



City Council Meeting MAY 7, 2018

ALPHARETTA CITY HALL
COUNCIL CHAMBERS
2 PARK PLAZA
6:30 PM

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE TO THE FLAG
- IV. COMMUNITY UPDATES
 - A. The Lionheart School
 - B. Sri Hanuman Mandir
 - C. Citizens Auxiliary Patrol - Ed Hale
- V. PROCLAMATIONS
 - A. Older American's Month
 - B. Building Safety Month
 - C. Lupus Awareness Month
- VI. CONSENT AGENDA
 - A. Financial Management Report: Month Ending March 31, 2018
- VII. OLD BUSINESS
 - A. PH-17-29 Unified Development Code Text Amendments/Heritage Design Areas **(2nd Reading)**
Consideration of text amendments to Unified Development Code, Appendix A: Alpharetta Downtown Code to add Heritage Design Areas, amend streetscape standards, amend the parking requirement for office use and add maximum building footprints in the DT-C and DT-MU zoning districts. A text amendment is proposed to UDC Section 2.5 Parking and Loading to clarify the locational criteria for required parking in 'For-Sale' residential districts.
 - B. PH-18-02 Unified Development Code Text Amendments/Downtown Architecture **(2nd Reading)**
Consideration of text amendments to Unified Development Code, Appendix A: Alpharetta Downtown Code and Alpharetta Downtown Design Guidelines to add four (4) architectural styles.
- VIII. NEW BUSINESS
 - A. Consideration Of Engagement: Comprehensive Analysis Of Public Safety Services
 - B. Request To Submit: Fiscal Year 2018 Assistance To Firefighters Grant Application
 - C. Adopting Ordinance: Code of the City of Alpharetta, Georgia **(1st Reading)**

D. Consideration: Its My Town Mobile App

E. Resolution to Amend the Retiree Health Plan

IX. WORKSHOP

A. Presentation And Discussion: Recommended Fiscal Year 2019 Budget (Operations / Capital)

X. PUBLIC COMMENT

XI. REPORTS

XII. ADJOURNMENT



City Council Meeting STAFF REPORT

Submitting Department: Finance

Submitted By:

Meeting Date: May 7, 2018

I. AGENDA ITEM TITLE: FINANCIAL MANAGEMENT REPORT: MONTH ENDING MARCH 31, 2018

II. RECOMMENDATION:

Approve the Financial Management Reports for the month ending March 31, 2018 (period 9 of Fiscal Year 2018).

III. BUDGET IMPLICATIONS:

BUDGETED ITEM: NO

FISCAL IMPACT: NO

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST:

APPROPRIATIONS:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>

EXTERNAL FUNDING SOURCES:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>

IV. REPORT IN BRIEF:

On a monthly basis, the Finance Department prepares detailed revenue and expenditure statements for all city operating funds (including prior-year comparisons for the General Fund).

In addition, this report includes:

1. Detailed capital project report including life-to-date activity;
2. Payments \$5,000 and greater;
3. Purchase orders with an estimated cost between \$5,000 and \$50,000; and
4. Status of current year bids/RFPs.

V. ALTERNATIVES:

VI. ATTACHMENTS:

Financial Management Report (March 2018)

Financial Management Reports



for the month ending
March 31, 2018
(Period 9 of 12 - unaudited)

Financial Management Reports

Fiscal Year 2018

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2 PARK PLAZA
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TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS
FROM: THOMAS G. HARRIS, FINANCE DIRECTOR *TH*
DATE: MAY 7, 2018
RE: FINANCIAL MANAGEMENT REPORTS AS OF MARCH 31, 2018

The documents contained herein represent the financial management reports for the City of Alpharetta ("city") as of the period ending March 31, 2018.

General Fund

Revenue: The following section pertains to information detailed in the attached Revenue Summary and Collection Comparison report. FY 2018 revenues are budgeted at \$64 million (net of Carryforward Fund Balance totaling \$9 million). As of March 31, 2018, actual revenue collections total 83% or \$53 million.

Early collection trends indicate a net gain over budget of \$513,180 with the detail as follows:

• Building Permit Fees:	\$ 650,000
• Insurance Premium Taxes:	120,476
• Property Taxes (delinquent):	178,609
• Local Option Sales Tax:	150,000
• Motor Vehicle Title Fees:	75,000
• Business and Occupational Taxes:	75,000
• Franchise Taxes:	(570,843)
• Municipal Court Fines:	(350,000)
• Other:	<u>184,938</u>
Estimated Gain:	\$ 513,180

The FY 2018 budget for current year property taxes (non-motor vehicles) totals \$21.2 million and is based on a billable digest of \$4.6 billion (net of all exemptions/motor vehicle values). This figure was calculated in April/May 2017 based on staff forecasts of property values (including new construction estimates).

The actual digest for FY 2018, as provided by the Fulton County Board of Assessors ("Board of Assessors"), currently totals \$4.5 billion. This figure

MAYOR PRO TEM
DONALD F. MITCHELL

COUNCIL MEMBERS
JASON BINDER
BEN BURNETT
DAN MERKEL

CITY ADMINISTRATOR
ROBERT J. REGUS

is net of all exemptions/motor vehicle values and assumes a 13% write-down of appealed property values.

As detailed in the chart below, property tax collections at an estimated write-down trend of 13% are tracking in-line with the budget estimate.

General Fund			
	FY 2018 Budget	FY 2018 Estimate	Variance
Digest	4.57 billion	4.53 billion	(47 million)
Est. Revenue at:			
97% Budgeted Collection Rate	✓		
99% Historical Collection Rate		✓	
Property Tax Collections	\$21.2 million	\$21.2 million*	\$ (2,000)
* Based on assessment (including appeals) write-down estimate of 13%.			

Building Permit Fee collections is trailing FY 2017 collection activity but still outpacing the conservative FY 2018 budget estimate. Collections are conservatively estimated to total \$2.2 million by year-end (\$2.8 million was collected in FY 2017) which is \$650,000 greater than budget. Building permit fee collections are variable but will likely exceed the estimate for FY 2018 and will be adjusted accordingly in future reports. Growth is being driven through an increase in the underlying number/value of permits.

Insurance Premium Tax collections total \$3.8 million in FY 2018 and represent a 6% increase over FY 2017 collections of \$3.6 million.

Local Option Sales Tax collections is trending 4% higher than FY 2017 and is estimated to total \$15.4 million by year-end (\$14.9 million was collected in FY 2017) which is \$150,000 greater than budget.

Motor Vehicle Title Tax (TAVT) collections is trending 6% higher than FY 2017 (\$854,978 was collected in FY 2017) and is estimated to total \$850,000 by year-end (non-standard revenue collection as it is dependent upon vehicle sales) which is \$75,000 greater than budget. Main driver includes a revision in the TAVT formula that increases the local share from 41% to 45% pursuant to the underlying legislation in addition to vehicle sale activity.

Business and Occupational tax collections is trending -6% lower than FY 2017 and is estimated to total \$1.1 million by year-end (\$1.1 million was collected in FY 2017) which is \$75,000 greater than budget. The collections forecast will likely change over the next month due to payment timing (taxes carry a February due date with a one month grace period).

Franchise Tax collections are trending lower than FY 2017 and are estimated to total \$6.1 million by year-end (\$6.4 million was collected in FY 2017) which is \$570,843 less than budget. The primary driver of this revenue variance is electricity franchise taxes which totaled \$4.5 million and is down -4% from FY 2017. The large \$ variance is driven through the electricity franchise tax decline which Georgia Power contributes to weather patterns (e.g. cool summers negating the need for as much air conditioning). Georgia Power electricity franchise taxes for FY 2018 represent the lowest collection total in over 9 years.

Municipal Court Fine collections is trending -21% lower than FY 2017 and is estimated to total \$1.9 million by year-end (\$2.2 million was collected in FY 2017) which is -\$350,000 less than budget. Factors for the decline include a combination of reduced tickets/citations and law changes that reduce collectability of court fines. Court Fine revenue is on pace to approximate the lowest collection total in over a decade.

The Finance Department will continue to monitor revenue collections and report on potential budget impacts in future financial management reports.

Expenditures: The following section pertains to information detailed in the attached Expenditure Summary by Department (expenditure rollup by department) and Expenditure Summary by Category (expenditure rollup by account) reports.

As of March 31, 2018, city departments (not including General Government¹) have encumbered and expensed 73%, or \$42 million, of their FY 2018 budget appropriations.

Contingency: The General Fund contingency balance totals \$630,495.

Special Revenue Funds (large funds only)

The following section references information included within the attached GAAP Financial Statements.

Hotel/Motel Fund: FY 2018 revenues are budgeted at \$7.3 million (net of carryforward fund balance totaling \$1.5 million) with budgeted disbursements as follows: Alpharetta Convention & Visitor's Bureau (43.75% or \$3.2 million); Facilities (18.75% or \$779,963 for debt service on the Series 2016 Convention Center Bonds, \$550,000 for the Alpharetta Arts Center, and \$34,674 in non-allocated); and the city (37.5% or \$2.7 million). Debt Service Reserve funding (Convention Center Bonds) from the Facilities portion of the tax totals \$1.5 million (funded in prior years and represents the carryforward fund balance figure referenced above).

