings.

- (6) Lot lines, lot numbers and block numbers.
 - (7) Minimum building setback lines.
 - (8) Numerical scale, graphic scale, north arrow and date.
 - (9) Drainage areas and grades necessary to adequately contain and carry off stormwater from a rainfall expected to occur in one in ten years, and in compliance with the street requirements of chapter 12, article II.
 - (10) Profiles of existing ground surfaces and proposed street and drainage grades.
 - (11) Plan of proposed sanitary and stormwater sewers, if any, with grades and sizes indicated.
 - (12) Location and plan of water pipes and mains and fire hydrants.
 - (13) Results of such soil percolation tests as may be required by the county health department if the subdivision is not to be served by the city sewage system. Any lots that are not suitable for septic tank installation because of topography, drainage, high groundwater or substandard percolation shall be clearly indicated on the plat and shall not be offered for sale for residential or commercial use.
- (Ord. of 1-13-86, Part II, § 4)

Secs. 13-30—13-45. Reserved.

ARTICLE III. FINAL PLAT

Sec. 13-46. Application for approval.

(a) After the preliminary plat of a proposed land subdivision has been approved by the mayor and council, the subdivider may, within 36 months from the date of approval, submit to the mayor and council by delivering to the city clerk at least 30 days prior to the date established for the next regular meeting of the mayor and council the following:

- (1) A letter requesting review and approval of a final as-built plat.
- (2) Four copies of the final plat and supplementary materials as specified in this chapter, the original and at least one copy of which shall be a permanent transparency.
- (3) A final plat filing fee in such amount as determined from time to time by the city council and listed in the schedule of fees and charges on file in the clerk's office.

(b) The final plat shall conform to and meet the specifications of the preliminary plat as approved and, if desired by the subdivider, it may constitute only that portion of the preliminary plat which he proposes to record and develop at the time.

(Ord. of 1-13-86, Part III, § 1)

Sec. 13-47. Review and approval procedure.

(a) Copies of the final plat and any supplementary materials shall be distributed to the county engineer and the county health department for review and recommendation to the mayor and council.

(b) The public works director and an engineer designated by the city shall inspect the project site to determine if it is in conformity with the approved plat and this chapter, and shall inspect the final plat for completeness and accuracy, for conformance with the approved preliminary plat and for conformance with the rules and regulations of this chapter. Their findings and recommendations shall be submitted to the mayor and council at their next ensuing regular meeting.

(c) At the next ensuing regular meeting of the city council following the submission of the final plat, the review and consideration of the plat and any supplementary materials shall be made a scheduled order of business. Upon determining that the final plat conforms with the approved preliminary plat and conforms with the rules and regulations of this chapter, the mayor and council shall approve the final plat and all copies will be dated and signed by the mayor, and the city seal shall be affixed.

(d) Upon approval of a final plat, the original will be returned to the subdivider with the approval certified thereon and the subdivider shall have the approved final plat recorded in the office of the clerk of the superior court of the county.

(Ord. of 1-13-86, Part III, § 2)

Sec. 13-48. Specifications.

The final plat shall conform to and meet the specifications of the approved preliminary plat and, additionally, shall show the following:

- (1) A statement by the owner dedicating streets, rights-of-way and any sites for public uses in form similar to the following:

The undersigned hereby dedicates to public use forever as streets, alleys, easements, parks and open spaces all areas so shown or indicated on this plat, and an appropriate deed of conveyance has been delivered.

Owner

- (2) A statement of approval of the final plat and acceptance of property dedicated by the owner for public use in form similar to the following:

Pursuant to the subdivision ordinance of the City of Boston, Georgia, all the requirements for approval having been fulfilled, this final plat was given approval by the Mayor and Council of the City of Boston and property dedicated by

the owner for public use was accepted, all on the _____ day of _____,
19____.

Mayor, City of Boston

(Ord. of 1-13-86, Part III, § 3)

Secs. 13-49–13-65. Reserved.

ARTICLE IV. VARIANCES

Sec. 13-66. Application.

If, before and during construction, a subdivider believes that strict adherence to certain regulations and requirements of this chapter imposes an undue hardship, he may file with the mayor and council through the city clerk at least ten days prior to any regularly scheduled council meeting a written application for a variance. The application shall cite the section from which a variance is desired, the alternative that is being proposed, and the reason for the request. The director of public works shall confer with an engineer designated by the city and a recommendation shall be made to the mayor and council at its next regularly scheduled meeting subsequent to the filing of the application for the variance. The applicant may appear before the mayor and council at the meeting to further explain the request.

(Ord. of 1-13-86, Part IV)

Sec. 13-67. Granting.

Where the mayor and council find that, because of conditions peculiar to the site or the nature of the development, literal enforcement of any provision of this chapter may result, in an individual case, in unnecessary hardship to the subdivider, they may vary the regulations if, in the opinion of the mayor and council, such variation will not have the effect of nullifying the intent and purpose of this chapter. Any variance so granted shall be recorded in the minutes of the meeting of the mayor and council along with the reasoning used to justify it. In granting variances, the mayor and council may require such conditions as will secure substantially the objectives of the standards or requirements so varied or modified.

(Ord. of 1-13-86, Part IV)

Sec. 13-68. Addendums to plat.

If the approved variance substantially affects a preliminary plat and supplementary materials which have been approved, the plat and supplementary materials shall be so modified but need not be resubmitted for reapproval. An addendum stating "includes variance(s) approved by the mayor and council on _____" shall be attached to all copies of the plat and supplementary materials. If the variance is approved prior to the submission of the preliminary plat and supplemental materials, the plat and supplementary materials shall include an addendum stating "includes variance(s) approved by the mayor and council on _____."

(Ord. of 1-13-86, Part IV)

Secs. 13-69—13-85. Reserved.

ARTICLE V. REQUIRED IMPROVEMENTS

Sec. 13-86. Responsibility of subdivider.

Unless otherwise stated in this chapter, the subdivider of each subdivision shall be required to provide all improvements described in this article.

(Ord. of 1-13-86, Part V, § 1)

Sec. 13-87. Monuments and markers.

Concrete markers at least 24 inches in length and four inches square with a suitable center point shall be provided at all intersections of rights-of-way, at street intersections and at changes of direction in streets; and metal markers one-half inch in diameter and 24 inches long shall be provided at all lot corners.

(Ord. of 1-13-86, Part V, § 2)

Sec. 13-88. Lots.

Lot dimensions shall conform to the requirements of the city zoning ordinance, except that residential lots, where not served by a public sanitary sewer, shall be no less than the minimum area as may be required by the county health department. Notwithstanding lot dimension requirements set forth in the city zoning ordinance, corner lots for residential use shall have extra width to permit appropriate building setback from an orientation to both streets.

(Ord. of 1-13-86, Part V, § 3)

Sec. 13-89. Streets and drainage.

The arrangement, character, extent, width, grade and location of all streets, ditches and drainage provisions shall conform to the provisions of chapter 12, article II, except where this chapter may impose higher standards or requirements.

(Ord. of 1-13-86, Part V, § 4)

Sec. 13-90. Water and sewerage.

All provisions, requirements and regulations of the city water and sewerage ordinance shall apply to subdivision developments. In instances where the installation of sanitary sewers by the subdivider is not required, the subdivider must provide easements for the possible later installation of sanitary sewers.

(Ord. of 1-13-86, Part V, § 5)

Chapter 14

TAXATION*

- Art. I. In General, §§ 14-1–14-25
- Art. II. Financial Institutions, §§ 14-26–14-45
- Art. III. Insurers, §§ 14-46–14-65
- Art. IV. Ad Valorem Taxation, § 14-66–14-75

ARTICLE I. IN GENERAL

Secs. 14-1–14-25. Reserved.

ARTICLE II. FINANCIAL INSTITUTIONS

Sec. 14-26. License tax imposed.

Pursuant to O.C.G.A. § 48-6-93, there is hereby levied for the year 1988, and for each year thereafter, an annual business license tax upon state and national banking associations, federal savings and loan associations and state building and loan associations at the rate of 0.25 percent of the gross receipts of such institutions. Gross receipts shall mean gross receipts as defined in O.C.G.A. § 48-6-93. Notwithstanding any other provisions of this article, the minimum amount of business license tax due from any depository financial institution pursuant to this article shall be \$1,000.00 per year.

(Ord. of 12-12-88, § 1)

Sec. 14-27. Filing of return.

Each depository financial institution within the city shall file a return of its gross receipts with the city on March 1 of the year following the year in which such gross receipts were measured. The returns shall be made in the manner and in the form prescribed by the commissioner of the department of banking and shall be based upon the allocation method set forth in O.C.G.A. § 48-6-93(d). The tax levied pursuant to this article shall be assessed and collected based upon the information provided in the return.

(Ord. of 12-12-88, § 2)

Secs. 14-28–14-45. Reserved.

*Cross references—Administration, ch. 2; alcoholic beverages, ch. 3; amusements, ch. 4.

ARTICLE III. INSURERS**Sec. 14-46. Enforcement of article; penalty for violation.**

The license fees levied by this article may be enforced by execution in the same manner as taxes levied by and due to the city. A violation of this article shall be grounds for revoking a license or refusing the privilege of doing business within the city; and any person violating or responsible for the violation of this article may be punished by fine or incarceration or both, as provided in section 1-12, upon a finding of guilt by the municipal court of the city.

(Ord. of 12-12-83, § VIII)

Sec. 14-47. Submission of provisions to state.

The city clerk is hereby directed to forward a duly certified copy of this article to the insurance commissioner of the state.

(Ord. of 12-12-83, § VII)

Sec. 14-48. License fee on life insurers.

(a) There is hereby levied for the year 1984 and for each year thereafter an annual license fee upon each life insurer doing business during the calendar year or a part thereof within the city, in the amount of \$25.00. For each separate business location in excess of one which is being operated by or on behalf of each of such insurers during any part of a calendar year within the city, there is hereby levied an additional annual license fee in the amount of \$25.00. For the purposes of this article, the term "life insurer" means a company which is authorized to transact business in the class of insurance designated in O.C.G.A. § 33-3-5(1).

(b) There is hereby levied for the year 1984 and for each year thereafter an additional license fee upon each life insurer, in the amount of \$10.00, for each separate business location within the city, not otherwise subject to a license fee under subsection (a) of this section, which is being operated and maintained during the calendar year or a part thereof by a business organization engaged in the business of lending money or transacting sales involving term financing and which in connection with such loans or sales offers, solicits or takes applications for life insurance through a licensed agent for a life insurer.

(c) There is hereby levied for the year 1984 and each year thereafter an annual license fee upon independent life insurance agencies and brokers for each separate business location within the city from which a business engaged in the writing or sale of life insurance as designated in O.C.G.A. § 33-3-5(1) is conducted and which is not subject to the company license fee imposed by subsection (a) of this section, in the amount of \$25.00. Should a location be established after January 1 of any calendar year, the license fee levied by this subsection shall not be prorated.

(Ord. of 12-12-83, §§ I-III)

Sec. 14-49. Gross premiums tax.

(a) There is hereby levied for the year 1984 and for each year thereafter an annual tax based solely upon gross direct premiums upon each insurer writing life, accident and sickness insurance within the city, in an amount equal to one percent of the gross direct premiums, as defined in O.C.G.A. § 33-8-4, received during the calendar year from policies insuring persons residing within the city, in accordance with O.C.G.A. § 33-8-8.1. The premium tax levied by this subsection is in addition to the license fees imposed by section 14-48(a).

(b) There is hereby levied for the year 1984 and for each year thereafter an annual tax upon each insurance company, other than an insurer transacting business in the class of insurance designated in O.C.G.A. § 33-3-5(1), doing business within the city, in an amount equal to 2.5 percent of the gross direct premiums, as defined and used in O.C.G.A. § 33-8-4 and O.C.G.A. § 33-8-8.2(a), received during the calendar year from policies insuring persons, property or risks within the city, in accordance with O.C.G.A. § 33-8-8.2.

(Ord. of 12-12-83, §§ IV, V)

Sec. 14-50. Due date for license fees and taxes.

(a) For life insurers and independent life insurance agencies doing business on January 1, the license fees imposed in section 14-48 shall be due and payable on January 1. For life insurers and independent life insurance agencies commencing business after January 1, the license fee shall be due and payable on the 15th day subsequent to the commencement of the event subject to licensing.

(b) The gross premiums tax imposed in section 14-49 shall be due and payable, collected and distributed in accordance with O.C.G.A. § 33-8-1 et seq.

(Ord. of 12-12-83, § VI)

Secs. 14-51—14-65. Reserved.**ARTICLE IV. AD VALOREM TAXATION*****Sec. 14-66. Rate of levy.**

There is hereby set and levied to meet the ordinary current expenses of the city an annual ad valorem tax upon all real and personal property within the city. The millage rate shall be as is set annually by the mayor and council within the range provided by the city Charter.

*State law references—Taxation power of municipal governments, Ga. Const. art. 9, sec. 4, par. 1; limitation on taxing power of municipalities, Ga. Const. art. 9, sec. 2, par. 8; ad valorem taxation of property, O.C.G.A. § 48-5-2; municipal taxation, O.C.G.A. § 48-5-350 et seq.; specific business and occupation taxes, O.C.G.A. § 48-13-1 et seq.

Sec. 14-67. Assessment and fair market value.

All property subject to city ad valorem taxation shall be assessed at 40 percent of its fair market value. The basis for fair market value shall be 100 percent of the fair market value determined for the property by the county for county ad valorem tax purposes.

Sec. 14-68. Appeal of assessment.

Any taxpayer may appeal from an assessment by the county board of tax assessors to the county board of equalization as to matters of taxability, uniformity of assessment, and value, and the taxpayer or the county board of tax assessors may appeal to the superior court of the county from a decision of the county board of equalization.

Sec. 14-69. When taxes due and payable.

Ad valorem taxes shall become due when billed, and shall be deemed delinquent if not paid by December 20, except when the city, for one reason or another, has a delay in mailing tax notices. In this event, the taxes shall become delinquent 30 days from the date the tax bills are mailed. Delinquent taxes shall bear interest from the due date, at the highest rate allowed by state law.

Sec. 14-70. Delinquent tax penalty.

A penalty as allowed and provided by state law shall be assessed against delinquent taxes in the manner provided by state law.

Sec. 14-71. Failure to pay tax.

The city shall forthwith issue an execution against any person who has defaulted in the payment of any ad valorem tax to be paid. The execution thus issued shall be a lien on all the property of such person, both real and personal, and shall be placed in the hands of the city officer responsible for collection by levy and sale.