As of March 31, 2018, the city has collected 65% or \$4.7 million (eight months of collections). All collections have been distributed to the participating entities based on their proportionate share.

E-911 Fund: FY 2018 revenues are budgeted at \$3.9 million (net of carryforward fund balance totaling \$1 million for capital initiatives and reserve balances in excess of the 21% Emergency Reserve target). As of March 31, 2018 (eight months of collections), the city has collected 65% or \$2.9 million.

Expenditures/encumbrances during the same time period total \$4.4 million and represent general operations, blanket purchase orders that will sustain operations/capital initiatives throughout the year, and one-time capital initiatives. There are no budget variances anticipated at this time.

¹ General Government is utilized to account for non-operating transactions such as transfers-out to other city funds, contingency, etc.

Debt Service Fund

The following section pertains to information detailed within the attached GAAP Financial Statements.

FY 2018 revenues are budgeted at \$5.2 million (net of carryforward fund balance totaling \$1.2 million). As of March 31, 2018, actual revenue totaled 99% of budget or \$5.1 million.

The FY 2018 budget for current year property taxes (non-motor vehicles) totals \$5.1 million and is based on a billable digest of \$5.06 billion (net of all exemptions/motor vehicle values). This figure was calculated in April/May 2017 based on staff forecasts of property values (including new construction estimates).

The actual digest for FY 2018, as provided by the Fulton County Board of Assessors ("Board of Assessors:"), currently totals \$5 billion. This figure is net of all exemptions/motor vehicle values and assumes a 13% write-down of appealed property values.

As detailed in the chart below, property tax collections at an estimated write-down trend of 13% are tracking in-line with the budget estimate.

Debt Service Fund			
	FY 2018 Budget	FY 2018 Estimate	Variance
Digest	5.06 billion	5.0 billion	(64 million)
Est. Revenue at:			
97% Budgeted Collection Rate	✓		
99% Historical Collection Rate		✓	
Property Tax Collections	\$5.1 million	\$5.1 million*	\$ (13,000)
* Based on assessment (including appeals) write-down estimate of 13%.			

Grant Funds

The following section references information included within the attached Grant Funds Detail Reports.

Operating Grant Fund (Fund 220): Available funding totals \$98,522 and represents unencumbered/ unspent project appropriations of \$78,545 and a non-allocated reserve for future projects (grant matches) of \$19,977.

Capital Grants Fund (Fund 340): Available funding totals \$235,221 and represents unencumbered/ unspent capital project appropriations of \$59,133 and a non-allocated reserve for future capital projects (grant matches) of \$176,088.

Capital Project Funds

The following section references information included within the attached Capital Project Funds Detail Reports.

General Capital Project Fund (Fund 301): Available city funding totals \$10.6 million and represents unencumbered/unspent capital project appropriations of \$7.7 million and a non-allocated reserve for future capital projects of \$2.9 million.

Available ABC (Alpharetta Business Community) funding totals \$58,959 and represents unencumbered/unspent capital project appropriations (sidewalk connectivity).

Stormwater Capital Fund (Fund 302): Available funding totals \$577,882 and represents unencumbered/ unspent capital project appropriations.

Conference Center Bond Fund (Fund 316): This fund accounts for proceeds of the Development Authority of Alpharetta Revenue Bonds, Series 2016 (Alpharetta Conference Center Project). Design and construction related phases are fully encumbered and the bond issuance costs have been spent.

Parks and Transportation Bond Fund (Fund 317): This fund accounts for proceeds of the voter approved General Obligation Bonds, Series 2016. Available funding totals \$25.2 million and represents unencumbered/unspent capital project appropriations.

TSPLOST Capital Project Fund (Fund 335): This fund accounts for collections under the Transportation Special Local Option Sales Tax (TSPLOST) that went into effect on April 1, 2017. Available funding totals \$12.9 million.

State estimates for Alpharetta TSPLOST collections totaled \$13 million annually (\$63 million over 5-years). Actual revenue trends are approaching \$850,000 monthly with an annualized total closer to \$10/11 million.

As the tax is still new, education along with collection enforcement is still being implemented which should increase the revenue trend in future months as will the holiday season. Capital programming for FY 2019 will be reflective of the updated TSPLOST revenue trends.

Enterprise Fund

The following section pertains to information detailed within the attached GAAP Financial Statements.

Solid Waste Fund: FY 2018 revenues are currently budgeted at \$3.6 million (net of carryforward fund balance totaling \$433,246 constituting reserve balances in excess of the 21% Emergency Reserve target). As of March 31, 2018, the city has collected \$3.8 million, which represents the 1st – 4th quarter billings and associated investment earnings. Expenditures/ encumbrances during the same time period total \$3.3 million and represent general operations and blanket purchase orders (e.g. sanitation hauler) that will sustain operations throughout the year. There are no budget variances anticipated at this time.

Glass recycling services began in early December. The cost of this service, in addition to the approved 3% CPI contract growth, totals \$576,000 annually with \$336,000 occurring in FY 2018 (partial year). The new rates went into effect on January 1, 2018 and were billed in December (billing done in advance for the quarter of January-March 2018).

Other Items

Council Member Stipend Activity Listing: The FY 2018 budget includes appropriations of \$9,000 for the Mayor and \$5,000 for each City Council Post and the available balances as of March 31, 2018 are as follows:

	Budget	Expenditures (year-to-date)	Available Balance
Mayor: vacant*	\$ 9,000	\$ 3,094	\$ 5,906
Post #1: Donald Mitchell (Mayor Pro-Tem)	\$ 5,000	\$ 2,648	\$ 2,352
Post #2: Ben Burnett**	\$ 5,000	\$ 1,395	\$ 3,605
Post #3: vacant*	\$ 5,000	\$ 357	\$ 4,643
Post #4: vacant*	\$ 5,000	\$ 1,044	\$ 3,956
Post #5: Jason Binder	\$ 5,000	\$ 1,226	\$ 3,774
Post #6: Dan Merkel	\$ 5,000	\$ 1,168	\$ 3,832

** The incumbents resigned their posts effective 2/21/2018 to pursue other opportunities including Georgia Secretary of State (Mayor - David Belle Isle) and Alpharetta Mayor (City Council Post #3 - Chris Owens and City Council Post #4 - Jim Gilvin). ** This chart provides expenditure activity by Mayor/Council Post and includes multiple incumbents for Post #2.*

Development Authority² (Component Reporting Unit)

The following section pertains to information detailed within the attached Alpharetta Development Authority Financial Statements.

As of March 31, 2018, the Development Authority has \$73,800 in available resources to support its main functions of promoting the public good and general welfare, trade, commerce, industry, general tax base and the employment opportunities available in the city.

Other reports included with this packet are as follows:

- Listing of Payments \$5,000 and greater;
- Listing of PO's between \$5,000 and \$50,000; and
- Bid/RFP Status

² The Development Authority is a public corporation created and existing under the Constitution and laws of the State of Georgia and is governed by seven directors duly appointed by the Alpharetta City Council.



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GENERAL FUND

Revenue Report



CITY OF ALPHARETTA
Financial Management Reports
General Fund (Unaudited)
Revenue Summary and Collection Comparison
For the month ended March 31, 2018

	Current Fiscal Year					Prior Fiscal Year		
	2018 Budget	2018 YTD	% Collected	2018 Estimated	Variance	2017 Actual	2017 YTD	% Collected
Top 10 Revenues:								
Property Taxes								
Current Year	\$ 21,160,000	\$ 20,667,552	97.7%	\$ 21,160,000	\$ -	\$ 19,779,392	\$ 19,431,604	98.2%
Delinquent	239,000	325,962	136.4%	417,609	178,609	818,821	256,284	31.3%
Motor Vehicle Tax	180,000	128,532	71.4%	180,000	-	243,436	176,385	72.5%
Motor Vehicle Title Fee	775,000	582,187	75.1%	850,000	75,000	854,978	550,979	64.4%
Local Option Sales Tax	15,200,000	10,486,302	69.0%	15,350,000	150,000	14,943,853	10,105,501	67.6%
Franchise Tax	6,640,000	5,519,758	83.1%	6,069,157	(570,843)	6,357,342	5,627,373	88.5%
Insurance Premium Tax	3,693,320	3,813,796	103.3%	3,813,796	120,476	3,588,813	3,588,813	100.0%
Alcohol Beverage Excise Tax	2,100,000	1,420,828	67.7%	2,100,000	-	2,113,121	1,359,673	64.3%
Building Permit Fees	1,550,000	1,578,224	101.8%	2,200,000	650,000	2,750,273	1,767,272	64.3%
Business and Occupational Tax	1,025,000	990,646	96.6%	1,100,000	75,000	1,136,506	1,057,300	93.0%
Municipal Court Fines	2,200,000	1,405,418	63.9%	1,850,000	(350,000)	2,225,129	1,787,873	80.3%
Recreation/Special Event Fees	2,642,558	1,621,750	61.4%	2,666,805	24,247	2,512,745	1,975,184	78.6%
Hotel/Motel Tax (City portion)	2,718,750	1,772,371	65.2%	2,775,000	56,250	2,661,700	1,702,038	63.9%
subtotal	\$ 60,123,628	\$ 50,313,326	83.7%	\$ 60,532,368	\$ 408,740	\$ 59,986,109	\$ 49,386,278	82.3%
Other Revenues	4,148,908	3,167,142	76.3%	4,253,349	104,441	5,067,067	3,788,291	74.8%
Total Revenues	\$ 64,272,536	\$ 53,480,468	83.2%	\$ 64,785,716	\$ 513,180	\$ 65,053,175	\$ 53,174,569	81.7%
Carryforward Fund Balance	8,860,286							