Sec. 14-72. Time, place, and manner of tax sale.

The time, place, and manner of the sale of property, both real and person, for taxes due the city shall be the same as that provided by law for sheriffs' sales for state and county taxes.

Sec. 14-73. Sale by parcels.

When not impracticable, all property sold for city ad valorem taxes shall be so offered for sale that the smallest amount that will bring the amount of taxes and costs shall alone be sold.

Sec. 14-74. Purchase by city.

The city clerk shall attend all sales of property for taxes due the city, and if no one person bids for the property put up to be sold as much as the tax due thereon, the city clerk shall place a bid for such property for the city and, if the bid is accepted, take custody of the deed for the

city. No property so purchased by the city shall ever be sold by the city except at a public sale thereof to the highest bidder.

Sec. 14-75. Redemption of property sold for taxes.

Any person whose property is sold in obedience to an execution issued for the collection of city taxes shall have such rights of redemption of the property as are set forth in the laws of the state governing redemption of property sold to satisfy delinquent taxes.



Chapter 15

TRAFFIC AND MOTOR VEHICLES*

Art. I. In General, §§ 15-1–15-20

Art. II. Abandoned Vehicles, §§ 15-21–15-24

ARTICLE I. IN GENERAL

Sec. 15-1. 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:

Traffic schedule means the official list of traffic-related police powers available to local authorities pursuant to O.C.G.A. § 40-6-371, together with location designations, which list is on file and available for inspection and review in the office of the city clerk.

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 15-2. Penalty for violation of chapter.

Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this chapter shall be punished in accordance with the provisions of section 1-12.

(Ord. of 7-14-80(1), § 2)

Sec. 15-3. Uniform rules of the road adopted.

Pursuant to O.C.G.A. §§ 40-6-372 through 40-6-376 of that chapter known as the Uniform Rules of the Road and the definitions contained in O.C.G.A. § 40-1-1 are hereby adopted as and for the traffic regulations of the city with like effect as if recited in this chapter.

(Ord. of 7-14-80(1), § 1)

Sec. 15-4. Speed limits.

(a) Pursuant to the provisions of O.C.G.A. § 40-6-181, the maximum lawful speed for any vehicle within the city limits shall be 30 miles per hour.

***Cross references**—Municipal court, ch. 8; offenses, ch. 10.

State law references—Authority to provide devices to control the flow of traffic, Ga. Const. art. 9, sec. 2, par. 3(a)(4); Uniform Rules of the Road, O.C.G.A. § 40-6-1 et seq.; power of local authorities generally, O.C.G.A. § 40-6-371; adoption of uniform rules of the road by local authorities, O.C.G.A. § 40-6-372; prosecution of traffic offenses, O.C.G.A. § 40-13-1 et seq.

(b) The maximum speed limit set forth in subsection (a) of this section may be altered as authorized by O.C.G.A. §§ 40-6-183 and 40-6-371. The location designations for such speed zones shall be listed in the traffic schedule maintained in the office of the city clerk.

(Ord. of 6-13-85)

Secs. 15-5–15-20. Reserved.

ARTICLE II. ABANDONED VEHICLES*

Sec. 15-21. Abandonment on public property prohibited.

It shall be unlawful for any person to leave a motor vehicle or any part thereof or trailer discarded or unattended on a public street, roadway or other public property for a period of ten days or longer.

(Ord. of 7-14-80(2), § 1)

Sec. 15-22. Notice to remove.

The chief of police or police officer who finds a motor vehicle or any part thereof or trailer left unattended on a public street, roadway or other public property for a period of ten days shall notify the owner of the vehicle and request its removal within three days. Upon failure of the owner to remove the vehicle as requested, he shall be subject to being cited to appear in the municipal court of the city, for violation of this article, and if found to have violated this article shall be punished as provided in section 1-12.

(Ord. of 7-14-80(2), § 2)

Sec. 15-23. Removal by city; lien; disposition of vehicle.

The chief of police or a police officer shall be authorized to cause unattended property prohibited under this article to be removed to the nearest garage or other place of safety. The person removing such property shall have a lien thereon for a reasonable removal storage fee and may dispose of such property as provided in state law.

(Ord. of 7-14-80(2), § 3)

Sec. 15-24. Notification to state.

The chief of police shall, within five days after causing the removal of any motor vehicle or part thereof or trailer to a garage or other place of safety pursuant to this article, give written notice of such removal to both the state department of revenue and the department of public safety. The notice shall include a complete description of the motor vehicle's serial number and license number, provided such information is available.

(Ord. of 7-14-80(2), § 4)

*State law references—Abandoned motor vehicles, O.C.G.A. § 40-11-1 et seq.; removal of improperly parked cars or trespassing personal property, O.C.G.A. § 44-1-13.

Chapter 16

UTILITIES*

Art. I. In General, §§ 16-1–16-25

Art. II. Flow Rate Restrictions and Plumbing Fixtures, §§ 16-26–16-31

ARTICLE I. IN GENERAL

Sec. 16-1. Incorporation of water and sewer ordinance by reference.

The city's water and sewer ordinance is on file in the city clerk's office where it is available for inspection and review during normal office hours. The water and sewer ordinance is by reference incorporated and made a part of this Code verbatim.

Sec. 16-2. Damaging or tampering with meter or other equipment; diversion of service.

(a) *Generally.* It shall be unlawful for any person intentionally and without authority to destroy, damage or tamper with any meter, pipe, conduit, wire, line, post, lamp or other apparatus owned by the city or by any company engaged in the manufacture, distribution or sale of electricity, gas, water, telephone, cable television or other public service.

(b) *Diversion of service.* It shall be unlawful for any person intentionally and without authority to prevent a meter from properly registering the quantity of such service supplied; to interfere in any way with the proper action of the city or of a company engaged in the manufacture, distribution or sale of electricity, gas, water, telephone, cable television or other public service; to intentionally divert any of the services of the city or such company; or otherwise intentionally and without authority to use or cause to be used, without the consent of the city or such company, any service manufactured, sold or distributed by the city or such company.

***Cross references**—Buildings and building regulations, ch. 6; flood damage prevention, ch. 7; streets and sidewalks, ch. 12; subdivisions, ch. 13.

State law references—Power of city or county to provide stormwater, sewerage collection and disposal systems, Ga. Const. art. 9, sec. 2, par. 3; dumping certain wastes in storm or sanitary sewers prohibited, O.C.G.A. § 12-8-2; Solid Waste Management Act, O.C.G.A. § 12-8-20 et seq.; adoption of ordinances, rules and regulations relating to payment for street improvements and construction of water, gas and sewer connections, payment of costs of connections, O.C.G.A. § 36-39-7; city's authority to acquire, construct, extend, operate, maintain and collect fees for water and sewerage systems, O.C.G.A. § 36-34-5; Resource Recovery Development Authorities Law, O.C.G.A. § 36-63-1 et seq.; grants of state funds to municipal corporations for public purposes, O.C.G.A. § 36-40-20 et seq.; executions for collection of assessments for laying sewers, O.C.G.A. § 48-5-358.

(c) *Unlawful use of service.* No person shall knowingly receive the benefit of acts of diversion of, or tampering with, electricity, gas, water, telephone, cable television or other public service without the proper charge.

(d) *Evidence of violation.* Proof that any of the acts specified in this section was done on premises in possession of an accused, or that the accused received the benefit of any such act, shall be prima facie evidence that the accused committed such act or aided and abetted in the commission thereof.

(e) *Penalty for violation.* Persons found by the municipal court of the city to be guilty of violating this section shall be punished as provided in section 1-12.
(Ord. of 5-12-80, § 1)

State law reference—Damaging, injuring or interfering with property of public utility companies, O.C.G.A. § 16-7-25.

Secs. 16-3—16-25. Reserved.

ARTICLE II. FLOW RATE RESTRICTIONS AND PLUMBING FIXTURES*

Sec. 16-26. 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:

Commercial means any type of building other than residential.

Construction means the erection of a new building or the alteration of an existing building in connection with its repair or renovation or in connection with making an addition to an existing building, and shall include the replacement of a malfunctioning, unserviceable, or obsolete faucet, showerhead, toilet, or urinal in an existing building.

Residential means any building or unit of a building intended for occupancy as a dwelling, but shall not include a hotel or motel.

(Ord. of 4-8-91(2), § 1)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 16-27. Certain residential plumbing fixtures prohibited.

On or after July 1, 1991, no construction may be initiated within the city for any residential building of any type which employs:

- (1) A gravity tank-type, flushometer-valve, or flushometer-tank toilet that uses more than an average of 1.6 gallons of water per flush; provided, however, this paragraph shall not be applicable to one-piece toilets until July 1, 1992;

***State law reference**—Flow rate restrictions on plumbing fixtures, O.C.G.A. § 8-2-3.

- (2) A shower head that allows a flow of more than an average of 2.5 gallons of water per minute at 60 pounds per square inch of pressure;
- (3) A urinal that uses more than an average of 1.0 gallons of water per flush;
- (4) A lavatory faucet or lavatory replacement aerator that allows a flow of more than 2.0 gallons of water per minute; or
- (5) A kitchen faucet or kitchen replacement aerator that allows a flow or more than 2.5 gallons of water per minute.

(Ord. of 4-8-91(2), § 2)

Sec. 16-28. Certain commercial plumbing fixtures prohibited.

On or after July 1, 1992, there shall be no construction of any commercial building initiated within the city for any commercial building of any type which does not meet the requirements outlined in section 16-27.

(Ord. of 4-8-91(2), § 3)

Sec. 16-29. Applicability.

The requirements of section 16-27 shall apply to any residential construction initiated after July 1, 1991, and to any commercial construction initiated after July 1, 1992, which involves the repair or renovation of or addition to any existing building when such repair or renovation of or addition to such existing building includes replacement of toilets or showers or both.

(Ord. of 4-8-91(2), § 4)

Sec. 16-30. Exemptions.

(a) New construction and the repair or renovation of an existing building shall be exempt from the requirements of sections 16-27–16-29 when:

- (1) The repair or renovation of the existing building does not include the replacement of the plumbing or sewage system servicing toilets, faucets or shower heads within such existing buildings;
- (2) Such plumbing or sewage system within such existing building, because of its capacity, design, or installation, would not function properly if the toilets, faucets or shower heads required by the article were installed;
- (3) Such system is a well or gravity flow from a spring and is owned privately by an individual for use in such individual's personal residence; or
- (4) Units to be installed are:
 - a. Specifically designed for use by the handicapped;
 - b. Specifically designed to withstand unusual abuse or installation in a penal institution; or
 - c. Toilets for juveniles.

(b) The owner, or his agent, of a building undergoing new construction or repair or renovation who is entitled to an exemption as specified in subsections (a)(2), (3) or (4) of this section shall obtain the exemption by applying at the office of the building inspector for the city. A fee equal to that fee charged by the county for such an exemption shall be charged for the inspection and issuance of such exemption.

(Ord. of 4-8-91(2), § 5)

Sec. 16-31. Enforcement; penalty.

(a) This article shall be enforced by the office of the building inspector of the city. Citations for violations may be issued by the chief building inspector of the city.

(b) Any person violating this article shall upon conviction be punished as provided in section 1-12.

APPENDIX A

ZONING*

***Editor's note**—The Comprehensive Zoning Ordinance of Boston, Georgia, compiled and published separately by the city, is on file and available for inspection and review in the office of the city clerk. It was adopted by city council on April 12, 1976, and was amended February 10, 1986.

Cross references—City clerk to serve as administrator of the zoning ordinance, § 2-199(7); zoning board of appeals, § 2-342; buildings and building regulations, ch. 6; flood damage prevention, ch. 7; streets and sidewalks, ch. 12; subdivisions, ch. 13.

State law references—Authority to adopt plans and exercise the power of zoning, Ga. Const. art. 9, sec. 2, par. 4; The Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq.; local government zoning powers, O.C.G.A. § 36-66-2; conflicts of interests in zoning actions, O.C.G.A. § 36-67A-1 et seq.; effect of zoning laws on covenants running with the land, O.C.G.A. § 44-5-60.



CODE COMPARATIVE TABLE

This is a chronological listing of the ordinances of the city used in this Code. Repealed or superseded laws and any omitted materials are not reflected in this table.

Date	Section	Section this Code
5-12-80	1	16-2
6- 9-80		12-27
	1-5	12-28-12-32
7-14-80(1)	1	15-3
	2	15-2
7-14-80(2)	1-4	15-21-15-24
6- 8-81(1)	1-3	9-21-9-23
6- 8-81(2)	1	9-2
	2	9-1
	3, 4	9-3, 9-4
	6	9-5
5-10-82	1	6-26
	2-5	6-28-6-31
	6	6-27
	7	6-32
5-11-83		4-48
	1	4-26
		4-30
	2, 3	4-46, 4-47
	4	4-27
	5	4-28, 4-29
	6	4-49
12-12-83	I-III	14-48
	IV, V	14-49
	VI	14-50
	VII	14-47
	VIII	14-46
2-13-84	I	11-1
	II(A), II(B)	11-3
	II(C)	11-8
	II(D)	11-4
	III(A), III(B)	11-6, 11-7
	III(C)-III(E)	11-13-11-15
	IV(A)	11-9
	IV(B)	11-17
	IV(C)-IV(E)	11-10-11-12
	V	11-18
	VI	11-16
	VII	11-5
	VIII	11-2
1-14-85	art. 1, § B-	7-2-7-4
	art. 1, § D	
	art. 2	7-1

BOSTON CODE

Date	Section	Section this Code
	art. 3, § A—art. 3, § G	7-5-7-11
	art. 4, § A	7-31
	art. 4, §§ B-F	7-32
	art. 5, § A, art. 5, § B	7-51, 7-52
6-13-85		15-4
1-13-86	pt. I, § 1—pt. I, § 3	13-1-13-3
	pt. I, § 5—pt. I, § 8	13-4-13-7
	pt. II, § 1—pt. II, § 4	13-26-13-29
	pt. III, § 1—pt. III, § 3	13-46-13-48
	pt. IV	13-66-13-68
	pt. V, § 1—pt. V, § 5	13-86-13-90
3-10-86	1	5-1
	2, 3	5-3, 5-4
	4(a), 4(b)	5-5, 5-6
	5	5-7
	6	5-10
	7	5-9
	8	5-11
	9	5-8
	10	5-2
4-11-88	6	6-2
	7, 8	6-4, 6-5
	9	6-1
	11	6-3
12-12-88	1, 2	14-26, 14-27
3-13-89(1)	1-3	10-3
3-13-89(2)	1, 2	10-1
3-13-89(3)	1, 2	10-2
3-13-89(4)	1-3	10-4
1-18-91	2	3-121
	3	3-152
	4	3-151
	5(A)	3-153
	5(B)	3-163
	6	3-158
	7	3-154
	8	3-156
	9	3-155
	10	3-157
	11, 12	3-161
	13, 14	3-159, 3-160
	15	3-162
	16	3-122
	18	3-123
4- 8-91(1)	1-9	6-76-6-84
4- 8-91(2)	1-5	16-26-16-30

STATE LAW REFERENCE TABLE

This table shows the location within this Code, either in the text or notes following the text, of references to the Official Code of Georgia Annotated.