GENERAL FUND

Expenditure Reports



CITY OF ALPHARETTA
 Financial Management Reports
 General Fund (unaudited)
Expenditure Summary by Department
 For the month ended March 31, 2018

	Current Fiscal Year						Prior Fiscal Year		
	2018 Budget	2018 Encumbrances	2018 Exp. (YTD)	Funds Available	% Enc./Exp.	% Exp.	2017 Exp. (Total)	2017 Exp. (YTD)	% Exp.
Expenditures by Department:									
Mayor & Council	\$ 364,488	\$ 312	\$ 229,570	\$ 134,606	63.1%	63.0%	\$ 319,279	\$ 231,613	72.5%
City Administration	2,266,016	48,395	1,630,739	586,882	74.1%	72.0%	1,980,803	1,424,642	71.9%
Finance	3,347,009	60,787	2,580,589	705,634	78.9%	77.1%	3,105,132	2,409,364	77.6%
City Attorney	665,000	-	289,647	375,353	43.6%	43.6%	650,104	308,787	47.5%
Information Technology	1,681,857	7,875	1,214,570	459,412	72.7%	72.2%	1,546,560	1,157,767	74.9%
Human Resources	415,782	9,400	255,675	150,707	63.8%	61.5%	368,722	261,245	70.9%
Municipal Court	1,126,546	79,580	729,584	317,382	71.8%	64.8%	953,791	694,066	72.8%
Public Safety	27,260,508	402,705	19,851,327	7,006,477	74.3%	72.8%	25,001,343	18,877,353	75.5%
Public Works	8,377,022	330,053	5,581,263	2,465,706	70.6%	66.6%	7,335,950	5,279,392	72.0%
Recreation, Parks & Cultural Svcs	9,102,275	622,757	5,930,697	2,548,821	72.0%	65.2%	8,353,856	5,819,507	69.7%
Community Development	2,857,116	33,477	2,085,116	738,524	74.2%	73.0%	2,631,318	1,944,196	73.9%
subtotal	\$ 57,463,619	\$ 1,595,339	\$ 40,378,775	\$ 15,489,504	73.0%	70.3%	\$ 52,246,857	\$ 38,407,931	73.5%
General Government:									
Non-Departmental	\$ 45,000	\$ -	\$ 10,000	\$ 35,000	22.2%	22.2%	\$ 45,000	\$ 10,000	22.2%
Insurance Premiums (Risk)	665,000	-	498,750	166,250	75.0%	75.0%	640,000	480,000	75.0%
Gwinnett Tech Bond P&I	286,840	-	55,920	230,920	19.5%	19.5%	286,940	58,470	20.4%
Transfer(s) to other Funds	14,022,363	-	10,516,772	3,505,591	75.0%	75.0%	10,549,857	7,912,393	75.0%
Contingency	650,000	-	19,505	630,495	3.0%	3.0%	114,541	76,184	66.5%
subtotal	\$ 15,669,203	\$ -	\$ 11,100,947	\$ 4,568,256	70.8%	70.8%	\$ 11,636,338	\$ 8,537,047	73.4%
Total Expenditures	\$ 73,132,822	\$ 1,595,339	\$ 51,479,723	\$ 20,057,760	72.6%	70.4%	\$ 63,883,195	\$ 46,944,978	73.5%



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CITY OF ALPHARETTA
Financial Management Reports
General Fund (unaudited)
Expenditure Summary by Category
For the month ended March 31, 2018

	Current Fiscal Year						Prior Fiscal Year		
	2018 Budget	2018 Encumbrances	2018 Exp. (YTD)	Funds Available	% Enc./Exp.	% Exp.	2017 Exp. (Total)	2017 Exp. (YTD)	% Exp.
Expenditures by Category:									
Salaries & Benefits:									
(1) Regular Salaries	\$ 25,796,196	\$ -	\$ 18,024,944	\$ 7,771,252	69.9%	69.9%	\$ 24,080,656	\$ 17,588,660	73.0%
Overtime	1,134,001	-	1,055,203	78,798	93.1%	93.1%	1,201,783	793,131	66.0%
Group Insurance	8,002,164	-	5,382,754	2,619,410	67.3%	67.3%	6,775,307	5,141,195	75.9%
FICA and Social Security	2,055,127	-	1,379,837	675,290	67.1%	67.1%	1,822,381	1,320,250	72.4%
Defined Benefit Pension	2,500,954	-	2,500,954	-	100.0%	100.0%	2,387,665	2,387,665	100.0%
401(A) Retirement/Match	1,688,463	-	1,338,707	349,756	79.3%	79.3%	1,577,717	1,195,771	75.8%
(2) Other	789,101	-	572,198	216,903	72.5%	72.5%	776,908	576,984	74.3%
subtotal	\$ 41,966,006	\$ -	\$ 30,254,597	\$ 11,711,409	72.1%	72.1%	\$ 38,622,417	\$ 29,003,656	75.1%
Maintenance & Operations:									
Professional Services	\$ 2,758,796	\$ 507,134	\$ 1,698,951	\$ 552,711	80.0%	61.6%	\$ 2,327,555	\$ 1,519,918	65.3%
Legal Services	665,000	-	289,647	375,353	43.6%	43.6%	650,104	308,787	47.5%
Vehicle Fuel/Maintenance	981,024	788	655,537	324,700	66.9%	66.8%	867,252	618,594	71.3%
Maintenance Contracts	2,174,992	568,978	1,380,583	225,432	89.6%	63.5%	1,693,598	1,092,522	64.5%
IT Professional Services	1,450,777	179,706	1,186,180	84,891	94.1%	81.8%	1,306,515	1,109,816	84.9%
General Supplies	1,014,810	59,466	681,828	273,516	73.0%	67.2%	917,204	622,094	67.8%
Utilities	2,604,475	-	1,594,444	1,010,031	61.2%	61.2%	2,348,611	1,584,177	67.5%
Other	2,994,571	261,425	1,858,587	874,559	70.8%	62.1%	2,737,714	1,833,805	67.0%
subtotal	\$ 14,644,445	\$ 1,577,496	\$ 9,345,756	\$ 3,721,193	74.6%	63.8%	\$ 12,848,554	\$ 8,689,713	67.6%
Capital:									
OSSI/Fire Truck Leases	\$ 578,669	\$ -	\$ 578,654	\$ 15	100.0%	100.0%	\$ 522,971	\$ 522,971	100.0%
Software Leases	187,526	-	180,944	6,582	96.5%	96.5%	192,147	185,568	96.6%
Other	86,973	17,843	18,824	50,306	42.2%	21.6%	60,768	6,023	9.9%
subtotal	\$ 853,168	\$ 17,843	\$ 778,423	\$ 56,902	93.3%	91.2%	\$ 775,885	\$ 714,561	92.1%
General Government:									
Non-Departmental	\$ 45,000	\$ -	\$ 10,000	\$ 35,000	22.2%	22.2%	\$ 45,000	\$ 10,000	22.2%
Insurance Premiums (Risk)	665,000	-	498,750	166,250	75.0%	75.0%	640,000	480,000	75.0%
Gwinnett Tech Bond P&I	286,840	-	55,920	230,920	19.5%	19.5%	286,940	58,470	20.4%
Transfer(s) to other Funds	14,022,363	-	10,516,772	3,505,591	75.0%	75.0%	10,549,857	7,912,393	75.0%
Contingency	650,000	-	19,505	630,495	3.0%	3.0%	114,541	76,184	66.5%
subtotal	\$ 15,669,203	\$ -	\$ 11,100,947	\$ 4,568,256	70.8%	70.8%	\$ 11,636,338	\$ 8,537,047	73.4%
Total Expenditures	\$ 73,132,822	\$ 1,595,339	\$ 51,479,723	\$ 20,057,760	72.6%	70.4%	\$ 63,883,195	\$ 46,944,978	73.5%

Notes:

- (1) Includes the following components: regular salaries, holiday leave, temporary and seasonal salaries, and separation payout.
(2) Includes the following components: workers compensation, educational programs, automobile allowance, tuition reimbursement, and employee service awards.



GRANT FUNDS

Revenue & Expenditure Reports



CITY OF ALPHARETTA
 Financial Management Reports
 Grant Funds
Operating Grant Fund Detail (Fund 220; life-to-date for active projects)
 As of March 31, 2018

			Project Snapshot		FY 2018					
			Total Project Authorization	Prior Year Collections/ Expenditures	Carryforward Budget	FY 2018 Appropriations	Total Budget	Collections/ Expenditures	Encumbrances	Remaining
Account #	Project									
Revenues										
Public Safety										
22031150-371000-	G1407	BAC Pedal Car Walmart 2013	\$ 2,500	\$ 2,500	\$ -	\$ -	\$ -	\$ -		\$ -
22031150-331110-	C1617	2015 Bulletproof Vest Grant (DOJ)	34,201	12,793	21,408	-	21,408	14,785		6,623
22031150-331110	C1730	2017 Bulletproof Vest Grant	13,178	-	-	13,178	13,178	-		13,178
22031150-331150-	G1701	2017 Bicycle Safety Grant (GOHS)	25,396	22,585	2,811	-	2,811	1,719		1,092
22031150-331110-	G1702	2017 Electronic Crime Taskforce	7,000	-	7,000	-	7,000	7,000		-
		subtotal			\$ 31,219	\$ 13,178	\$ 44,397	\$ 23,504		\$ 20,893
Recreation and Parks										
22061150-371000-	G1105	Camp Happy Hearts	\$ 30,345	\$ 30,345	\$ -	\$ -	\$ -	\$ -		\$ -
22061150-336000	C1815	2017 Camp Happy Hearts	14,550	-	14,550	-	14,550	14,550		-
		subtotal			\$ 14,550	\$ -	\$ 14,550	\$ 14,550		\$ -
General Government										
22090200-391100		Transfer-In from the General Fund (Match)			\$ -	20,000	\$ 20,000	\$ 15,000		\$ 5,000
22090200-361000		Interest Earnings			-	-	-	362		(362)
22090200-395000		Carryforward Fund Balance			48,544	-	48,544	-		48,544
		subtotal			\$ 48,544	\$ 20,000	\$ 68,544	\$ 15,362		\$ 53,182
		Total			\$ 94,313	\$ 33,178	\$ 127,491	\$ 53,415		\$ 74,076



CITY OF ALPHARETTA
 Financial Management Reports
 Grant Funds
Operating Grant Fund Detail (Fund 220; life-to-date for active projects)
 As of March 31, 2018

				Project Snapshot		FY 2018						
				Total Project Authorization	Prior Year Collections/ Expenditures	Carryforward Budget	FY 2018 Appropriations	Total Budget	Collections/ Expenditures	Encumbrances	Remaining	
Account #	Project											
Expenditures												
Public Safety												
22031150-531600-	G1407	BAC Pedal Car Walmart 2013		\$ 2,500	\$ 687	\$ 1,813	\$ -	\$ 1,813	\$ -	\$ -	\$ 1,813	
22031150-542100	C1617	2015 Bulletproof Vest Grant (DOJ)		68,400	36,796	31,604	-	31,604	27,800	-	3,804	
22031150-542100	C1730	2017 Bulletproof Vest Grant		26,356	-	-	26,356	26,356	-	-	26,356	
22031150-523500	G1701	2017 Bicycle Safety Grant (GOHS)		2,270	1,775	495	-	495	495	-	-	
22031150-523700	G1701	2017 Bicycle Safety Grant (GOHS)		3,150	1,500	1,650	-	1,650	674	-	976	
22031150-531100	G1701	2017 Bicycle Safety Grant (GOHS)		2,551	2,500	51	-	51	-	-	51	
22031150-531600	G1701	2017 Bicycle Safety Grant (GOHS)		2,001	1,935	66	-	66	-	-	66	
22031150-531600	G1702	2017 Electronic Task Force		7,000	7,000	-	-	-	-	-	-	
subtotal						\$ 35,679	\$ 26,356	\$ 62,035	\$ 28,969	\$ -	\$ 33,066	
Recreation and Parks												
22061150-531100-	G1105	Camp Happy Hearts		\$ 38,351	\$ 13,299	\$ 25,052	\$ -	\$ 25,052	\$ -	\$ -	\$ 25,052	
22061150-521200-	G1401	Fresh Grant Special Needs		14,349	8,472	5,877	-	5,877	-	-	5,877	
22061150-531100	C1815	2017 Camp Happy Hearts		14,550	-	14,550	-	14,550	-	-	14,550	
subtotal						\$ 45,479	\$ -	\$ 45,479	\$ -	\$ -	\$ 45,479	
Non-Allocated												
(1) 22090200-579000		Reserve for City Grant Matches				\$ 13,155	\$ 6,822	\$ 19,977	\$ -	\$ -	\$ 19,977	
subtotal						\$ 13,155	\$ 6,822	\$ 19,977	\$ -	\$ -	\$ 19,977	
Total						\$ 94,313	\$ 33,178	\$ 127,491	\$ 28,969	\$ -	\$ 98,522	

Notes:

(1) Represents funding available for City matches to City Council approved Grants.



CITY OF ALPHARETTA
 Financial Management Reports
 Grant Funds
Capital Grant Fund Detail (Fund 340; life-to-date for active projects)
 As of March 31, 2018

			Project Snapshot		FY 2018					
			Total Project Authorization	Prior Year Collections/ Expenditures	Carryforward Budget	FY 2018 Appropriations	Total Budget	Collections/ Expenditures	Encumbrances	Remaining
Account #	Project									
Revenue										
Public Works										
34041100-331350-	C0005	Encore Pkwy Greenway Connection (TE Grant)	\$ 780,795	\$ 595,313	\$ 185,482	\$ -	\$ 185,482	\$ 100,838		\$ 84,644
34041100-331351-	C0005	Encore Pkwy Greenway Connection (GDOT)	7,600,000	6,717,930	882,070	-	882,070	569,779		312,291
34041100-336001-	C0005	Encore Pkwy Greenway Connection (NFCID SRTA)	1,000,000	1,000,000	-	-	-	-		-
34041100-336002-	C0005	Encore Pkwy Greenway Connection (NFCID)	3,262,758	2,578,434	684,324	-	684,324	125,155		559,169
34041100-334310-	C1219	Milling & Resurfacing (LMIG)	2,769,200	2,177,630	-	591,570	591,570	591,570		0
34090200-371000-	G1109	Encore Pkwy Improvements (Cousins Properties)	54,469	54,469	-	-	-	-		-
34041100-334310-	C1620	Northwinds Parkway	1,869,353	1,869,353	-	-	-	-		-
		subtotal			\$ 1,751,876	\$ 591,570	\$ 2,343,446	\$ 1,387,342		\$ 956,104
Community Development										
34074150-334310	C1816	ARC Northpoint LCI Update	\$ 100,000	\$ 3,573	\$ -	\$ 96,427	\$ 96,427	\$ 96,427		\$ (0)
		subtotal			\$ -	\$ 96,427	\$ 96,427	\$ 96,427		\$ (0)
General Government										
34090200-391100		Transfer-In from the General Fund (Match)			\$ -	\$ -	\$ -	\$ -		\$ -
34090200-361000		Interest Earnings			-	-	-	(1,682)		1,682
34090200-395000		Carryforward Fund Balance			(197,468)	-	(197,468)	-		(197,468)
		subtotal			\$ (197,468)	\$ -	\$ (197,468)	\$ (1,682)		\$ (195,786)
		Total			\$ 1,554,408	\$ 687,997	\$ 2,242,405	\$ 1,482,087		\$ 760,318
Expenditures										
Public Works										
34041100-541410-	C0005	Encore Parkway Greenway Connection	\$ 12,643,552	\$ 11,347,561	\$ 1,295,991	\$ -	\$ 1,295,991	\$ 479,171	\$ 815,909	\$ 911
34041100-541410-	C1219	Milling & Resurfacing (LMIG)	2,769,200	2,177,630		591,570	591,570	591,570	-	0
34041100-541410-	C1620	Northwinds Parkway	2,119,354	2,115,601	3,753	-	3,753	-	-	3,753
34041100-541410-	G1109	Encore Pkwy Improvements (LCI Grant)	54,469	-	54,469	-	54,469	-	-	54,469
		subtotal			\$ 1,354,213	\$ 591,570	\$ 1,945,783	\$ 1,070,741	\$ 815,909	\$ 59,133
Community Development										
34074150-521200	C1816	ARC Northpoint LCI Update	\$ 125,000	\$ 4,466	\$ -	\$ 120,534	\$ 120,534	\$ 120,534	\$ -	-
		subtotal			\$ -	\$ 120,534	\$ 120,534	\$ 120,534	\$ -	\$ -
Non-Allocated										
(1) 34090200-579000		Reserve for City Grant Matches			\$ 200,195	\$ (24,107)	\$ 176,088	\$ -	\$ -	\$ 176,088
		subtotal			\$ 200,195	\$ (24,107)	\$ 176,088	\$ -	\$ -	\$ 176,088
		Total			\$ 1,554,408	\$ 687,997	\$ 2,242,405	\$ 1,191,275	\$ 815,909	\$ 235,221

Notes:

(1) Represents funding available for City matches to City Council approved Grants.