O.C.G.A. Section	Section this Code	O.C.G.A. Section	Section this Code
1-1-3	1-8	21-3-91	6.5-31
1-1-7	1-3	21-3-138	6.5-63
1-3-1-1-3-3	1-2	21-3-280 et seq.	6.5-95
1-4-1	1-2	21-3-420	6.5-97
3-1-1 et seq.	Ch. 3	21-5-34	6.5-34
3-3-23	Ch. 3	24-7-21	Ch. 1
4-3-1 et seq.	Ch. 5	30-3-1 et seq.	Ch. 6
4-8-6	Ch. 5	31-19-1 et seq.	Ch. 5
4-8-20 et seq.	Ch. 5	32-4-92	Ch. 12
4-8-22(b)	5-3	32-6-240 et seq.	Ch. 6.2, Art. V
4-11-1 et seq.	Ch. 5	33-3-5(1)	14-48, 14-49
8-2-3	Ch. 16, Art. II	33-8-1 et seq.	14-50
8-2-21	Ch. 6	33-8-4	14-49
8-2-25	Ch. 6	33-8-8.1, 33-8-8.2	14-49
	Ch. 6, Art. I	33-8-8.2(a)	14-49
8-2-25(b)	6-6	36-1-16	Ch. 11
8-2-26	Ch. 6	36-30-8	1-12
8-2-50	Ch. 6	36-32-1 et seq.	Ch. 8
9-11-6	1-2	36-32-1(c)	1-12
10-1-350 et seq.	Ch. 6.2, Art. V	36-32-10	Ch. 3
12-8-2	Ch. 16	36-34-2	Ch. 2
12-8-20 et seq.	Ch. 11	36-34-3	Ch. 12
	Ch. 16	36-34-5	Ch. 16
12-8-61 et seq.	Ch. 11	36-35-1 et seq.	Ch. 1
15-21-73	1-12		Ch. 2
16-1-1 et seq.	Ch. 10	36-35-3	Ch. 1
16-6-24	10-4	36-35-6	1-12
16-7-25	16-2	36-35-6(a)(2)	Ch. 10
16-7-40	Ch. 11	36-39-1 et seq.	Ch. 12
	Ch. 11, Art. II	36-39-7	Ch. 16
16-11-30 et seq.	10-3	36-40-20 et seq.	Ch. 16
16-11-34	Ch. 12, Art. III	36-63-1 et seq.	Ch. 11
16-11-36	10-4		Ch. 16
16-11-41	Ch. 3	36-66-1 et seq.	App. A
	10-2	36-66-2	App. A
16-12-4	Ch. 5	36-67A-1 et seq.	App. A
16-12-35(c)	Ch. 4	36-81-1 et seq.	2-401
16-13-20 et seq.	6-77	36-81-7, 36-81-8	2-374, 2-375
21-3-1 et seq.	Ch. 6.5	37-8-1 et seq.	Ch. 3
	6.5-1	39-1-1	6.2-116
21-3-3	6.5-32		6.2-153
21-3-52	6.5-3		6.2-187
21-3-90(b)	6.5-33	40-1-1	15-3

BOSTON CODE

O.C.G.A. Section	Section this Code	O.C.G.A. Section	Section this Code
40-4-40 et seq.	Ch. 6.2, Art. V		Ch. 16
40-6-1 et seq.	Ch. 15	48-6-93	14-26
40-6-7	Ch. 12, Art. III	48-6-93(d)	14-27
40-6-76	Ch. 12, Art. III	48-13-1 et seq.	Ch. 6.2
40-6-181	15-4		Ch. 14, Art. IV
40-6-183	15-4	50-14-1	2-56
40-6-249	Ch. 11	50-14-1(d)	2-56
40-6-277	Ch. 11	50-14-3	2-56
40-6-371	Ch. 15	51-2-6	Ch. 5
	15-1		
	15-4		
40-6-372	Ch. 15		
40-6-372—			
40-6-376	15-3		
40-6-391	Ch. 3		
40-11-1 et seq.	Ch. 15, Art. II		
40-13-1 et seq.	Ch. 15		
41-1-1 et seq.	Ch. 9		
41-2-7	Ch. 6		
41-2-7—41-2-17	6-76		
41-2-9	Ch. 6, Art. IV		
43-6-1 et seq.	Ch. 6.2, Art. II		
43-8-1 et seq.	Ch. 4		
43-8-2	4-30		
43-8-6	4-48		
43-14-1 et seq.	Ch. 6.2, Art. III		
43-14-2	6.2-81—6.2-83		
43-22-1	Ch. 6.2, Art. V		
43-32-1 et seq.	Ch. 6.2, Art. VII		
43-37-1 et seq.	Ch. 6.2, Art. VIII		
43-37-2	6.2-254		
43-47-1 et seq.	Ch. 6.2, Art. X		
43-47-2	6.2-326		
43-48-1 et seq.	Ch. 6.2, Art. V		
44-1-13	Ch. 15, Art. II		
44-3-1 et seq.	Ch. 13		
44-5-60	App. A		
44-12-130 et seq.	Ch. 6.2, Art. VI		
44-12-132	6.2-185		
45-11-1	1-11		
47-17-60 et seq.	1-12		
48-4-40 et seq.	6-83		
48-5-2	Ch. 14, Art. IV		
48-5-350 et seq.	Ch. 14, Art. IV		
48-5-358	6-83		
	Ch. 12		

CODE INDEX

A	Section
ABANDONMENT	
Unsafe buildings or structures	6-76 et seq.
See: BUILDINGS	
Vehicles.....	15-21 et seq.
See: MOTOR VEHICLES AND TRAFFIC	
ABSENCES WITHOUT LEAVE	
Personnel regulations	2-134
ABSENTEE BALLOTS	
Election regulations.....	6.5-95
ACCEPTANCES	
Streets, acceptance by city.....	12-27
ACCOUNTS AND ACCOUNTING	
City attorney	
Powers and duties	2-168(8)
City clerk/treasurer's duties	2-200(1)
ACTIONS. See: SUITS, ACTIONS AND OTHER PROCEEDINGS	
AD VALOREM TAXATION	
Generally	14-66 et seq.
See: TAXATION	
ADDENDUM	
Subdivisions	
Addendum to plat.....	13-68
ADDRESSES	
Buildings, numbering of.....	6-26 et seq.
See: BUILDINGS	
Licenses, change of address.....	6.2-14
ADOLESCENTS. See: MINORS	
ADVERTISING	
Alcoholic beverage pouring by the drink outlets regulations	3-122(8)
AFFIRMATIONS. See: OATH, AFFIRMATION, SWEAR OR SWORN	
AGENCIES OF CITY. See: DEPARTMENTS AND OTHER AGENCIES OF CITY	
AGREEMENTS. See: CONTRACTS AND AGREEMENTS	
AIR CONDITIONING	
Contractors.....	6.2-83.

BOSTON CODE

ALARMS AND ALARM SYSTEMS	Section
False alarms	10-9
ALCOHOLIC BEVERAGES	
Alcoholic beverages	
Pouring by the drink outlets	3-151 et seq.
See: ALCOHOLIC BEVERAGES	
Consumption of intoxicants in public places; possession in open containers	10-1
Disorderly conduct	10-3
Distribution and sale	
Definition	3-51
Excise tax	3-54
Hours of operation	3-53
Licenses	
Application contents	3-85
Consideration of application	3-87
Fees	3-88
Investigation of presentation	3-86
Necessity	3-81
Renewal	3-89
Required for retail sales	3-82
Retail license requirements	3-83
Suspension, revocation and denials	
Definitions	3-91(b)
During civil emergencies	3-91(c)
Notice	3-91(a)
Refund	3-91(e)
State revocation effect	3-91(d)
Transfer	3-90
Wholesale license requirements	3-84
Regulations	3-52
Violations and penalties	3-55
Excise tax	
Distribution and sales	3-54
Game rooms	
Sale or consumption of intoxicating beverages	4-28
Licenses	
Distribution and sale licenses	3-81 et seq.
See herein: Distribution and Sales	
Pouring by the drink outlets	3-151 et seq.
See herein: Pouring by the Drink	
Pouring and sale by the drink	
Conduct of pouring outlets and conduct of business	3-122
Definition	3-121
Licenses	
Application contents	3-154
Consideration of application and guidelines for granting or denying license	3-157
Fee	3-158

CODE INDEX

ALCOHOLIC BEVERAGES—Cont'd.	Section
Grounds for denial	
Prohibited locations	3-161(a)
Prohibited person	3-161(b)
Incomplete application	3-156
Investigation and presentation	3-155
Necessity	3-151
Privileges granted	3-152
Renewals	3-159
Separate license for each outlet	3-153
Surrender	3-163
Suspension, revocation and denial of renewal of license	
Definition	3-162(b)
Mayor's power to suspend license	3-162(d)
Notice	3-162(a)
Police chief's authority	3-162(c)
Refund	3-162(e)
State revocation of permits or license	3-162(e)
Transfer	3-160
Violation and penalties	3-123
Public intoxication	10-2
ALE	
Alcoholic beverages	3-1 et seq.
See: ALCOHOLIC BEVERAGES	
ALLEYS. See also: STREETS, SIDEWALKS AND OTHER PUBLIC WAYS	
Public works director's duties	2-253(2)
AMENDMENTS	
Businesses, subsequent amendments; other fees	6.2-21
Code amendments	1-5, 1-11
AMUSEMENTS AND AMUSEMENT PLACES	
Game rooms	4-26 et seq.
See: GAME ROOMS	
ANCHORS AND ANCHORING	
Flood hazard reduction standards	7-51(1)
AND; OR	
Definitions and rules of construction	1-2
ANIMALS AND FOWL	
Animal control authority	
Delegation of	5-3
Cruelty to animals	5-10
Dead animals, solid waste collection regulations	11-10
Definitions	5-1
Impoundment	
Disposition of impounded animals	5-7
Records of impoundment	5-8

BOSTON CODE

	Section
ANIMALS AND FOWL—Cont'd.	
Interference with animal control officer.....	5-11
Keeping of animals generally.....	5-5
Penalty for violation of provisions.....	5-2
Pound.....	5-4
Restraint.....	5-6
Sanitation.....	5-9
ANNUAL BUDGET. See: BUDGET	
APPEALS	
Ad valorem taxation	
Appeal of assessments.....	14-68
Municipal court.....	8-15
Solid waste.....	11-4
APPEARANCE BOND	
Municipal court.....	8-9, 8-10
APPLICATIONS	
City clerk/treasurer's duties.....	2-199(3)
APPOINTMENTS	
City attorney.....	2-166
Code of ethics.....	2-121
Public works department director.....	2-252
APPROPRIATIONS	
Budget appropriations.....	2-403, 2-404
Ordinances not affected by Code.....	1-7(7)
ARCADES	
Game rooms.....	4-26 et seq.
See: GAME ROOMS	
ARRESTS	
Police chief's duty.....	2-312(b)(1)
ASSEMBLIES	
Disorderly conduct.....	10-3(b)(8)
Police chief's duty.....	2-312(b)(5)
ASSESSMENTS	
Ad valorem taxation.....	14-66 et seq.
See: TAXATION	
ASSOCIATIONS	
Persons; definitions and rules of construction extended and applied to.....	1-2
ATTACHMENTS	
Police chief's duty.....	2-312(b)(5)
AUCTIONS AND AUCTIONEERS	
Cappers, boosters or buy-bidders.....	6.2-54

CODE INDEX

AUCTIONS AND AUCTIONEERS—Cont'd.	Section
Exemptions.....	6.2-55
License	
Application.....	6.2-52
Bonds.....	6.2-53
Required; fee.....	6.2-51
AUDITS AND AUDITING	
Annual audit report.....	2-374
AUTOMOBILE GRAVEYARDS	
Junk dealers and junkyards	
Generally.....	6.2-146 et seq.
See: JUNK DEALERS AND JUNKYARDS	
AUTOMOBILES. See: MOTOR VEHICLES AND TRAFFIC	
AVENUES. See: STREETS, SIDEWALKS AND OTHER PUBLIC WAYS	
AVOCATIONS	
Business license requirements.....	6.2-1 et seq.
See: BUSINESSES	
B	
BAILIFFS	
Municipal court bailiffs.....	8-3
BALLOTS. See also: ELECTIONS	
Absentee ballots.....	6.5-95
City council actions by ballot.....	2-57(13)
BANKS. See: FINANCIAL INSTITUTIONS	
BASEBALL GAMES	
Game rooms.....	4-26 et seq.
See: GAME ROOMS	
BEER	
Alcoholic beverages.....	3-1 et seq.
See: ALCOHOLIC BEVERAGES	
BEVERAGES	
Alcoholic beverages.....	3-1 et seq.
See: ALCOHOLIC BEVERAGES	
BOARDS, COMMITTEES AND COMMISSIONS	
City attorney	
Powers and duties.....	2-168(3)
City council	
Reports of committees.....	2-57(7)
Delegation of authority	
Definitions and rules of construction.....	1-2

BOSTON CODE

	Section
BOARDS, COMMITTEES AND COMMISSIONS—Cont'd.	
Joint authority	
Definitions and rules of construction	1-2
Library committee	2-343
Mayor and city council	
Appointment of committees	2-92(4)
Standing committees	2-55
Planning commission	2-341
Recreation commission	2-344
Zoning board of appeals	2-342
BODIES POLITIC AND CORPORATE	
Persons; definitions and rules of construction extended and applied to	1-2
BOND ISSUES	
Ordinances not affected by Code	1-7(2)
BONDED DEBT	
City clerk/treasurer's duties	2-200(7)
BONDS, SURETY OR PERFORMANCE	
Auctioneers' license requirements	6.2-53
City attorney	
Powers and duties	2-168(5)
City clerk/treasurer	2-198
Mayor's duties	2-92(7)
Municipal court appearance bond	8-9, 8-10
Personnel bonds	2-124
Precious metal and gem dealers license requirements	6.2-250
BOOSTERS	
Auctioneer regulations	6.2-54
BOSTON. See: CITY	
BOULEVARDS. See: STREETS, SIDEWALKS AND OTHER PUBLIC WAYS	
BOUNDARIES	
Election districts	6.5-92
Limits; corporations; city	
Definitions and rules of construction	1-2
BOWLING MACHINES	
Game rooms	4-26 et seq.
See: GAME ROOMS	
BOYS CLUBS	
Alcoholic beverage pouring by the drink outlets prohibited locations	3-161(a)
BUDGET	
Generally	2-401 et seq.
See: FINANCES	