CAPITAL PROJECT FUNDS

Revenue & Expenditure Reports



CITY OF ALPHARETTA
 Financial Management Reports
 Capital Project Funds
General Capital Project Fund Detail (Fund 301; life-to-date for active projects)
 As of March 31, 2018

Account #Project		Project Snapshot		FY 2018					Funds Available
		Total Project Authorization	Prior Year Actuals	Carryforward Budget	FY 2018 Appropriations	Total Budget	Collections / Expenditures	Encumbrances	
Revenue									
30113230-336000	C1538 Arts Center Study (ACVB)	\$ 25,894	\$ 23,144	\$ 2,750	\$ -	\$ 2,750	\$ 2,750		\$ -
30141100-336000	C0005 Fulton-Encore (Fulton County Waterline)	600,734	519,567	81,167	-	81,167	-		81,167
30141100-336000	C1410 Rucker Rd Waterline	1,782,350	-	1,782,350	-	1,782,350	-		1,782,350
30141100-371000	C1712 Alphaloop (Avalon)	1,000,000	-	1,000,000	-	1,000,000	-		1,000,000
30141100-371001	C1712 Alphaloop (CID)	250,000	-	-	250,000	250,000	-		250,000
30141100-336000	C1808 City Center Sidewalks (Dev Auth)	45,312	-	-	45,312	45,312	45,312		-
30141100-371000	C1808 City Center Utilities	100,000	-	-	100,000	100,000	100,000		-
30161150-371000	C1225 Scoreboards (AYBA/Coke)	24,940	-	-	24,940	24,940	10,000		14,940
30174150-337000	C0910 Tree Bank Contribution	255,200	-	-	255,200	255,200	255,200		-
30176100-371000	C0005 Encore Parkway Sidewalk (ABC)	1,705,000	1,330,295	374,705		374,705	269,212		105,493
30176100-371000	C1442 Main St. Improvements (ABC)	1,812,724	1,774,772	37,952		37,952	-		37,952
30176100-371000	C1712 Alphaloop (ABC)	388,770	40,741	348,029		348,029	165,561		182,468
	subtotal			\$ 3,626,953	\$ 675,452	\$ 4,302,405	\$ 848,035		\$ 3,454,370
Non-Departmental									
30190200-395000	Carryforward Fund Balance			\$ 14,452,839	\$ 410,000	\$ 14,862,839	\$ -		\$ 14,862,839
30190200-391100	Transfer-In from the General Fund (Match)			-	12,747,363	12,747,363	9,560,522		3,186,841
30190200-361000	Interest Earnings			-	-	-	99,162		(99,162)
	subtotal			\$ 14,452,839	\$ 13,157,363	\$ 27,610,202	\$ 9,659,684		\$ 17,950,518
	Total			\$ 18,079,792	\$ 13,832,815	\$ 31,912,607	\$ 10,507,719		\$ 21,404,888
Expenditures									
Administration									
30113230-544100-	C1130 Downtown Façade Grant Program	\$ 194,593	\$ 132,071	\$ 62,522		\$ 62,522	\$ 33,750	\$ -	\$ 28,772
30113230-542400-	C1222 Records Management	35,000	32,425	2,575	-	2,575	191	-	2,384
30113230-541410	C1229 Admin Roof Repair/Replacement	137,225	-	(2,775)	140,000	137,225	135,738	-	1,487
30113230-544100-	C1300 Economic Development Initiatives	171,159	93,159	(35,000)	113,000	78,000	15,000	-	63,000
30113230-544300-	Alpharetta History Room Design Svcs (City Ctr)	327,315	53,380	273,935	-	273,935	251,103	19,800	3,032
30113230-544200-	C1527 Veterans Memorial	105,497	75,785	29,712	-	29,712	-	-	29,712
30113230-571000	C1532 ATC Operational Fund	95,000	-	-	95,000	95,000	95,000	-	-
30113230-544200	C1614 Senior Citizen History Project	75,000	35,000	15,000	25,000	40,000	15,000	-	25,000
30113230-544100-	Economic Development Video Marketing Program	180,600	145,600	35,000	-	35,000	35,000	-	-
30113230-544100-	C1821 Newsweek Ad	12,000	-	-	12,000	12,000	12,000	-	-
30113230-544100-	C1822 Ag Tech Sponsorship	25,000	-	-	25,000	25,000	25,000	-	-
	subtotal			\$ 380,969	\$ 410,000	\$ 790,969	\$ 617,782	\$ 19,800	\$ 153,387



CITY OF ALPHARETTA
 Financial Management Reports
 Capital Project Funds
General Capital Project Fund Detail (Fund 301; life-to-date for active projects)
 As of March 31, 2018

Account #		Project		Project Snapshot		FY 2018						
				Total Project Authorization	Prior Year Actuals	Carryforward Budget	FY 2018 Appropriations	Total Budget	Collections / Expenditures	Encumbrances	Funds Available	
Finance												
30115150-542400-	C1101	Archive Filing & Scanning	\$	20,000	\$	14,191	\$	5,809	\$	-	\$	5,809
30115150-542400-	C1102	Finance Software Improvement		94,972		84,431		10,541		-		1,885
30115150-542400-	C1141	Tyler ERP System		805,002		761,467		43,535		-		42,325
subtotal							\$	59,885	\$	-	\$	59,885
							\$	59,885	\$	4,135	\$	5,731
							\$	59,885	\$	-	\$	59,885
Information Technology												
30117400-542400	C0900	Cisco Data Network	\$	300,001	\$	144,058	\$	155,943	\$	-	\$	155,943
30117400-542400-	C0903	Data Center (Test Equip. & Software)		66,028		65,929		99		-		0
30117400-542400-	C1000	GIS Aerial Mapping		50,001		22,044		27,957		743		25,514
30117400-542400-	C1103	Network and VOIP		511,133		360,181		150,952		-		44,632
30117400-542400-	C1312	Backup Data Storage Management		510,002		461,916		48,086		-		34,128
30117400-542400-	C1313	Technology Replacement (recurring)		1,662,365		1,178,158		184,207		300,000		235,321
30117400-542400-	C1400	PW Data Center Server Replacement		207,503		202,215		5,288		-		1
30117400-542100	C1518	PW Data Center Generator/Air Conditioner		122,512		121,972		540		-		540
30117400-542400	C1615	App/Desktop Virtualization		265,001		75,699		64,302		125,000		177,222
30117400-542400	C1725	City Fiber Relocation		30,000		7,695		22,305		-		22,305
30117400-542400	C1809	Parcel Corrections		80,000		-		-		80,000		-
subtotal							\$	659,679	\$	505,000	\$	1,164,679
							\$	659,679	\$	505,000	\$	1,164,679
							\$	659,679	\$	505,000	\$	1,164,679
Public Safety												
30131150-542200-	C1202	Public Safety Fleet (recurring)	\$	5,010,260	\$	4,354,080	\$	21,180	\$	635,000	\$	656,180
30131150-542100-	C1315	Cardiac Monitor Replacement		372,115		358,150		13,965		-		13,964
30131150-542100	C1401	PS Equipment Replacement		505,971		413,499		36,472		56,000		92,472
30131150-541300	C1609	PS Headquarters Improvements		114,655		106,905		7,750		-		7,750
30131150- 541300	C1630	PS HQ Expansion		2,459,448		-		824,345		1,635,103		2,459,448
30131150-541300	C1706	RAPSTC Improvements		216,693		-		171,623		45,070		216,693
30131150-544200	C1707	License Plate Rec Grant		80,000		-		80,000		-		80,000
30131150-541300	C1729	Station Bathroom Renovations		37,859		-		37,859		-		37,859
30131150-542200	C1810	New Fleet		66,000		-		-		66,000		66,000
30131150-541300	C1811	Fire Marshal Area Cubicle Redesign		15,000		-		-		15,000		15,000
30131150-542400	C1827	ESO Software Equipment		40,000		-		-		40,000		40,000
subtotal							\$	1,193,194	\$	2,492,173	\$	3,685,367
							\$	1,193,194	\$	2,492,173	\$	3,685,367
							\$	1,193,194	\$	2,492,173	\$	3,685,367
							\$	1,193,194	\$	2,492,173	\$	3,685,367
							\$	1,193,194	\$	2,492,173	\$	3,685,367
							\$	1,193,194	\$	2,492,173	\$	3,685,367
							\$	1,193,194	\$	2,492,173	\$	3,685,367
							\$	1,193,194	\$	2,492,173	\$	3,685,367
							\$	1,193,194	\$	2,492,173	\$	3,685,367
							\$	1,193,194	\$	2,492,173	\$	3,685,367
							\$	1,193,194	\$	2,492,173	\$	3,685,367
							\$	1,193,194	\$	2,492,173	\$	3,685,367
							\$	1,193,194	\$	2,492,173	\$	3,685,367
							\$	1,193,194	\$	2,492,173	\$	3,685,367
							\$	1,193,194	\$	2,492,173	\$	3,685,367
							\$	1,193,194	\$	2,492,173	\$	3,685,367
							\$	1,193,194	\$	2,492,173	\$	3,685,367
							\$	1,193,194	\$	2,492,173	\$	3,685,367
							\$	1,193,194	\$	2,492,173	\$	3,685,367
							\$	1,193,194	\$	2,492,173	\$	3,685,367
							\$	1,193,194	\$	2,492,173	\$	3,685,367
							\$	1,193,194	\$	2,492,173	\$	3,685,367
							\$	1,193,194	\$	2,492,173	\$	3,685,367
							\$	1,193,194	\$	2,492,173	\$	3,685,367
							\$	1,193,194	\$	2,492,173	\$	3,685,367
							\$	1,193,194	\$	2,492,173	\$	3,685,367
							\$	1,193,194	\$	2,492,173	\$	3,685,367
							\$	1,193,194	\$	2,492,173	\$	3,685,367
							\$	1,193,194	\$	2,492,173	\$	3,685,367
							\$	1,193,194	\$	2,492,173	\$	3,685,367
							\$	1,193,194	\$	2,492,173	\$	3,685,367
							\$	1,193,194	\$	2,492,173	\$	3,685,367
							\$	1,193,194	\$	2,492,173	\$	3,685,367
							\$	1,193,194	\$	2,492,173	\$	3,685,367
							\$	1,193,194	\$	2,492,173	\$	3,685,367
							\$	1,193,194	\$	2,492,173	\$	3,685,367
							\$	1,193,194	\$	2,492,173	\$	3,685,367
							\$	1,193,194	\$	2,492,173	\$	3,685,367
							\$	1,193,194	\$	2,492,173	\$	3,685,367
							\$	1,193,194	\$	2,492,173	\$	3,685,367
							\$	1,193,194	\$	2,492,173	\$	3,68



CITY OF ALPHARETTA

Financial Management Reports

Capital Project Funds

General Capital Project Fund Detail (Fund 301; life-to-date for active projects)

As of March 31, 2018

Account #Project			Project Snapshot		FY 2018					
			Total Project Authorization	Prior Year Actuals	Carryforward Budget	FY 2018 Appropriations	FY 2018 Total Budget	Collections / Expenditures	Encumbrances	Funds Available
Public Works										
30141100-541410-	C0005	Encore Parkway Greenway Connection	\$ 700,090	\$ 603,888	\$ 96,202	\$ -	\$ 96,202	\$ 20,603	\$ 70,979	\$ 4,620
30141100-541410-	C0041	Traffic Signal Interconnect	322,523	72,522	250,001	-	250,001	-	-	250,001
30141100-541200-	C0910	Tree Replacement Fund	1,313,996	574,722	484,074	255,200	739,274	13,898	18,903	706,473
30141100-541200-	C1008	Cemetery Authority - Maintenance	518,557	136,278	382,279	-	382,279	16,875	16,830	348,574
30141100-541410-	C1207	Bridge Maintenance (recurring)	1,300,995	970,907	155,088	175,000	330,088	3,893	310,984	15,211
30141100-541410-	C1208	Mast Arm Maintenance (recurring)	463,495	445,111	18,384	-	18,384	-	-	18,384
30141100-541410-	C1215	Striping & Signage (recurring)	1,408,432	1,067,548	160,884	180,000	340,884	126,907	190,732	23,245
30141100-541410-	C1217	Traffic Calming Equipment/Intersection Safety Improvements (recurring)	368,519	307,685	25,834	35,000	60,834	15,519	11,109	34,206
30141100-541410-	C1218	Traffic Signal System Maintenance (recurring)	402,504	291,966	35,538	75,000	110,538	19,158	65,106	26,274
30141100-541410-	C1219	Milling & Resurfacing (recurring)	11,395,736	9,178,420	217,316	2,000,000	2,217,316	64,578	2,029,902	122,837
30141100-541410-	C1220	Traffic Control Equipment (recurring)	864,869	739,511	25,358	100,000	125,358	78,872	21,980	24,506
30141100-541410-	C1221	Design Services (recurring)	796,563	612,403	69,160	115,000	184,160	49,899	41,105	93,156
30141100-542200	C1223	Fleet Replacement	865,904	676,965	23,939	165,000	188,939	-	164,529	24,410
30141100-541200-	C1302	Tree Planting & Landscaping Improvements (recurring)	558,315	396,028	62,287	100,000	162,287	72,087	65,538	24,663
30141100-541200-	C1311	Downtown Improvements	110,002	90,540	19,462	-	19,462	-	-	19,462
30141100-541410-	C1324	Charlotte Drive @ Rucker Rd Intersection Improvements	25,000	-	25,000	-	25,000	-	-	25,000
30141100-541420-	C1325	Rucker Rd Sidewalk Improvements	50,000	5,000	45,000	-	45,000	-	45,000	-
30141100-541410-	C1407	Minor Intersection Upgrades	112,168	77,104	35,064	-	35,064	-	-	35,064
30141100-541410-	C1410	Rucker Rd Corridor Improvements	2,516,920	734,570	1,782,350	-	1,782,350	-	1,782,350	-
30141100-541430-	C1416	Clairborne Drive Culvert Design	52,762	41,033	11,729	-	11,729	6,679	5,050	0
30141100-541430-	C1503	Stormwater Studies/Design	426,386	386,090	40,296	-	40,296	34,692	5,604	0
30141100-541420-	C1512	Sidewalk Improvements	824,800	627,384	197,416	-	197,416	161	-	197,255
30141100-541410-	C1606	Major Intersection Improvements	149,427	64,760	84,667	-	84,667	-	-	84,667
30141100-542100-	C1608	Lowboy Trailer	57,851	40,721	17,130	-	17,130	17,130	-	-
30141100-541300-	C1620	Northwinds Parkway Academy @ City Center Intersection	716,580	575,554	141,026	-	141,026	-	-	141,026
30141100-541000-	C1627	Improvement	18,220	-	18,220	-	18,220	1,895	2,600	13,725
30141100-571000-	C1631	McGinnis Ferry Road Expansion IGA	100,000	-	100,000	-	100,000	-	-	100,000
30141100-541300-	C1632	West Parking Garages/Lot Construction	122,191	81,190	41,001	-	41,001	-	-	41,001
30141100-541410	C1637	Old Roswell St Pedestrian Imp	150,000	-	150,000	-	150,000	-	150,000	-
30141100-541410	C1638	Webb Bridge Rd Corridor Imp	100,000	36,177	63,823	-	63,823	1,841	-	61,982
30141100-541410	C1701	Pedestrian Intersection Imp	60,000	-	60,000	-	60,000	-	-	60,000
30141100-541300	C1704	West Parking Garages	7,573,774	-	6,317,250	1,256,524	7,573,774	492,743	6,293,541	787,490



CITY OF ALPHARETTA

Financial Management Reports

Capital Project Funds

General Capital Project Fund Detail (Fund 301; life-to-date for active projects)

As of March 31, 2018

Account #	Project	Project Snapshot		FY 2018					Funds Available
		Total Project Authorization	Prior Year Actuals	Carryforward Budget	FY 2018 Appropriations	Total Budget	Collections / Expenditures	Encumbrances	
30141100-541420	C1712 Alphaloop	1,328,368	-	1,000,000	328,368	1,328,368	-	78,368	1,250,000
30141100-541410	C1720 Temporary Traffic Signal Northwinds	21,690	13,515	8,175	-	8,175	-	-	8,175
30141100-541430	C1721 Mayfield Road Culvert	420,000	-	420,000	-	420,000	12,146	-	407,854
30141100-541410	C1722 Traffic Signal Improvements	290,001	35,442	254,559	-	254,559	-	-	254,559
30141100-541410	C1723 Teasley Street Improvements	18,075	1,200	16,875	-	16,875	5,000	-	11,875
30141100-541420	C1726 Sidewalks 2017 Phase 1	269,706	71,453	198,253	-	198,253	169,932	28,321	0
30141100-541420	C1801 Sidewalk Maintenance/Repair	100,000	-	-	100,000	100,000	-	-	100,000
30141100-542100	C1802 PW Equipment Replacement	42,000	-	-	42,000	42,000	39,259	-	2,741
30141100-541420	C1808 City Center Sidewalks/Utilities	425,000	-	-	425,000	425,000	394,898	-	30,102
30141100-541420	C1830 City Center Street/Tree Lights	98,225	-	-	98,225	98,225	-	-	98,225
	subtotal			\$ 13,053,640	\$ 5,450,317	\$ 18,503,957	\$ 1,658,665	\$ 11,398,529	\$ 5,446,763
Recreation and Parks									
30161150-541500	C0922 Webb Br Park Synthetic Turf	\$ 450,000	\$ -	\$ -	\$ 450,000	\$ 450,000	\$ 406,461	\$ 16,380	\$ 27,159
30161150-541500	C1221 Design Services	122,052	76,857	(4,805)	50,000	45,195	2,650	4,800	37,745
30161150-541500-	C1225 Athletic Scoreboards (maint/replacement)	224,992	168,375	11,677	44,940	56,617	-	49,880	6,737
30161150-541300-	C1229 Rec & Parks Building Re-Roof	821,029	732,254	2,775	86,000	88,775	88,775	-	-
30161150-542200-	C1232 Recreation/Parks Fleet (recurring)	372,801	344,058	28,743	-	28,743	-	-	28,743
30161150-541200-	C1332 Milton Center Field Re-Sod	20,000	6,900	13,100	-	13,100	-	-	13,100
30161150-542100-	C1402 Rec/Parks Equipment Replacement	357,001	289,340	20,661	47,000	67,661	49,423	-	18,238
30161150-541500	C1421 Lightning Warning System	115,000	50,000	-	65,000	65,000	-	-	65,000
30161150-541500-	C1424 Wills Park Pool Renovation	2,340,452	28,992	1,311,460	1,000,000	2,311,460	-	2,100,745	210,715
30161150-541500-	C1524 Adaptive Playground Equipment	28,501	20,422	8,079	-	8,079	-	-	8,079
30161150-544200-	C1600 Downtown Sculpture Project	165,000	7,840	157,160	-	157,160	72,770	31,250	53,140
30161150-541500-	C1612 Park Signage	55,001	48,764	6,237	-	6,237	-	-	6,237
30161150-541510-	C1636 Greenway Repair and Maintenance	44,500	42,331	2,169	-	2,169	2,169	-	-
30161150-541500	C1641 Park Master Plans	296,450	24,570	203,880	68,000	271,880	73,880	-	198,000
30161150-541300	C1710 Log Cabin Relocation	50,000	-	50,000	-	50,000	50,000	-	-
30161150-541300	C1803 Bleacher Replacement	32,000	-	-	32,000	32,000	30,743	-	1,258
30161150-541500	C1804 Park Repairs/Improvements	100,000	-	-	100,000	100,000	45,155	3,340	51,505
30161150-531300	C1805 North Park Restroom Expansion	30,000	-	-	30,000	30,000	-	-	30,000
30161150-541500	C1806 Parks Playground Equipment	50,000	-	-	50,000	50,000	-	-	50,000
30161150-544100	C1807 Public Arts Program	85,000	-	-	85,000	85,000	62,500	22,500	-
30161150-541300	C1824 Office Buildout	25,000	-	-	25,000	25,000	-	21,492	3,508
	subtotal			\$ 1,811,136	\$ 2,132,940	\$ 3,944,076	\$ 884,525	\$ 2,250,387	\$ 809,164
Community Development									