CODE INDEX

BUDGET—Cont'd.	Section
Public works director's duties.....	2-253(8)
BUILDING AND LOAN ASSOCIATIONS. See: FINANCIAL INSTITUTIONS	
BUILDINGS	
Alcoholic beverage pouring by the drink outlets regulations	3-122(1)
Construction contractors.....	6.2-85 et seq.
See: CONSTRUCTION CONTRACTORS	
Contractors' license; registration of contractor	6-2
Enforcement authority, delegation of	6-1
Excavation and grading code adopted.....	6-6
Fees	
Permit and inspection fees.....	6-3
Flood hazard reduction standards	
Construction materials and methods	7-51(2)
Nonresidential construction.....	7-52(2)
Residential construction.....	7-52(1)
Flow rate restrictions on plumbing fixtures	16-26 et seq.
See: WATER SUPPLY AND DISTRIBUTION	
Inspection fees.....	6-3
Littering	11-51 et seq.
See: SOLID WASTE MANAGEMENT	
Nuisances	
Generally	9-1 et seq.
See: NUISANCES	
Numbering of buildings	
Assignment of numbers	
Generally	6-29
Streets not extending to baseline.....	6-30
Baseline.....	6-28
New or altered buildings	6-32
Official map	6-27
Placement of numbers.....	6-31
Uniform system established	6-26
Permits	
Generally and inspection fee.....	6-3
Public works department.....	2-251 et seq.
See: PUBLIC WORKS AND IMPROVEMENTS	
Public works director's duties.....	2-253(3)
Solid waste management	
General regulations.....	11-1 et seq.
See: SOLID WASTE MANAGEMENT	
Streets and sidewalks	
Generally	12-1 et seq.
See: STREETS, SIDEWALKS AND OTHER PUBLIC WAYS	
Subdivisions	
General regulations.....	13-1 et seq.
See: SUBDIVISIONS	

BOSTON CODE

	Section
BUILDINGS—Cont'd.	
Unsafe buildings or structures	
Declaration of necessity	6-76
Definitions	6-77
Enforcement of order	6-82
Enforcement officer	6-78
Filing of complaint and hearing	6-79
Lien on property for cost	6-83
Nuisances	
Generally	9-1 et seq.
See: NUISANCES	
Order upon hearing	6-81
Private property, application to other private property	6-84
Service of complaint	6-80
Utilities	
Prerequisites for furnishing of	6-4
Water and sewage disposal systems	
Approval of	6-5
BURNING	
Solid waste	
Burning of	11-16
Regulations	11-15
BUSINESSES	
Administration of provisions	6.2-3
Auctions	6.2-51 et seq.
See: AUCTIONS AND AUCTIONEERS	
Code of ethics	2-121
Defense to prosecution	6.2-20
Definitions	6.2-1
Duties of administrator	6.2-4
License	
Applications and fee; temporary business	6.2-6
Change of address	6.2-14
Disabled veterans, special provisions for	6.2-18
Display of licenses and registrations	6.2-11
Duration of license	6.2-7
Exceptions	6.2-8
Procedure for issuance of license	6.2-10
Renewal of licenses	6.2-12
Replacement licenses, issuance of	6.2-16
Required	6.2-2
Revocation; suspension	6.2-13
Separate daily business license	6.2-9
Transfer of license	6.2-15
Owner and manager both punishable for violations	6.2-18
Separate business	6.2-5
Subsequent amendments; other fees	6.2-21
Violations and penalties	6.2-19

CODE INDEX

BUY-BIDDERS		Section
Auctioneer regulations		6.2-54
C		
CALLINGS		
Business license requirements	6.2-1 et seq.	
See: BUSINESSES		
CAMPAIGNS. See also: ELECTIONS		
Financing disclosures	6.5-34	
CANDIDATES		
Election candidates	6.5-31 et seq.	
See: ELECTIONS		
CAPITAL PROGRAM		
Specific regulations	2-373	
CAPPERS		
Auctioneer regulations	6.2-54	
CARNIVALS. See: TENT MEETINGS; CARNIVALS; OPEN AIR GATHERINGS		
CARS. See: MOTOR VEHICLES AND TRAFFIC		
CASES		
Municipal court		
Cases generally	8-5	
Transfer of cases	8-14	
CATS		
Animals		
Generally	5-1 et seq.	
See: ANIMALS AND FOWL		
CAUSES OF ACTION		
City attorney		
Powers and duties	2-168(8)	
Effect of repeal of ordinances	1-9(b)	
CEMETERIES		
Definitions and rules of construction	1-2	
CEREMONIES		
Parades	12-51 et seq.	
See: PARADES AND PROCESSIONS		
CHECKBOOKS		
City clerk/treasurer's duties	2-200(3)	
CHILDREN. See: MINORS		
CHRISTMAS DAY		
Alcoholic beverage pouring by the drink outlets regulations	3-122(5)	

BOSTON CODE

CHURCHES	Section
Alcoholic beverage pouring by the drink outlets prohibited locations	3-161(a)
CITATIONS	
Police chief's duty	2-312(b)(5)
CITY	
Abandoned vehicles	
Removal by city	15-23
Ad valorem taxation sales	
Generally	14-66 et seq.
See: TAXATION	
Purchase by city	14-74
Definitions and rules of construction	1-2
Fire equipment, use of outside city limits	2-286
Limits incorporation; city	
Definitions and rules of construction	1-2
Materials	
Public works director's duties	2-253(6)
Nuisances	
Abatement by city	9-4
Maintenance of premises, correction by city	9-23
Property	
Public works director's duties	2-253(6)
Solid waste not collected by city	11-11
Streets	
Acceptance by city	12-27
CITY ATTORNEY	
Appointment and qualifications	2-166
Compensation	2-169
Oath	2-167
Powers and duties	2-168
CITY CLERK/TREASURER	
Duty	2-199
Election	2-196
Oath and bond	2-198
Term of office	2-197
Treasurer	
Duties of	2-200
CITY COUNCIL. See: MAYOR AND CITY COUNCIL	
CITY HALL	
Operation of	2-122(d)
CITY SEAL	
City clerk/treasurer's duties	2-199(8)
Definitions and rules of construction	1-2

CODE INDEX

	Section
CIVIL EMERGENCIES	
Alcoholic beverages	
Distribution and sale license revocation during civil emergencies	3-91(c)
CLAIMS	
City attorney	
Powers and duties	2-168(8)
CLUBS	
Alcoholic beverages	3-1 et seq.
See: ALCOHOLIC BEVERAGES	
Persons; definitions and rules of construction extended and applied to	1-2
CODE OF ETHICS	
Hearings and determinations	2-121(2)
Prohibited conduct	2-121(1)
CODE OF ORDINANCES*	
Altering Code	1-11
Amendments to Code; effect of new ordinances; amendatory language	1-5
Catchlines of sections; history notes and references	1-3
City attorney	
Powers and duties	2-168(2)
Definitions and rules of construction	1-2
Effect of repeal of ordinances	1-9
Effective date of ordinances	1-4
General penalties; continuing violations	1-12
How Code designated and cited	1-1
Ordinances not affected by Code	1-7
Provisions considered as continuations of existing ordinances	1-6
Severability of parts of Code	1-8
Supplementation of Code	1-10
CODES	
Technical code. See that subject	
COLLEGES	
Alcoholic beverage pouring by the drink outlets prohibited locations	3-161(a)
COMMITTEES AND COMMISSIONS. See: BOARDS, COMMITTEES AND COMMISSIONS	
COMPLAINTS	
Maintenance of premises	
Nuisances, complaints	9-22

***Note**—The adoption, amendment, repeal, omissions, effective date, explanation of numbering system and other matters pertaining to the use, construction and interpretation of this Code are contained in the adopting ordinance and preface which are to be found in the preliminary pages of this volume.

BOSTON CODE

COMPLAINTS—Cont'd.	Section
Unsafe buildings and structures complaint procedures	6-79, 6-80
CONDUCT	
Police officer	2-313(c)
CONFIDENTIAL INFORMATION	
Code of ethics	2-121
CONFLICTS OF INTEREST	
Code of ethics	2-121
CONGREGATIONS	
Disorderly conduct	10-3(b)(8)
CONSERVATION	
Flow rate restrictions on plumbing fixtures	16-26 et seq.
See: WATER SUPPLY AND DISTRIBUTION	
CONSTRUCTION CONTRACTORS	
Conditioned air contractors	6.2-83
Electrical contractors	6.2-82
General contractors	6.2-84
Plumbers	6.2-81
Solid waste management	6.2-85
CONTAINERS	
Solid waste regulations	11-6 et seq.
See: SOLID WASTE MANAGEMENT	
CONTESTED ELECTIONS	
General regulations	6.5-97
CONTRABAND	
Municipal court	
Disposal of contraband	8-12
CONTRACTORS	
Construction contractors	6.2-82 et seq.
See: CONSTRUCTION CONTRACTORS	
License; registration of contractors	6-2
CONTRACTS AND AGREEMENTS	
City attorney	
Powers and duties	2-168(5)
City council	
Regulations re contracts	2-57(10)
Mayor	
Executing legal documents	2-92(7)
Ordinances not affected by Code	1-7
Solid waste	
Contract collector	11-17

CODE INDEX

CONVICTED PERSONS	Section
Alcoholic beverage pouring by the drink establishments	
License requirements, prohibited persons	3-161(b)
Outlets regulations	3-122(7)
CORPORATE SEAL. See: SEAL OF CITY	
CORPORATIONS	
Alcoholic beverage pouring by the drink establishments	
License requirements, prohibited persons	3-161(b)
COUNCIL. See: MAYOR AND CITY COUNCIL	
COUNTY	
Ad valorem taxation	14-66 et seq.
See: TAXATION	
Definitions and rules of construction	1-2
COURTS	
Municipal court	8-1 et seq.
See: MUNICIPAL COURT	
COWS	
Animals	
Generally	5-1 et seq.
See: ANIMALS AND FOWL	
CREDIT UNIONS. See: FINANCIAL INSTITUTIONS	
CRUELTY	
Animals, cruelty to	5-10
D	
DAILY RECORDS	
Precious metal and gem dealers' prohibited acts	6.2-255
DAMAGES AND DAMAGING	
Public property, damage to or interference with	10-11
Water and sewer meters or other equipment, damaging or tampering with	16-2
DAYS	
Special daily business license	6.2-9
DEAD ANIMALS	
Collection of	11-10
DEALERS	
Junk dealers and junkyards	
Generally	6.2-146 et seq.
See: JUNK DEALERS AND JUNKYARDS	
Precious metal and gem dealers	6.2-246 et seq.
See: PRECIOUS METAL AND GEM DEALERS	

BOSTON CODE

DEALERS—Cont'd.	Section
Used car dealers	6.2-326 et seq.
See: USED CAR DEALERS	
DEBTS	
Bonded debt	
City clerk/treasurer's duties	2-200(7)
City attorney	
Powers and duties	2-168(8)
Police chief.....	2-312(c)
DEEDS	
Mayor's duties to sign and execute	2-92(7)
DELEGATION OF AUTHORITY	
Definitions and rules of construction	1-2
DEMANDS	
City attorney	
Powers and duties	2-168(8)
DEMONSTRATIONS	
Parades	12-51 et seq.
See: PARADES AND PROCESSIONS	
DEPARTMENTS AND OTHER AGENCIES OF CITY	
City attorney	
Powers and duties	2-168(3)
Delegation of authority	
Definitions and rules of construction	1-2
Fire departments	2-281 et seq.
See: FIRE PREVENTION	
Joint authority	
Definitions and rules of construction	1-2
Organizations	2-226
Personnel	
Department head's duties	2-122(b)
Departments' duties generally	2-122(c)
Police departments.....	2-311 et seq.
See: POLICE DEPARTMENT	
Public works department	2-251 et seq.
See: PUBLIC WORKS AND IMPROVEMENTS	
DEPOSITS	
City clerk/treasurer's duties	2-200(6)
DEVELOPMENT. See: PLANNING AND DEVELOPMENT	
DIAMONDS	
Precious metal and gem dealers.....	6.2-246 et seq.
See: PRECIOUS METAL AND GEM DEALERS	
DIGRESSIONS	
Water and sewers.....	16-2

CODE INDEX

	Section
DILAPIDATED BUILDINGS	
Unsafe buildings or structures	6-76 et seq.
See: BUILDINGS	
DISABILITY	
Police chief	2-312(c)
DISABLED VETERANS	
Business licenses, special provisions for	6.2-17
DISBURSEMENTS	
City clerk/treasurer's duties	2-200(2)
Mayor's duties	2-92(3)
DISCLOSURES	
Campaign financing disclosures	6.5-34
Code of ethics	2-121
DISEASE CONTROL	
Animals	
Generally	5-1 et seq.
See: ANIMALS AND FOWL	
Maintenance of premises	
Nuisances, complaints	9-22
Nuisances	
Generally	9-1 et seq.
See: NUISANCES	
Solid waste management	
General regulations	11-1 et seq.
See: SOLID WASTE MANAGEMENT	
DISMISSALS	
Personnel regulations	2-135
DISORDERLY CONDUCT	
Generally	10-3
DISPLAYS	
License display	6.2-11
DISPUTES	
City attorney	
Powers and duties	2-168(8)
DISTRIBUTION	
Alcoholic beverage distribution	3-51 et seq.
See: ALCOHOLIC BEVERAGES	
DISTRICTS	
Election districts	6.5-92
DISTURBING THE PEACE	
Disorderly conduct	10-3