CITY OF ALPHARETTA
 Financial Management Reports
 Capital Project Funds
General Capital Project Fund Detail (Fund 301; life-to-date for active projects)
 As of March 31, 2018

Account #	Project	Project Snapshot		FY 2018					Funds Available
		Total Project Authorization	Prior Year Actuals	Carryforward Budget	FY 2018 Appropriations	Total Budget	Collections / Expenditures	Encumbrances	
30174150-544100-	C0019 Downtown Parking Fund	\$ 263,250	\$ 219,309	\$ 43,941	\$ -	\$ 43,941	\$ 22,598	\$ 21,342	\$ 1
30174150-542400	C1222 Records Management	50,001	16,572	33,429	-	33,429	5,597	-	27,832
30174150-542200-	C1433 Fleet Replacement	195,001	132,008	12,993	50,000	62,993	48,318	-	14,675
30174150-541410	C1602 Lilly Garden Terrace	40,000	32,995	7,005	-	7,005	-	-	7,005
30174150-541410	C1603 Design Services	200,001	89,113	35,888	75,000	110,888	34,022	43,598	33,268
30174150-521200	C1634 TSPLOST Project Consultant	35,001	33,200	1,801	-	1,801	-	-	1,801
30174150-541300	C1824 Office Buildout	80,000	-	-	80,000	80,000	6,440	5,060	68,500
	subtotal			\$ 135,057	\$ 205,000	\$ 340,057	\$ 116,975	\$ 70,000	\$ 153,082
Alpharetta Business Community Sidewalk Projects									
30176100-541420-	C0005 Encore Parkway Sidewalk	\$ 1,705,001	\$ 1,546,410	\$ 158,591	\$ -	\$ 158,591	\$ 104,272	\$ -	\$ 54,319
30176100-541420-	C1442 Main St. Improvements	1,812,724	1,774,772	37,952	-	37,952	-	33,312	4,640
30176100-541420-	C1712 City Trail (Loop)	388,769	41,869	346,900	-	346,900	214,497	132,403	-
	subtotal			\$ 543,443	\$ -	\$ 543,443	\$ 318,769	\$ 165,715	\$ 58,959
Non-Departmental									
30190200-579000	Non-Allocated			\$ 242,789	\$ 2,637,385	\$ 2,880,174	\$ -	\$ -	\$ 2,880,174
	subtotal			\$ 242,789	\$ 2,637,385	\$ 2,880,174	\$ -	\$ -	\$ 2,880,174
	Total			\$ 18,079,792	\$ 13,832,815	\$ 31,912,607	\$ 4,901,817	\$ 16,386,403	\$ 10,624,387



CITY OF ALPHARETTA
 Financial Management Reports
 Capital Project Funds
Stormwater Capital Fund Detail (Fund 302; life-to-date for all projects)
 As of March 31, 2018

Account #	Project	Project Snapshot		FY 2018					
		Total Project Authorization	Prior Year Actuals	Carryforward Budget	FY 2018 Appropriations	Total Budget	Collections / Expenditures	Encumbrances	Funds Available
Revenue									
Non-Departmental									
30290200-391100	Transfer-In from the General Fund (Match)			\$ -	\$ 1,255,000	\$ 1,255,000	\$ 941,250		\$ 313,750
30290200-395000	Carryforward Fund Balance			679,257	-	679,257	-		679,257
	Total			\$ 679,257	\$ 1,255,000	\$ 1,934,257	\$ 941,250		\$ 993,007
Expenditures									
Administration									
30241100-541430-C1216	Stormwater Drainage Maintenance	\$ 239,428	\$ 49,767	\$ 39,661	\$ 150,000	\$ 189,661	\$ 57,083	\$ 55,367	\$ 77,210
30241100-541430-C1308	Stormwater Pipe & Structure Maintenance	1,995,054	765,534	324,520	905,000	1,229,520	687,712	302,967	238,841
30241100-541430-C1503	Stormwater Studies	100,000	-	-	100,000	100,000	-	100,000	-
30241100-541430-C1604	Stormwater Inspections	183,420	61,371	22,049	100,000	122,049	55,526	49,943	16,580
30241100-541430-C1721	Mayfield Road Culvert	280,000	-	280,000	-	280,000	33,700	1,050	245,250
30261150-541430-C1521	Wills Park Water Quality Improvement	36,496	30,421	6,075	-	6,075	5,977	98	0
30261150-541430-C1640	Wills Park Drainage Improvement	34,760	27,808	6,952	-	6,952	6,952	-	-
	Total			\$ 679,257	\$ 1,255,000	\$ 1,934,257	\$ 846,951	\$ 509,425	\$ 577,882



CITY OF ALPHARETTA
 Financial Management Reports
 Capital Project Funds
Convention Center Capital Fund Detail (Fund 316; life-to-date for all projects)
 As of March 31, 2018

		Project Snapshot		FY 2018					
		Total Project Authorization	Prior Year Actuals	Carryforward Budget	FY 2018 Appropriations	Total Budget	Collections / Expenditures	Encumbrances	Funds Available
Account #	Project								
Revenue									
Non-Departmental									
31690200-395000	Carryforward Fund Balance			\$ 6,830,177	\$ -	\$ 6,830,177	\$ -		\$ 6,830,177
31690200-361000	Interest Earnings			-	-	-	20,196		(20,196)
	Total			\$ 6,830,177	\$ -	\$ 6,830,177	\$ 20,196		\$ 6,809,981
Expenditures									
Administration									
31613230-541300-C1618	Conference Center (Construction/Design)	\$ 24,147,356	\$ 17,672,718	\$ 6,474,638	\$ -	\$ 6,474,638	\$ 6,474,637	\$ -	\$ 1
31613230-541300-C1619	Conference Center (Consulting)	264,165	41,789	222,376	-	222,376	2,636	16,579	203,161
31690200-579000	Non-Allocated	133,163	-	133,163	-	133,163	-	-	133,163
31690200-584000	Conference Center Issuance Cost	621,851	621,851	-	-	-	-	-	-
	Total			\$ 6,830,177	\$ -	\$ 6,830,177	\$ 6,477,274	\$ 16,579	\$ 336,325



CITY OF ALPHARETTA
 Financial Management Reports
 Capital Project Funds
Parks and Transportation Bond Fund Detail (Fund 317; life-to-date for all projects)
 As of March 31, 2018