BOSTON CODE

DOCUMENTS	Section
Police chief's duty	2-312(b)(5)
DOGS	
Animals	
Generally	5-1 et seq.
See: ANIMALS AND FOWL	
DOMESTIC ANIMALS	
Animals	
Generally	5-1 et seq.
See: ANIMALS AND FOWL	
DRAINS AND DRAINAGE	
Public works director's duties	2-253(2)
Streets	12-31
Subdivisions	
Required improvements re drainage	13-89
DROUGHTS	
Flow rate restrictions on plumbing fixtures	16-26 et seq.
See: WATER SUPPLY AND DISTRIBUTION	
E	
EDUCATION	
Leave	
Personnel regulations	2-141
ELECTIONS	
Absentee ballots	6.5-95
Candidates	
Campaign financing disclosure	6.5-34
Fee for qualification	6.5-33
Notice of candidacy	
Designation of office sought	6.5-31(b)
Filing	6.5-31(a)
Qualifications	6.5-32
City clerk/treasurer	2-196, 2-197
City council	
By ballot	2-57(13)
Election districts	6.5-92
Electoral registration and qualification	
Challenge of qualifications	6.5-63
Qualifications	6.5-62
Registration lists	6.5-61
Expenses	6.5-2
General elections	6.5-3(a)
Mayor and city council	2-51
Polling places	6.5-93
Recounts and contested elections	6.5-97
Special elections	6.5-3(b)

CODE INDEX

	Section
ELECTIONS—Cont'd.	
State laws, rules and regulations, adoption of	6.5-1
Voting	
Absentee ballot	6.5-95
Election district	6.5-92
Election officials	
Appointment	6.5-91(a)
Qualifications and powers	6.5-91(b)
Polling places	6.5-93
Recounts and contested elections	6.5-97
Votes required for election	6.5-96
Write-in vote	6.5-94
Write-in vote	6.5-94
 ELECTRICITY	
Electrical contractors	6.2-82
 EMERGENCIES	
Budget, emergency appropriations	2-403
 EMPLOYEES. See: OFFICERS AND EMPLOYEES	
 EMPLOYMENT	
Personnel regulations	2-122
 ENCROACHMENTS	
Flood hazard reduction standards	7-51(5)
 ENTERTAINMENT	
Game rooms	4-26 et seq.
See: GAME ROOMS	
 EQUALIZATION BOARD	
Ad valorem taxation	14-66 et seq.
See: TAXATION	
 ETHICS	
Code of ethics	2-121
 EVIDENCE	
Unsafe buildings and dwellings, enforcement officers' powers and duties	6-78(b)(2)
 EXAMINATIONS	
Unsafe buildings and dwellings, enforcement officers' powers and duties	6-78(b)(3)
 EXCAVATIONS	
Excavation and grading code	6-6
Unsafe buildings or structures	6-76 et seq.
See: BUILDINGS	
 EXCISE TAX	
Alcoholic beverage distribution and sales	3-54

BOSTON CODE

EXECUTIONS	Section
Police chief's duty	2-312(b)(5)
EXECUTIVE SESSIONS	
City council	2-57(14)
EXHIBITIONS	
Parades	12-51 et seq.
See: PARADES AND PROCESSIONS	
EXPENDITURES. See also: FINANCES	
Generally	2-372
EXPOSURE	
Ones self	
Disorderly conduct	10-3(b)(6)
F	
FAIR MARKET VALUE	
Ad valorem taxation	14-66 et seq.
See: TAXATION	
FALSE ALARMS	
General regulations	10-9
FAUCETS	
Flow rate restrictions on plumbing fixtures	16-26 et seq.
See: WATER SUPPLY AND DISTRIBUTION	
FAVORS	
Code of ethics	2-121
FEEES AND CHARGES	
Schedule	
Definitions and rules of construction	1-2
FENCES, WALLS, HEDGES AND ENCLOSURES	
Nuisances	
Defined	9-1(2)
FIGHTING	
Disorderly conduct	10-3(b)(3)
FINANCES	
Ad valorem taxation	14-66 et seq.
See: TAXATION	
Annual audit report	2-374
Budget	
Adoption of	2-401
Emergency appropriations	2-403
Form and contents	2-402
Transfer of appropriations	2-404
Campaign financing disclosures	6.5-34
Capital program	2-373

CODE INDEX

	Section
FINANCES—Cont'd.	
City clerk/treasurer's duties	2-200(5)
Election expenses	6.5-2
Expenditures	2-372
Fiscal year	2-371
Local government finances report	2-375
Ordinances not affected by Code	1-7(2)
Unsafe buildings and structures	
Lien on property for costs of abatement.....	6-83
 FINANCIAL INSTITUTIONS	
License taxes	
Filing of return.....	14-27
Imposed.....	14-26
 FINES, FORFEITURES AND OTHER PENALTIES	
Effect of repeal of ordinances	1-9(b)
General penalties; continuing violations	1-12
Municipal court	
Forfeiture of appearance bond	8-10
Generally	8-1 et seq.
See: MUNICIPAL COURT	
Offenses	
Generally	11-1 et seq.
See: OFFENSES	
Ordinances not affected by Code	1-7(1)
Penalties for specific acts, omissions, violations, etc. See specific subjects as indexed	
 FIRE DAMAGED BUILDINGS	
Nuisances	
Defined	9-1(2)
 FIRE PREVENTION	
Code	
Fire chief's powers and duties.....	2-282(b)(2)
Fire department	
Command at fires.....	2-285
Composition	2-281
Fire chief	
Appointment	2-282(a)
Powers and duties	2-282(b)
Firefighters	
Duties	2-283(b)
Qualifications	2-282(a)
Right-of-way of apparatus	2-284
Use of equipment outside the city limits.....	2-286
Obstruction of fire apparatus	10-7
 FIRE ZONES	
Peddling, soliciting and canvassing, unlawful acts.....	6.2-219(b)

BOSTON CODE

FIREARMS AND WEAPONS	Section
Discharge of firearms	10-8
Pawnbrokers	6.2-186
FIRMS	
Persons; definitions and rules of construction extended and applied to	1-2
FISCAL YEAR	
Designated	2-371
FLEA MARKETS	
Definition	6.2-111
Flea market promoters and vendors	
Fees	6.2-113
License required	6.2-113
Precautions to be taken	6.2-116
Revocation of license	6.2-115
Forms to be supplied to law enforcement officers	6.2-116(b)
Holding	
For certain merchandise.....	6.2-117
Minors	
Dealing with prohibited	6.2-116(c)
Records; identification.....	6.2-116(a)
Yard sales exempt from licensing requirements	6.2-112
FLOOD DAMAGE PREVENTION	
Abrogation and greater restrictions	7-8
Anchoring	
Flood hazard reduction standards	7-51(1)
Areas of special flood hazard	
Applicability of provisions	7-5
Basis for establishing	7-6
Compliance with provisions.....	7-7
Construction materials and methods	
Flood hazard reduction standards	7-51(2)
Definitions	7-1
Development permit	
Generally	7-31
Encroachments	
Flood hazard reduction standards	7-51(5)
Findings of fact.....	7-2
Flood hazard reduction standards	
Anchoring.....	7-51(1)
Construction materials and methods	7-51(2)
Encroachments	7-51(5)
General standards	7-51
Nonresidential construction.....	7-52(2)
Residential construction.....	7-52(1)
Specific standards.....	7-52
Subdivision proposals	7-51(4)
Utilities.....	7-51(3)

CODE INDEX

	Section
FLOOD DAMAGE PREVENTION—Cont'd.	
Interpretation of provisions	7-9
Nonresidential construction	
Flood hazard reduction standards	7-52(2)
Objectives of provisions.....	7-4
Penalty for violation of provisions.....	7-11
Permits	
Development permits.....	7-31
Public works director	
Duties	7-32
Purpose of provisions.....	7-3
Residential construction	
Flood hazard reduction standards	7-52(1)
Streets and sidewalks	
Generally	12-1 et seq.
See: STREETS, SIDEWALKS AND OTHER PUBLIC WAYS	
Subdivisions	
Flood hazard reduction standards	7-51(4)
General regulations.....	13-1 et seq.
See: SUBDIVISIONS	
Utilities	
Flood hazard reduction standards	7-51(3)
Warning and disclaimer of liability	7-10
FLUSHOMETER-VALVES	
Flow rate restrictions on plumbing fixtures	16-26 et seq.
See: WATER SUPPLY AND DISTRIBUTION	
FOLLOWING; PRECEDING	
Definitions and rules of construction	1-2
FORFEITURES. See: FINES, FORFEITURES AND OTHER PENALTIES	
FOWL. See: ANIMALS AND FOWL	
FRANCHISES	
Ordinances not affected by Code	1-7(5)

G

GAMBLING	
Alcoholic beverage pouring by the drink outlets prohibited locations	3-161(a)
Disorderly conduct	10-3(b)(8)
GAME ROOMS	
Definitions	4-26
Hours of operation	4-29
Intoxicating beverages, sale or consumption of	4-28
License	
Fee	4-48

BOSTON CODE

	Section
GAME ROOMS—Cont'd.	
Issuance.....	4-47
Required.....	4-46
Suspension; revocation.....	4-49
Pool or billiard tables on Sunday, use of.....	4-30
View of interior.....	4-27
GAMING	
Disorderly conduct.....	10-3(b)(8)
GARBAGE AND TRASH	
Littering.....	11-51 et seq.
See: SOLID WASTE MANAGEMENT	
Nuisances	
Generally.....	9-1 et seq.
See: NUISANCES	
Public works director's duties.....	2-253(4)
Solid waste management	
General regulations.....	11-1 et seq.
See: SOLID WASTE MANAGEMENT	
GATHERINGS	
Disorderly conduct.....	10-3(b)(4)
GEMS	
Precious metal and gem dealers.....	6.2-246 et seq.
See: PRECIOUS METAL AND GEM DEALERS	
GENDER	
Definitions and rules of construction.....	1-2
GENERAL ELECTIONS. See also: ELECTIONS	
Date of.....	6.5-3(a)
GEORGIA. See: STATE	
GIFTS	
Code of ethics.....	2-121
GOLD	
Precious metal and gem dealers.....	6.2-246 et seq.
See: PRECIOUS METAL AND GEM DEALERS	
GOVERNMENT	
Exercise of governmental authority.....	2-1
GRADES AND GRADING	
Excavation and grading code adopted.....	6-6
Street grades	
Generally.....	12-32
Ordinances not affected by Code.....	1-7(15)
GRIEVANCES	
Personnel regulations.....	2-129

CODE INDEX

GROSS PREMIUMS TAX	Section
License fee regulations re insurers	14-49
GUTTERS	
Public works director's duties	2-253(2)
H	
HARASSING	
Disorderly conduct	10-3(b)(1)
HAZARDOUS WASTE	
Solid waste management	
General regulations	11-1 et seq.
See: SOLID WASTE MANAGEMENT	
HAZARDS	
Nuisances	
Defined	9-1(3)
HEALTH AND SANITATION	
Animals	
Generally	5-1 et seq.
See: ANIMALS AND FOWL	
Sanitation regulations	5-9
Junk dealers and junkyards	
Generally	6.2-146 et seq.
See: JUNK DEALERS AND JUNKYARDS	
Littering	11-51 et seq.
See: SOLID WASTE MANAGEMENT	
Maintenance of premises	
Nuisances, complaints	9-22
Solid waste management	
General regulations	11-1 et seq.
See: SOLID WASTE MANAGEMENT	
Structures in unsanitary condition	
Nuisances	
Defined	9-1(3)
Unsafe buildings or structures	6-76 et seq.
See: BUILDINGS	
HEARINGS	
Code of ethics	2-121(2)
Nuisances	
Notice and hearing; order to abate	9-3
Unsafe buildings and structures	6-79
HEATING AND COOLING	
Conditioned air contractors	6.2-83
HEAVY EQUIPMENT	
Public works director's duties	2-253(5)
HEREDITAMENTS. See: PROPERTY	

BOSTON CODE

HIGHWAYS. See: STREETS, SIDEWALKS AND OTHER PUBLIC WAYS	Section
HOLDING PERIOD	
Flea markets, holding period for certain merchandise.....	6.2-117
Precious metal and gem dealers	
Retention period for purchased articles	6.2-258
HOLIDAYS	
Personnel regulations	2-138
Solid waste collection regulations	11-9
HORSES	
Animals	
Generally	5-1 et seq.
See: ANIMALS AND FOWL	
HOUSEHOLD GARBAGE	
Solid waste management	
General regulations	11-1 et seq.
See: SOLID WASTE MANAGEMENT	
I	
IDENTIFICATION	
Cards	
Peddling, canvassing and soliciting	
Registration; fee; application for identification cards...	6.2-218
Flea markets	6.2-116
IDLE FUNDS	
City clerk/treasurer's duties	2-200(8)
IMPOUNDMENT	
Animals.....	5-4 et seq.
See: ANIMALS AND FOWL	
IMPROVEMENTS. See: PUBLIC WORKS AND IMPROVEMENTS	
INDEBTEDNESS OF CITY	
Ordinances not affected by Code	1-7(2)
INDIVIDUALS	
Persons; definitions and rules of construction extended and applied to	1-2
INDUSTRIAL WASTE	
Solid waste management	
General regulations.....	11-1 et seq.
See: SOLID WASTE MANAGEMENT	
INSANE PERSONS	
Alcoholic beverage pouring by the drink establishments	
License requirements, prohibited persons	3-161(b)

CODE INDEX

	Section
INSPECTIONS	
Building inspection fees	6-3
Used car dealers	6.2-330
INSTRUMENTS	
City attorney	
Powers and duties	2-168(5)
INSURANCE AND INSURANCE COMPANIES	
Insurers license tax requirement	14-66 et seq.
See: TAXATION	
INTERPRETATION	
Definitions and rules of construction	1-2
INTOXICANTS AND INTOXICATION	
Alcoholic beverages	3-1 et seq.
See: ALCOHOLIC BEVERAGES	
Consumption of intoxicant in public place; possession in open container	10-1
Disorderly conduct	10-3
Pouring by the drink outlets regulations	3-122(13), (14)
Public intoxication	10-2
INVENTORIES	
Public works director's duties	2-253(6)
INVESTIGATIONS	
Alcoholic beverage pouring by the drink outlet license inves- tigations	3-155
Fire chief's powers and duties	2-282(b)(6)
Flea market license requirements	6.2-113(c)
Mayor's powers	2-93(2)
Precious metal and gem dealers, investigation of license ap- plicant	6.2-249
Unsafe buildings and dwellings, enforcement officers' powers and duties	6-78(b)(1)
INVESTMENTS	
City clerk/treasurer's duties	2-200(8)
J	
JOINT AUTHORITY	
Definitions and rules of construction	1-2
JUDGEMENTS	
Municipal court	8-11
Police chief's duty	2-312(b)(6)
JUDGES	
Municipal court judges	8-2

BOSTON CODE

JUNK DEALERS, JUNKED VEHICLES AND JUNK YARDS	Section
Abandoned vehicles	15-21 et seq.
See: MOTOR VEHICLES AND TRAFFIC	
Definitions	6.2-146
General operation requirements.....	6.2-150
License	
Applications.....	6.2-148
Required	6.2-147
Review of applications.....	6.2-149
Minors	6.2-152
Records	6.2-151
Stolen goods.....	6.2-153
Vehicles.....	6.2-154

JUVENILES. See: MINORS

K

KEEPER; PROPRIETOR	
Definitions and rules of construction	1-2

KENNELS	
Animals	
Generally	5-1 et seq.
See: ANIMALS AND FOWL	

L

LAND. See: PROPERTY

LANES. See: STREETS, SIDEWALKS AND OTHER PUBLIC WAYS

LAW ENFORCEMENT	
Flea markets	
Forms to be supplied to law enforcement officers	6.2-116(b)
Precious metal and gem dealers' prohibited acts.....	6.2-255(4)

LAYOUT	
Streets	12-28

LEAVES OF ABSENCES	
Personnel regulations	2-133

LEDGERS	
City clerk/treasurer's duties	2-200(3)

LIABILITY	
Flood damage prevention	
Warning and disclaimer of liability	7-10

LIBRARIES	
Alcoholic beverage pouring by the drink outlets prohibited locations	3-161(a)

CODE INDEX

	Section
LIBRARIES—Cont'd.	
Committee	2-343
LICENSES AND PERMITS	
Alcoholic beverages	
Distribution on sale license requirements.....	3-81 et seq.
See: ALCOHOLIC BEVERAGES	
Auctioneers	6.2-51 et seq.
See: AUCTIONS AND AUCTIONEERS	
Buildings	
Permit fees	6-3
Business license requirements	6.2-1 et seq.
See: BUSINESSES	
City clerk/treasurer's duties	2-199(4)
Contractors' license	6-2
Financial institutions, license tax requirements	14-26, 14-27
Flea markets	
License requirements	6.2-113 et seq.
See: FLEA MARKETS	
Flood damage prevention development permit.....	7-31
Game rooms	4-46 et seq.
See: GAME ROOMS	
Junk dealers and junkyards license requirements	6.2-147 et seq.
See: JUNK DEALERS AND JUNKYARDS	
Pawnbrokers' license requirements.....	6.2-181 et seq.
See: PAWNBROKERS	
Precious metal and gem dealers license requirements.....	6.2-248 et seq.
See: PRECIOUS METAL AND GEM DEALERS	
Tent meetings; open air gatherings; carnivals.....	6.2-286 et seq.
See: TENT MEETINGS; CARNIVALS; OPEN AIR GATH- ERINGS	
Used car dealers	6.2-326 et seq.
See: USED CAR DEALERS	
LIENS	
Abandoned vehicles, lien re.	15-23
Unsafe buildings and structures	
Lien on property for costs of abatement.....	6-83
LIFE INSURERS. See also: INSURERS AND INSURANCE COMPANIES	
License fees on	14-48
LIMIT; INCORPORATION; CITY	
Definitions and rules of construction	1-2
LIQUOR	
Alcoholic beverages	3-1 et seq.
See: ALCOHOLIC BEVERAGES	
LISTS	
Electoral registration lists.....	6.5-61

BOSTON CODE

	Section
LITTER AND LITTERING	
Generally	11-51 et seq.
See: SOLID WASTE MANAGEMENT	
LIVESTOCK	
Animals	
Generally	5-1 et seq.
See: ANIMALS AND FOWL	
LOANS	
Code of ethics.....	2-121
LOCAL GOVERNMENT	
Finances report.....	2-375
LOCAL IMPROVEMENTS. See: PUBLIC WORKS AND IM- PROVEMENTS	
LOCATION	
Streets.....	12-28
LOITERING	
Offense regulations	10-4
LOTS	
Subdivisions	
General regulations.....	13-1 et seq.
See: SUBDIVISIONS	
Required improvements	13-88
M	
MALICIOUS MISCHIEF	
Generally	10-10
MALT BEVERAGES	
Alcoholic beverages	3-1 et seq.
See: ALCOHOLIC BEVERAGES	
MANAGER	
Business licenses, manager punishable for violations	6.2-18
MAPS. See: SURVEYS, MAPS AND PLATS	
MARCHES	
Parades	12-51 et seq.
See: PARADES AND PROCESSIONS	
MARKETS	
Flea markets	6.2-111 et seq.
See: FLEA MARKETS	
MAYOR AND CITY COUNCIL	
Call to order.....	2-57(1)
City attorney	
Powers and duties	2-168(1)

CODE INDEX

MAYOR AND CITY COUNCIL—Cont'd.	Section
City clerk/treasurer's duties	2-199
Definitions and rules of construction	1-2
Delegation of powers	2-93(4)
Discipline, power	2-93(5)
Election	2-51, 2-57(13)
Executive session	2-57(14)
Exercise of governmental authority	2-1
Fire chief's powers and duties	2-282(b)(4)
Generally	2-53
Investigations	2-93(2)
Legislative authority generally	2-58
Limitations on addressing council	2-57(9)
Manner of addressing council	2-57(8)
Mayor	
Appointment of committees	2-92(4)
Disbursement	2-92(3)
Duty	2-92
Executing legal documents	2-92(7)
General authority	2-91
Informed	2-92(1)
Preside at meetings	2-92(2)
Recommendations to council	2-92(6)
Vote of mayor	2-92(5)
Mayor pro tempore	2-94
Meetings	
Duty to attend	2-56(c)
Generally	2-56(a)
Notice	2-56(b)
Police chief's duty	2-312(b)(4)
Order of business	2-57(5)
Ordinances, resolutions and contracts	
Introduction and adoption	2-57(10)(b)
Preparations	2-57(10)(a)
Recording vote	2-57(11)
Overriding powers	2-93(3)
Personnel regulations	2-137
Police chief	2-312(c)
Powers	2-93
Qualifications for office	2-52
Questions of order	2-57(12)
Quorum	2-57(3)
Reading of minutes	2-57(6)
Recording vote	2-57(11)
Reports of committee	2-57(7)
Resignations	2-53
Roll call	2-57(2)
Rule making	2-93(1)
Rules for conduct of business	2-57
Vacancies	2-54

BOSTON CODE

MAYOR AND CITY COUNCIL—Cont'd.	Section
Voting requirements	2-57(4)
MEETINGS	
Disorderly conduct	10-3(b)(4)
Mayor and city council	2-56
MENACING	
Disorderly conduct	10-3(b)(2)
METERS	
Water and sewer meters	16-2
MILLAGE RATE	
Ad valorem taxation	14-66 et seq.
See: TAXATION	
MINORS	
Alcoholic beverage pouring by the drink establishments	
License requirements, prohibited persons	3-161(b)
Outlets regulations	3-122(11), (12)
Flea markets	
Dealing with minors prohibited	6.2-116(c)
Junk dealers and junkyards	6.2-152
Pawnbrokers	6.2-187
Precious metal and gem dealers' prohibited acts	6.2-255(7)
MINUTES	
City council	2-57(6)
MISDEMEANORS	
Effect of repeal of ordinances	1-9(b)
General penalties; continuing violations	1-12
Municipal court	
Generally	8-1 et seq.
See: MUNICIPAL COURT	
Offenses	11-1 et seq.
See: OFFENSES	
Ordinances not affected by Code	1-7(1)
Penalties for specific acts, omissions, violations, etc. See specific subjects as indexed	
MOBILE HOMES AND MOBILE HOME PARKS	
Code of ethics	2-121
MONIES OF CITY. See: FINANCES	
MONTH	
Definitions and rules of construction	1-2
MONUMENTS AND MARKERS	
Subdivisions, required improvements	13-87

CODE INDEX

	Section
MORAL DISREPUTE	
Alcoholic beverage pouring by the drink establishments	
License requirements, prohibited persons	3-161(b)
MOTOR VEHICLES AND TRAFFIC	
Abandoned vehicles	
City removal; liens; disposition of vehicles	15-23
Notice to remove	15-22
Public property, abandonment on prohibited	15-21
State, notification to	15-24
Definitions	15-1
Junk dealers and junkyards	
Generally	6.2-146 et seq.
See: JUNK DEALERS AND JUNKYARDS	
Vehicle requirements	6.2-154
Penalty for violation of provisions	15-2
Public works director's duties	2-253(5)
Solid waste management	
General regulations	11-1 et seq.
See: SOLID WASTE MANAGEMENT	
Speed limits	15-4
Streets, sidewalks and other public ways	
Generally	12-1 et seq.
See: STREETS, SIDEWALKS AND OTHER PUBLIC WAYS	
Uniform rules of the road adopted	15-3
Used car dealers	6.2-326 et seq.
See: USED CAR DEALERS	
MUNICIPAL COURT	
Appeal	8-15
Appearance bond	8-9
Appointment, qualifications and absence of judge	8-2
Bailiff	8-3
Clerk	
City clerk/treasurer's duties	2-199(6)
Disposal of contraband	8-12
Enforcement of sentences; collection of funds	8-13
Failure to obtain summonses or subpoena	8-8
Forfeiture of bond	8-10
Judgement and sentences	8-11
Record and report of cases	8-5
Scope of jurisdictions	8-1
Sessions of court	8-4
Subpoena	8-7
Summonses	8-6
Transfer of cases	8-14

N

NAMES

Officers

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

BOSTON CODE

NAMES—Cont'd.	Section
Street names	12-30
NEW CONSTRUCTION	
Public works director's duties	2-253(7)
NEW OR ALTERED BUILDINGS	
Numbering of buildings	6-32
NOISE	
Disorderly conduct	10-3(b)(7)
NONRESIDENTS	
Alcoholic beverage pouring by the drink establishments	
License requirements, prohibited persons	3-161(b)
NONTECHNICAL AND TECHNICAL WORDS	
Definitions and rules of construction	1-2
NUDITY	
Exhibiting ones self	
Disorderly conduct	10-3(b)(6)
NUISANCES	
Appeals	9-5
City abatement	9-4
Creation or maintenance prohibited	9-2
Definitions	9-1
Maintenance of premises	
Complaint; notice to correct conditions	9-22
Failure to correct conditions; correction by city	9-23
Required	9-21
Notice of hearing; order to abate	9-3
Unsafe buildings or structures	6-76 et seq.
See: BUILDINGS	
NUMBERS AND NUMBERING	
Buildings, numbering of	6-26 et seq.
See: BUILDINGS	
Definitions and rules of construction	1-2

O

OATH, AFFIRMATION, SWEAR OR SWORN	
City attorney	2-167
City clerk/treasurer	2-198
Definitions and rules of construction	1-2
Precious metal and gem dealers	6.2-248(b)
Unsafe buildings and dwellings, enforcement officers' powers and duties	6-78(b)(2)
OBLIGATIONS	
City clerk/treasurer's duties	2-200(7)
Ordinances not affected by Code	1-7(3)

CODE INDEX

	Section
OBSTRUCTIONS	
Fire apparatus	10-7
Game rooms, view of interior	4-27
Police	10-5
Streets	10-6
OCCUPANT; TENANT	
Definitions and rules of construction	1-2
OCCUPATIONS	
Business license requirements	6.2-1 et seq.
See: BUSINESSES	
OCGA (Official Code of Georgia Annotated)	
Definitions and rules of construction	1-2
OFFENSES	
Damage to or interference with public property	10-11
Disorderly conduct	10-3
Effect of repeal of ordinances	1-9(b)
False alarms	10-9
Fire apparatus, obstruction of	10-7
Firearms, discharge of	10-8
General penalties; continuing violations	1-12
Intoxication and intoxicants	
Consumption of intoxicant in public place; possession in open container	10-1
Disorderly conduct	10-3
Public intoxication	10-2
Loitering or prowling	10-4
Malicious mischief	10-10
Municipal court	
Generally	8-1 et seq.
See: MUNICIPAL COURT	
Nuisances	
Generally	9-1 et seq.
See: NUISANCES	
Open containers	
Possession of intoxicants in	10-1
Ordinances not affected by Code	1-7(1)
Penalties for specific acts, omissions, violations, etc. See specific subjects as indexed	
Police	
Construction of	10-5
Public intoxication	10-2
Streets, obstruction of	10-6
OFFICERS AND EMPLOYEES	
Absence without leave	2-134
Accidents	2-128
Administrative policy and procedure	2-122

BOSTON CODE

OFFICERS AND EMPLOYEES—Cont'd.	Section
Alcoholic beverage pouring by the drink establishments	
License requirements, prohibited persons	3-161(b)
Animal control officer	5-11
Application for employment	2-127
Bond.....	2-124
City attorney	
Generally	2-166 et seq.
See: CITY ATTORNEY	
Powers and duties	2-168(3)
City hall, operation of.....	2-122(d)
Code of ethics.....	2-121
Compensation. See herein: Salaries	
Department	
Generally	2-122(c)
Heads.....	2-122(b)
Dismissal	2-135
Educational or training leave.....	2-141
Election officials	6.5-91
Employment.....	2-122(a)
Fire chief.....	2-282
Firefighters	2-283
Grievances	2-129
Holidays	2-138
Joint authority	
Definitions and rules of construction	1-2
Leave of absence.....	2-133
Mayor	
Generally	2-91 et seq.
See: MAYOR AND CITY COUNCIL	
Power, suspended discipline employees	2-93(5)
Mayor pro tempore.....	2-94
Municipal court	
Bailiff.....	8-3
Judges	8-2
Names of officers	
Definitions and rules of construction	1-2
Oath.....	2-123
Ordinances not affected by Code	1-7(4)
Outside employment	2-130
Personnel, employment of	2-126
Personnel oath.....	2-123
Police chief.....	2-312
Police officers.....	2-313
Political activity	2-131
Public works department director	2-252, 2-253
Resignations.....	2-137
Retirement.....	2-136

CODE INDEX

	Section
OFFICERS AND EMPLOYEES—Cont'd.	
Salaries	
City attorney	2-169
Compensation of employees	2-125
Generally	2-125
Ordinances not affected by Code	1-7(4)
Sick leave	2-140
Solid waste	
Administrative officers	11-3
Strikes	2-132
Unsafe buildings and structures	
Enforcement officer	6-78
Vacations	2-139
OPEN AIR GATHERINGS. See: TENT MEETINGS; CARNIVALS; OPEN AIR GATHERINGS	
OPEN CONTAINERS	
Intoxicants, possession in open containers	10-1
OPEN MEETINGS	
Mayor and city council	2-56
OR; AND	
Definitions and rules of construction	1-2
ORDINANCES, RESOLUTIONS, ETC.	
City attorney	
Powers and duties	2-168(2)
City council regulations	2-57(10)
Police chief's duty	2-312(b)(3)
Police officers' duties	2-313(b)
OUTDOOR MERCHANDISE DISPLAYS	
Flea markets	6.2-111 et seq.
See: FLEA MARKETS	
OUTSIDE EMPLOYMENT	
Personnel regulations	2-130
OWNERS	
Business licenses, owner punishable for violations	6.2-18
Definitions and rules of construction	1-2
P	
PARADES AND PROCESSIONS	
Definitions	12-51
Disorderly conduct	10-3(b)(4)
Permits	
Application for	12-53
Exemption	12-56
Generally	12-52
Grant or denial of permit	12-55

BOSTON CODE

PARADES AND PROCESSIONS—Cont'd.	Section
Review of application	12-54
Registration and permit	12-52
PARCELS	
Ad valorem tax sales by parcel	14-73
PARKS AND RECREATION	
Definitions and rules of construction	1-2
Intoxicants, consumption of in public place	10-1
Public intoxication	10-2
Public works director's duties	2-253(3)
Recreation committee	2-344
PARTNERSHIPS	
Alcoholic beverage pouring by the drink establishments	
License requirements, prohibited persons	3-161(b)
Persons; definitions and rules of construction extended and applied to	1-2
PAWNBROKERS	
License	
Fee established	6.2-184
Limitation on issuance	6.2-183
Records	6.2-185
Required	6.2-181
Review of application	6.2-182
Minors	6.2-187
Precious metal and gem dealers	6.2-246 et seq.
See: PRECIOUS METAL AND GEM DEALERS	
Stolen goods	6.2-188
Weapons	6.2-186
PEDDLERS, CANVASSERS AND SOLICITORS	
Auctioneers	6.2-51 et seq.
See: AUCTIONS AND AUCTIONEERS	
Flea markets	
Vendors license requirements	6.2-113
Junk dealers and junkyards	6.2-146 et seq.
See: JUNK DEALERS AND JUNKYARDS	
Pawnbrokers	6.2-181 et seq.
See: PAWNBROKERS	
Precious metal and gem dealers	6.2-246 et seq.
See: PRECIOUS METAL AND GEM DEALERS	
Registration	
Exhibition of registration card	6.2-218
Fees; application for identification card	6.2-217
Required	6.2-216
Unlawful acts	6.2-219
Used car dealers	6.2-326 et seq.
See: USED CAR DEALERS	

CODE INDEX

PENALTIES. See: FINES, FORFEITURES AND OTHER PENALTIES	Section
PENSIONS AND RETIREMENT	
Personnel regulations	2-136
PERFORMANCE BONDS. See: BONDS, SURETY OR PERFORMANCE	
PERMITS. See: LICENSES AND PERMITS	
PERSON	
Definitions and rules of construction	1-2
PERSONAL PROPERTY. See: PROPERTY	
PERSONNEL. See also: OFFICERS AND EMPLOYEES	
Police chief's duty	2-312(b)(8)
PETITIONS	
City clerk/treasurer's duties	2-199(3)
PINBALL MACHINES	
Game rooms	4-26 et seq.
See: GAME ROOMS	
PLANNING AND DEVELOPMENT	
Planning commission	2-341
Public works department	2-251 et seq.
See: PUBLIC WORKS AND IMPROVEMENTS	
Streets	
Standard plan defined	12-26
Subdivisions	
General regulations	13-1 et seq.
See: SUBDIVISIONS	
PLATINUM	
Precious metal and gem dealers	6.2-246 et seq.
See: PRECIOUS METAL AND GEM DEALERS	
PLATS. See: SURVEYS, MAPS AND PLATS	
PLUMBING	
Flow rate restrictions on plumbing fixtures	16-26 et seq.
See: WATER SUPPLY AND DISTRIBUTION	
Plumber contractors	6.2-81
Public works director's duties	2-253(8)
POLICE DEPARTMENT	
Alcoholic beverage sale by the drink outlets license	
Authority of chief of police	3-162(c)
Cars	
Public works director's duties	2-253(5)
Composition	2-311

BOSTON CODE

	Section
POLICE DEPARTMENT—Cont'd.	
Municipal court	
Generally	8-1 et seq.
See: MUNICIPAL COURT	
Obstruction of police	10-5
Police chief	
Appointment and power	2-312(a)
Duties	2-312(b)
Resignation, removal, debt or disability	2-312(c)
Police officers	
Conduct	2-313(c)
Duties	2-313(b)
Qualifications	2-313(b)
Precious metal and gem dealers	
Reports to police	6.2-257
POLITICAL ACTIVITY	
Personnel regulations	2-131
POLLING PLACES. See also: ELECTIONS	
Generally	6.5-93
POOL ROOMS AND BILLIARD PARLORS	
Game rooms	4-26 et seq.
See: GAME ROOMS	
PORT	
Alcoholic beverages	3-1 et seq.
See: ALCOHOLIC BEVERAGES	
POUND	
Animal pound	5-4
POURING	
Alcoholic beverages pouring by the drink requirements....	3-121 et seq.
See: ALCOHOLIC BEVERAGES	
PRECAUTIONS	
Flea markets	6.2-116
PRECEDING; FOLLOWING	
Definitions and rules of construction	1-2
PRECIOUS METALS AND GEM DEALERS	
Applicability of provisions	6.2-247
Bond required	6.2-250
Definition	6.2-246
License	
Application for; oath	6.2-248
Display of; expiration; renewal	6.2-251
Investigation of applicant; issuance; denial of license	6.2-249
Penalty for failure to register and obtain license	6.2-254
Revocation of	
Grounds	6.2-252

CODE INDEX

	Section
PRECIOUS METALS AND GEM DEALERS—Cont'd.	
Procedures	6.2-353
Penalties for violation	6.2-259
Prohibited acts	6.2-255
Records of transactions	6.2-256
Reports to police	6.2-257
Retention period for purchased articles	6.2-258
PREMISES	
Definitions and rules of construction	1-2
PRIVATE CLUBS	
Alcoholic beverages	3-1 et seq.
See: ALCOHOLIC BEVERAGES	
PRIVATE DISPOSAL SITES	
Solid waste regulations	11-18
PRIVILEGES	
Alcoholic beverage pouring by the drink outlet license privilege granted	3-152
PROCEEDINGS. See: SUITS, ACTIONS AND OTHER PROCEEDINGS	
PROCESSES. See: WRITS, WARRANTS AND OTHER PROCESSES	
PROFANITY	
Disorderly conduct	10-3(b)(5)
PROFESSIONS	
Business license requirements	6.2-1 et seq.
See: BUSINESSES	
PROMISES	
Code of ethics	2-121
PROMOTERS	
Flea market promoters	6.2-113
PROPERTY	
Ad valorem taxation	14-66 et seq.
See: TAXATION	
Code of ethics	2-121
Damage to or interference with public property	10-11
Definitions and rules of construction	1-2
Police chief's duty	2-312(b)(2)
Unsafe buildings and structures	
Application to other private property	6-84
PROPRIETOR; KEEPER	
Definitions and rules of construction	1-2

BOSTON CODE

	Section
PROSECUTIONS	
Business licenses	
Defense to prosecution	6.2-20
Effect of repeal of ordinances	1-9(b)
PROSTITUTION	
Alcoholic beverage pouring by the drink outlets prohibited locations	3-161(a)
PROWLING	
Offense regulations	10-4
PUBLIC BUILDINGS, PLACES, ETC.	
Definitions and rules of construction	1-2
Intoxicants, consumption in public place.....	10-1
Public intoxication	10-2
Public works director's duties.....	2-253(3)
PUBLIC HEARINGS. See: HEARINGS	
PUBLIC WAYS. See: STREETS, SIDEWALKS AND OTHER PUBLIC WAYS	
PUBLIC WORKS AND IMPROVEMENTS	
Capital program	2-373
General penalties; continuing violations by work on street.	11-12
Local improvements	
Ordinances not affected by Code	1-7(9)
Nuisances	
Generally	9-1 et seq.
See: NUISANCES	
Public works department	
Appointment of director	2-252
Composition	2-251
Duties of director	2-253
Public works director	
Flood damage prevention duty	7-32
Solid waste management	
General regulations.....	11-1 et seq.
See: SOLID WASTE MANAGEMENT	
Subdivisions	
General regulations.....	13-1 et seq.
See: SUBDIVISIONS	
Required improvements	13-86 et seq.
See: PUBLIC WORKS AND IMPROVEMENTS	
PUNISHMENTS	
Effect of repeal of ordinances	1-9(b)
PURCHASES AND PURCHASING	
Ad valorem tax sale purchases by city.....	14-74
Expenditures	2-372

CODE INDEX

PURCHASES AND PURCHASING—Cont'd.		Section
Finances generally		2-371 et seq.
See: FINANCES		
Public works director's duties		2-253(9)
Q		
QUORUM		
City council		2-57(3)
R		
RABIES CONTROL		
Animals		
Generally		5-1 et seq.
See: ANIMALS AND FOWL		
RAT CONTROL		
Maintenance of premises		
Nuisances, complaints		9-22
REAL ESTATE		
Ad valorem taxation		14-66 et seq.
See: TAXATION		
REAL PROPERTY. See: PROPERTY		
RECORDS AND REPORTS		
Animal impoundment, records of		5-8
Annual audit report		2-374
City attorney		
Powers and duties		2-168(7)
City council		
Reports of committees		2-57(7)
Fire chief's powers and duties		2-282(b)(3), (4)
Flea market		6.2-116
Junk dealers and junkyards		6.2-151
Local government finances report		2-375
Municipal court, record and report of cases		8-5
Pawnbrokers		6.2-185
Police chief's duty		2-312(b)
Precious metal and gem dealers		
Records of transactions		6.2-256
Reports to police		6.2-257
Preservation		
City clerk/treasurer's duties		2-199(9)
Used car dealers' records		6.2-329
RECOUNTS		
General regulations		6.5-97
REDEMPTION		
Ad valorem tax sales, redemption of property sold re		14-75

BOSTON CODE

	Section
REFUSE. See: GARBAGE AND TRASH	
REGISTRATION	
Contractors, registration of	6-2
Electoral registration	6.5-61 et seq.
See: ELECTIONS	
Licenses.....	6.2-11
Peddling, soliciting and canvassing requirements	6.2-216 et seq.
See: PEDDLERS, CANVASSERS AND SOLICITORS	
Precious metal and gem dealers' license registration require- ments	6.2-254
REMOVALS	
Police chief.....	2-312(c)
RESIDENCES	
Alcoholic beverage pouring by the drink outlets prohibited locations	3-161(a)
Flow rate restrictions on plumbing fixtures	16-26 et seq.
See: WATER SUPPLY AND DISTRIBUTION	
RESIDENTS	
Definitions and rules of construction	1-2
RESOLUTIONS. See: ORDINANCES, RESOLUTIONS, ETC.	
RESTRAINT	
Animals.....	5-6
RETAIL SALES	
Alcoholic beverage sale license requirements.....	3-82, 3-83
RETIREMENT. See: PENSIONS AND RETIREMENT	
REVENUES OF CITY. See: FINANCES	
RIGHTS	
Ordinances not affected by Code	1-7
RIGHTS-OF-WAY	
Fire apparatus.....	2-284
Streets	12-29
RIOTS	
Police chief's duty.....	2-312(b)(2)
ROADS. See: STREETS, SIDEWALKS AND OTHER PUBLIC WAYS	
RUBIES	
Precious metal and gem dealers.....	6.2-246 et seq.
See: PRECIOUS METAL AND GEM DEALERS	

CODE INDEX

RUNNING AT LARGE	Section
Animals	
Generally	5-1 et seq.
See: ANIMALS AND FOWL	

S

SAFETY	
Police departments.....	2-311 et seq.
See: POLICE DEPARTMENT	
Unsafe buildings or structures.....	6-76 et seq.
See: BUILDINGS	

SALES

Ad valorem taxation	
Generally	14-73
Time, place and manner of sale re delinquent taxation ..	14-72
Alcoholic beverages	
Distribution and sales.....	3-51 et seq.
See: ALCOHOLIC BEVERAGES	
Pouring and sale by the drink requirements	3-121 et seq.
See: ALCOHOLIC BEVERAGES	
Flea markets	6.2-111 et seq.
See: FLEA MARKETS	

SANITARY DISPOSAL PLAN

Public works director's duties.....	2-253(1)
-------------------------------------	----------

SAVING AND LOAN ASSOCIATIONS. See: FINANCIAL INSTITUTIONS

SCAVENGING

Solid waste regulations.....	11-15
------------------------------	-------

SCHEDULE

Fees and charges	
Definitions and rules of construction	1-2

SCHOOLS

Ad valorem taxation	14-66 et seq.
See: TAXATION	
Alcoholic beverage pouring by the drink outlets prohibited locations	3-161(a)
Definitions and rules of construction	1-2

SCRAP VEHICLES

Junk dealers and junkyards	6.2-146 et seq.
See: JUNK DEALERS AND JUNKYARDS	

SCREENING

Game rooms, view of interior	4-27
------------------------------------	------

SEAL OF CITY. See: CITY SEAL

BOSTON CODE

SECONDHAND GOODS DEALERS	Section
Pawnbrokers	6.2-181 et seq.
See: PAWNBROKERS	
SENTENCES	
Municipal court	
Enforcement of sentences	8-13
Generally	8-11
Police chief's duty.....	2-312(b)(6)
SERVICE CHARGE	
Solid waste.....	11-5
SESSIONS	
Municipal court.....	8-4
SEWERS AND SEWAGE DISPOSAL	
Buildings	
Approval of sewage disposal system	6-5
Damaging or tampering with meter or other equipment; di-	
version of service	16-2
Flow rate restrictions on plumbing fixtures	16-26 et seq.
See: WATER SUPPLY AND DISTRIBUTION	
Incorporation of water and sewer ordinance by reference...	16-1
Nuisances	
Generally	9-1 et seq.
See: NUISANCES	
Public works director's duties.....	2-253(1)
Subdivisions	
Required improvements	13-90
SHEEP	
Animals	
Generally	5-1 et seq.
See: ANIMALS AND FOWL	
SHOWER HEADS	
Flow rate restrictions on plumbing fixtures	16-26 et seq.
See: WATER SUPPLY AND DISTRIBUTION	
SICK LEAVE	
Personnel regulations	2-140
SIDEWALKS. See: STREETS, SIDEWALKS AND OTHER PUBLIC WAYS	
SIGNATURE OR SUBSCRIPTION	
Definitions and rules of construction	1-2
SILVER	
Precious metal and gem dealers.....	6.2-246 et seq.
See: PRECIOUS METAL AND GEM DEALERS	
SIT DOWNS	
Personnel regulations	2-132

CODE INDEX

	Section
SLOW DOWNS	
Personnel regulations	2-132
SOCIETIES	
Persons; definitions and rules of construction extended and applied to	1-2
SOLID WASTE MANAGEMENT	
Additional collections	11-12
Administrative officers	11-3
Appeals	11-4
Burning of wastes	11-16
Collection	
Frequency of collections; holidays	11-9
Generally	11-8
Preparation for	11-7
Construction contractors regulations	6.2-81
Container	11-6
Contract collectors	11-17
Dead animals, collection of	11-10
Definitions	11-1
Holidays	
Collection regulations	11-9
Junk dealers and junkyards	
Generally	6.2-146 et seq.
See: JUNK DEALERS AND JUNKYARDS	
Littering	
Definitions	11-51
Designation of containers for litter; misuse or vitalization of such containers	11-53
Dumping or depositing litter on public or private property	11-52
Penalties	11-55
Prima facie evidence; rebuttal of presumptions	11-54
Nuisances	
Generally	9-1 et seq.
See: NUISANCES	
Penalty for violation of provisions	11-2
Private disposal sites	11-18
Scavenging	11-15
Service charge	11-5
Unauthorized accumulations	11-14
Unlawful deposits	11-13
Wastes not collected by city	11-11
SPECIAL ELECTIONS. See also: ELECTIONS	
Date of	6.5-3(b)
SPEED LIMITS	
Vehicle regulations	15-4
STAGNANT WATER	
Nuisances	
Generally	9-1 et seq.
See: NUISANCES	

BOSTON CODE

STATE	Section
Abandoned vehicles	
Notification to state	15-24
Definitions and rules of construction	1-2
Elections	
Adoption of state laws, rules and regulations	6.5-1
Insurers	
Submission of provisions re license taxes to state.....	14-47
STOLEN GOODS	
Junk dealers and junkyards	6.2-153
Pawnbrokers	6.2-188
STREETS, SIDEWALKS AND OTHER PUBLIC WAYS	
Abandoned vehicles	15-21 et seq.
See: MOTOR VEHICLES AND TRAFFIC	
Alcoholic beverages	3-1 et seq.
See: ALCOHOLIC BEVERAGES	
Buildings, numbering of.....	6-26 et seq.
See: BUILDINGS	
Disorderly conduct.....	10-3
Fire apparatus	
Right-of-way of	2-284
Grades	
Ordinances not affected by Code	1-7(15)
Intoxicant, consumption of in public place	10-1
Littering	11-51 et seq.
See: SOLID WASTE MANAGEMENT	
Motor vehicles and traffic	15-1 et seq.
See: MOTOR VEHICLES AND TRAFFIC	
Nuisances	
Generally	9-1 et seq.
See: NUISANCES	
Obstruction of streets	10-6
Ordinances not affected by Code	1-7(6)
Parades	12-51 et seq.
See: PARADES AND PROCESSIONS	
Public intoxication.....	10-2
Public works department.....	2-251 et seq.
See: PUBLIC WORKS AND IMPROVEMENTS	
Public works director's duties.....	2-253(2)
Solid waste management	
General regulations	11-1 et seq.
See: SOLID WASTE MANAGEMENT	
Streets	
Acceptance by city	12-27
Drainage.....	12-31
Grading and surfacing	12-32
Location and layout.....	12-28
Names of streets.....	12-30
Right-of-way.....	12-29

CODE INDEX

STREETS, SIDEWALKS AND OTHER PUBLIC WAYS— Cont'd.	Section
Standard plan defined	12-26
Surfacing	12-32
Subdivisions	
General regulations	13-1 et seq.
See: SUBDIVISIONS	
Required improvements re streets	13-89
Unsafe buildings or structures	6-76 et seq.
See: BUILDINGS	
Used car dealers	6.2-326 et seq.
See: USED CAR DEALERS	
Work gangs	1-12
 STRIKES	
Personnel regulations	2-132
 SUBDIVISIONS	
Applicability of provisions	13-2
Conflicting provisions	13-4
Definitions	13-5
Drainage	
Required improvements	13-89, 13-90
Final plat	
Application for approval	13-46
Review and approval procedures	13-47
Specifications	13-48
Flood hazard reduction standards for subdivision proposals	7-51(4)
Improvements, required	
Lots	13-88
Monuments and markers	13-87
Responsibility of subdivider	13-86
Streets and drains	13-89
Water and sewerage	13-90
Littering	11-51 et seq.
See: SOLID WASTE MANAGEMENT	
Lots	
Required improvements	13-88
Monuments and markers	
Required improvements	13-87
Nuisances	
Generally	9-1 et seq.
See: NUISANCES	
Plants	
Required	13-6
Plats	
Final plats	13-46 et seq.
See herein: Final Plat	
Ordinances not affected by Code	1-7(11)
Preliminary plat	13-26 et seq.
See herein: Preliminary Plats	

BOSTON CODE

SUBDIVISIONS—Cont'd.	Section
Variances, addendum to plats.....	13-68
Preliminary plats	
Application for approval.....	13-27
Preapplication review.....	13-26
Review and approval procedure.....	13-28
Specifications.....	13-29
Public works department.....	2-251 et seq.
See: PUBLIC WORKS AND IMPROVEMENTS	
Purpose of provisions.....	13-3
Sewage	
Required improvements.....	13-90
Solid waste management	
General regulations.....	11-1 et seq.
See: SOLID WASTE MANAGEMENT	
Streets and sidewalks	
Generally.....	12-1 et seq.
See: STREETS, SIDEWALKS AND OTHER PUBLIC WAYS	
Required improvements.....	13-89
Suitability of land.....	13-7
Title of provisions.....	13-1
Variances	
Addendum to plat.....	13-68
Application.....	13-66
Granting.....	13-67
Water and sewerage	
Required improvements.....	13-90
 SUBPOENAS	
Municipal court.....	8-7, 8-8
Police chief's duty.....	2-312(b)(5)
 SUITS, ACTIONS AND OTHER PROCEEDINGS	
City attorney	
Powers and duties.....	2-168(6)
Effect of repeal of ordinances.....	1-9(b)
 SUMMONSES	
City clerk/treasurer's duties.....	2-199(5)
Municipal court.....	8-6, 8-8
 SUNDAYS	
Pool or billiard tables, use of on Sundays.....	4-30
 SURETY BONDS. See: BONDS, SURETY OR PERFORMANCE	
 SURFACING	
Streets.....	12-32

CODE INDEX

SURVEYS, MAPS AND PLATS	Section
Numbering of buildings	
Official map	6-27
Subdivisions	
Ordinances not affected by Code	1-7(11)
Plat requirements	13-6 et seq.
See: SUBDIVISIONS	
SWEAR OR SWORN. See: OATH, AFFIRMATION, SWEAR OR SWORN	

T

TAMPERING	
Water and sewer meters	16-2
TAXATION	
Ad valorem taxation	
Assessment and fair market value	14-67
City purchases	14-74
Delinquent tax penalty	14-70
Failure to pay tax	14-71
Parcels, sale by	14-73
Rate of levy	14-66
Redemption of property sold for taxes	14-75
Repeal of assessments	14-68
Time, place and manner of sale	14-72
When taxes due and payable	14-69
Alcoholic beverages	
Excise tax	3-54
Finances	
Generally	2-371 et seq.
See: FINANCES	
Financial institutions	
Filing of returns	14-27
License tax imposed	14-26
Insurers	
Due date for license fees and taxes	14-50
Enforcement of provisions; penalty for violations	14-46
Gross premiums tax	14-49
Life insurers, license fee on	14-48
Submission of provisions to state	14-47
Local improvements	
Ordinances not affected by Code	1-7(9)
Ordinances not affected by Code	1-7(14)
TECHNICAL CODES	
Excavation and grading code adopted	6-6
Public works director's duties	2-253(7)
TENANT; OCCUPANT	
Definitions and rules of construction	1-2

BOSTON CODE

TENEMENTS. See: PROPERTY	Section
TENSE; TIME	
Definitions and rules of construction	1-2
TENT MEETINGS; CARNIVALS; OPEN AIR GATHERINGS	
Permit	
Application for.....	6.2-287
Guidelines and conditions for permit; revocation	6.2-288
THOMAS COUNTY. See: COUNTY	
TIME; TENSE	
Computation of time	
Definitions and rules of construction	1-2
Definitions and rules of construction	1-2
TOILETS	
Flow rate restrictions on plumbing fixtures	16-26 et seq.
See: WATER SUPPLY AND DISTRIBUTION	
TOOLS	
Public works director's duties.....	2-253(6)
TRADES	
Business license requirements	6.2-1 et seq.
See: BUSINESSES	
TRAINING	
Personnel regulations re training leave.....	2-141
TREASURER. See: CITY CLERK/TREASURER	
TREES AND SHRUBBERY	
Maintenance of premises	
Nuisances, complaints.....	9-22
TRUCKS	
Public works director's duties.....	2-253(5)
U	
UNSAFE BUILDINGS AND STRUCTURES	
Nuisances	
Defined	9-1(1)
URINALS	
Flow rate restrictions on plumbing fixtures	16-26 et seq.
See: WATER SUPPLY AND DISTRIBUTION	
USED CAR DEALERS	
Exceptions	6.2-331
Inspections	6.2-330
License	
Required; fee	6.2-326
Restriction on issuance.....	6.2-328

CODE INDEX

USED CAR DEALERS—Cont'd.	Section
Review of application	6.2-327
Records	6.2-329
USURY	
Pawnbrokers	6.2-181 et seq.
See: PAWNBROKERS	
UTILITIES	
Buildings	
Prerequisites for furnishing of utilities	6-4
Capital program	2-373
Damaging or tampering with meter or other equipment; di- version of service	
Diversion of service	16-2(b)
Evidence of violation	16-2(d)
Generally	16-2(a)
Penalty for violation	16-2(e)
Unlawful use of service	16-2(c)
Flood hazard reduction standards	7-51(3)
Flow rate restrictions on plumbing fixtures	16-26 et seq.
See: WATER SUPPLY AND DISTRIBUTION	
Littering	11-51 et seq.
See: SOLID WASTE MANAGEMENT	
Public works department	2-251 et seq.
See: PUBLIC WORKS AND IMPROVEMENTS	
Streets and sidewalks	
Generally	12-1 et seq.
See: STREETS, SIDEWALKS AND OTHER PUBLIC WAYS	
Subdivisions	
General regulations	13-1 et seq.
See: SUBDIVISIONS	
Water and sewer ordinance by reference, incorporation of ..	16-1
V	
VACANCIES	
Mayor and city council	2-54
VACATION	
Personnel regulations	2-139
VARIANCES	
Subdivision requirements	13-66 et seq.
See: SUBDIVISIONS	
VEHICLES. See: MOTOR VEHICLES AND TRAFFIC	
VERMIN INFESTATION	
Nuisances	
Defined	9-1(3)

BOSTON CODE

VETERANS	Section
Business licenses, special provisions for disabled veterans..	6.2-17
VIOLENCE	
Disorderly conduct	10-3(b)(1)
VITALIZATION	
Litter containers	11-53
VOTE CHALLENGES	
Electoral qualifications	6.5-63
VOTES AND VOTING	
City council	2-57(4)
Recording votes	2-57(11)
Code of ethics	2-121
Election regulations	6.5-91 et seq.
See: ELECTIONS	
Mayor	2-92(5)

W

WARRANTS. See: WRITS, WARRANTS AND OTHER PROCESSES

WATER CONSERVATION

 Flow rate restrictions on plumbing fixtures 16-26 et seq.
 See: WATER SUPPLY AND DISTRIBUTION

WATER PRESSURE

 Flow rate restrictions on plumbing fixtures 16-26 et seq.
 See: WATER SUPPLY AND DISTRIBUTION

WATER SUPPLY AND DISTRIBUTION

 Buildings

Approval of water disposal system	6-5
Code of ethics	2-121
Damaging or tampering with meter or other equipment; diversion of service	16-2
Flow rate restrictions on plumbing fixtures	
Applicability of provisions	16-29
Certain commercial fixtures or plumbing fixtures prohibited	16-28
Certain residential and plumbing fixtures prohibited	16-27
Definitions	16-26
Enforcement; penalty	16-31
Exemptions	16-30
Incorporation of water ordinance by reference	16-1
Nuisances	
Generally	9-1 et seq.
See: NUISANCES	
Public works director's duties	2-253(1)

CODE INDEX

WATER SUPPLY AND DISTRIBUTION—Cont'd.	Section
Subdivisions	
Required improvements	13-90
WEAPONS. See: FIREARMS AND WEAPONS	
WEEDS AND BRUSH	
Maintenance of premises	
Nuisances, complaints	9-22
WEEK	
Definitions and rules of construction	1-2
WHISKEY	
Alcoholic beverages	3-1 et seq.
See: ALCOHOLIC BEVERAGES	
WHOLESALE	
Alcoholic beverage license requirements	3-84
WINE	
Alcoholic beverages	3-1 et seq.
See: ALCOHOLIC BEVERAGES	
WITNESSES	
Unsafe buildings and dwellings, enforcement officers' powers and duties	6-78(b)(2)
WORK GANGS	
General penalties; continuing violations	1-12
WORK STOPPAGES	
Personnel regulations	2-132
WRITE-IN VOTES	
Election regulations	6.5-94
WRITS, WARRANTS AND OTHER PROCESSES	
City clerk/treasurer's duties	2-199(5)
Personnel regulations	2-128
WRITTEN OR IN WRITING	
Definitions and rules of construction	1-2

Y

YARD SALES	
Flea markets	6.2-111 et seq.
See: FLEA MARKETS	
YEAR	
Definitions and rules of construction	1-2

BOSTON CODE

Z	Section
ZONING	
Alcoholic beverage pouring by the drink outlets prohibited locations	3-161(a)
Appeals	
Zoning board of appeals	2-342
Board of appeals	2-342
City clerk/treasurer's duties	2-199(7)
Littering	11-51 et seq.
See: SOLID WASTE MANAGEMENT	
Nuisances	
Generally	9-1 et seq.
See: NUISANCES	
Ordinances not affected by Code	1-7(10)
Public works department	2-251 et seq.
See: PUBLIC WORKS AND IMPROVEMENTS	
Solid waste management	
General regulations	11-1 et seq.
See: SOLID WASTE MANAGEMENT	
Streets and sidewalks	
Generally	12-1 et seq.
See: STREETS, SIDEWALKS AND OTHER PUBLIC WAYS	
Subdivisions	
General regulations	13-1 et seq.
See: SUBDIVISIONS	