			Project Snapshot		FY 2018					
			Total Project Authorization	Prior Year Actuals	Carryforward Budget	FY 2018 Appropriations	Total Budget	Collections / Expenditures	Encumbrances	Funds Available
Account #	Project									
Revenue										
Non-Departmental										
31790200-395000	Carryforward Fund Balance				\$ 47,433,907	\$ -	\$ 47,433,907	\$ -		\$ 47,433,907
31790200-361000	Interest Revenue				-	-	-	403,108		(403,108)
31790200-389000	Miscellaneous Revenue				-	-	-	3,061		(3,061)
	Total				\$ 47,433,907	\$ -	\$ 47,433,907	\$ 406,169		\$ 47,027,738
Expenditures										
Administration										
31741100-541410- C1410	Rucker Road Corridor Improvements	14,850,001	343,362		\$ 14,506,639	\$ -	\$ 14,506,639	\$ 1,375,120	\$ 12,984,603	\$ 146,916
31741100-541420- C1512	Sidewalk Improvements	2,866,483	213,108		3,579,967	(926,592)	2,653,375	35,419	-	2,617,956
31741100-541410- C1602	Lilly Garden Terrace Ext.	-	-		1,500,000	(1,500,000)	-	-	-	-
31741100-541410- C1631	McGinnis Ferry Rd IGA (Forsyth)	1,500,000	-		-	1,500,000	1,500,000	-	-	1,500,000
31741100-541410- C1702	Kimball Br Rd Improvements	9,000,001	425,174		8,574,827	-	8,574,827	179,025	10,462	8,385,340
31741100-541410- C1703	Windward Pkwy Improvements	2,000,000	-		2,000,000	-	2,000,000	228,688	82,092	1,689,220
31741100-541420 C1712	Alpha Loop	500,000	-		500,000	-	500,000	-	215,550	284,450
31741100-541420 C1726	Sidewalks 2017 Phase 1	436,999	184,635		252,364	-	252,364	171,527	80,836	1
31741100-541420 C1727	Mayfield Rd Sidewalk	950,945	63,000		887,945	-	887,945	822,912	65,404	(371)
31741100-541420 C1814	Windward Sidewalks	320,982	-		320,982	-	320,982	271,128	49,854	-
31741100-541420 C1818	Sidewalks 2017 Phase 4	379,384	-		-	379,384	379,384	44,812	334,572	1
31741100-541420 C1820	Sidewalks 2017 Phase 5	229,406	-		-	229,406	229,406	-	229,406	-
31741100-541420 C1826	Spruell Circle Sidewalk	7,400	-		-	7,400	7,400	7,400	-	-
31741100-541420 C1828	Warsaw Area Sidewalk	309,402	-		-	309,402	309,402	-	-	309,402
31741100-541420 C1829	Providence Area Sidewalk	1,000	-		-	1,000	1,000	-	-	1,000
31761150-541000- C1100	Park Land Acquisition	4,000,001	2,532,239		1,467,762	-	1,467,762	948,045	-	519,717
31761150-541500- C1424	Wills Park Pool Renovation	2,700,001	275,293		2,424,708	-	2,424,708	2,360,248	64,460	1
31761150-541500- C1611	Alpharetta Arts Center	1,500,001	403		1,499,598	-	1,499,598	1,240,598	54,458	204,542
31761150-541300- C1708	Greenway Ext to Forsyth County	6,500,000	784,026		5,715,974	-	5,715,974	37,175	380,250	5,298,549
31761150-541300- C1709	Eastside Community Center	2,500,000	-		2,500,000	-	2,500,000	-	-	2,500,000
31761150-541000- C1711	Cultural Arts Land/Park Land	1,450,000	-		1,450,000	-	1,450,000	-	-	1,450,000
31741100-579000	Public Works Reserve	141,752	-		141,752	-	141,752	-	-	141,752
31761150-579000	Parks Reserve	111,389	-		111,389	-	111,389	-	-	111,389
31790200-584000	Bond Issuance Cost	361,301	361,301		-	-	-	-	-	-
	Total				\$ 47,433,907	\$ -	\$ 47,433,907	\$ 7,722,096	\$ 14,551,947	\$ 25,159,864



CITY OF ALPHARETTA
 Financial Management Reports
 Capital Project Funds
TSPLOST Fund Detail (Fund 335; life-to-date for all projects)
 As of March 31, 2018

Account #	Project	Project Snapshot		FY 2018					
		Total Project Authorization	Prior Year Expenditures	Carryforward Budget	FY 2018 Appropriations	Total Budget	Collections / Expenditures	Encumbrances	Funds Available
Revenue									
Non-Departmental									
33590200-395000	Carryforward Fund Balance			\$ 188,167	\$ 1,650,901	\$ 1,839,068	\$ -		\$ 1,839,068
33590200-313400	TSPLOST			-	13,000,000	13,000,000	6,992,484		6,007,516
33541100-361000	Interest Earnings			-	-	-	42,033		(42,033)
	Total			\$ 188,167	\$ 14,650,901	\$ 14,839,068	\$ 7,034,518		\$ 7,804,550
Expenditures									
Administration									
33541100-541410	Roadway Improvements	\$ 469,382	\$ 22,040	\$ (552,658)	\$ 1,000,000	\$ 447,342	\$ -	\$ -	\$ 447,342
33541100-541410	C1638 Academy St/ Webb Br Rd Operational Improvements	1,000,000	-	-	1,000,000	1,000,000	41,843	320,710	637,447
33541100-541410	C1713 Kimball Br Rd Operational Improvements	462,930	122,647	340,283	-	340,283	2,853	337,429	1
33541100-541410	C1714 Bethany Rd @ Mid-Broadwell Rd Intersection Improvements	563,004	61,771	101,233	400,000	501,233	85,533	15,700	400,000
33541100-541410	C1715 Bethany Rd @ Mayfield Rd Intersection Improvements	1,280,000	74,129	85,376	1,120,495	1,205,871	92,978	20,238	1,092,654
33541100-541410	C1716 Morris Rd Operational Improvements	2,700,001	160,765	115,950	2,423,286	2,539,236	193,418	43,601	2,302,218
33541100-541410	C1717 Old Milton Pkwy Capacity Improvements	1,790,675	66,761	16,794	1,707,120	1,723,914	6,206	650,742	1,066,966
33541100-541410	C1718 Windward Pkwy Business Dist/Union Hill Rd Capacity Improvements	2,203,391	122,202	81,189	2,000,000	2,081,189	74,715	6,473	2,000,000
33541100-541410	C1800 Haynes Bridge Road Improvements	5,000,000	-	-	5,000,000	5,000,000	-	-	5,000,000
	Total			\$ 188,167	\$ 14,650,901	\$ 14,839,068	\$ 497,547	\$ 1,394,893	\$ 12,946,629



SPECIAL REVENUE FUNDS WITH CAPITAL PROJECTS

Revenue & Expenditure Reports



CITY OF ALPHARETTA
 Financial Management Reports
 Special Revenue Funds
Confiscated Assets Fund (Fund 210; life-to-date for active projects)
 As of March 31, 2018

		Project Snapshot		FY 2018					
		Total Project Authorization	Prior Year Actuals	Carryforward Budget	FY 2018 Appropriations	Total Budget	Collections / Expenditures	Encumbrances	Funds Available
Account #	Project								
Revenue									
DEA									
21031110-351300	Confiscation/Federal Seizures			\$ -	\$ -	\$ -	\$ 135,597		\$ (135,597)
21031110-361000	Interest Earnings			-	-	-	651		(651)
21031110-392100	Sale of Capital Assets (Federal)			-	-	-	13,527		(13,527)
21031110-395000	Carryforward Fund Balance			916,030	517,706	1,433,736	-		1,433,736
	subtotal			\$ 916,030	\$ 517,706	\$ 1,433,736	\$ 149,775		\$ 1,283,961
21031110-336000	C1817 SWAT Equipment (Milton/Roswell)			\$ -	\$ 240,360	\$ 240,360	\$ 2,902		\$ 237,458
	subtotal			\$ -	\$ 240,360	\$ 240,360	\$ 2,902		\$ 237,458
State									
21031120-351301	Confiscation/State Seizures			\$ -	\$ -	\$ -	\$ 54,664		\$ (54,664)
21031120-395000	Carryforward Fund Balance			17,337	-	17,337	-		17,337
	subtotal			\$ 17,337	\$ -	\$ 17,337	\$ 54,664		\$ (37,327)
	Total			\$ 933,367	\$ 758,066	\$ 1,691,433	\$ 207,341		\$ 1,484,092
Expenditures									
DEA									
21031110-51*	Personnel Services	-	-	\$ -	\$ 240,759	\$ 240,759	\$ 203,894	\$ -	\$ 36,865
21031110-52*	Maintenance and Operations	-	-	-	-	-	9,460	3,500	(12,960)
21031110-542100	Machinery & Equipment	-	-	18,428	-	18,428	18,428	-	0
21031110-542100	C1401 Equipment Replacement	58,000	-	-	58,000	58,000	-	-	58,000
21031110-541300	C1630 PS Headquarters Expansion	600,000	-	500,000	100,000	600,000	602,879	-	(2,879)
21031110-542400	C1812 Body Camera Program	70,000	-	-	70,000	70,000	69,400	-	600
21031110-581200	C1623 Taser Lease (Principal)	-	-	-	46,130	46,130	46,129	-	1
21031110-582200	C1623 Taser Lease (Interest)	-	-	-	2,817	2,817	2,816	-	1
21031110-542100	C1817 SWAT Equipment	-	-	-	64,186	64,186	16,123	48,063	-
21031110-542200	C1817 SWAT Equipment	-	-	-	299,995	299,995	-	299,995	-
21031110-579007	Next Year Budget Reserve	-	-	273,781	-	273,781	-	-	273,781
	subtotal			\$ 792,209	\$ 881,887	\$ 1,674,096	\$ 969,129	\$ 351,558	\$ 353,409
State									
21031120-532400	Non-Recurring Expenses	-	-	\$ -	\$ -	\$ -	\$ 36,052	\$ -	\$ (36,052)
21031120-579000	Non-Allocated	-	-	17,337	-	17,337	-	-	17,337
	subtotal			\$ 17,337	\$ -	\$ 17,337	\$ 36,052	\$ -	\$ (18,715)
	Total			\$ 809,546	\$ 881,887	\$ 1,691,433	\$ 1,005,181	\$ 351,558	\$ 334,694



CITY OF ALPHARETTA
 Financial Management Reports
 Special Revenue Funds
Impact Fee Fund (Fund 270; life-to-date for active projects)
 As of March 31, 2018

Account #		Project	Project Snapshot		FY 2018					
			Total Project Authorization	Prior Year Actuals	Carryforward Budget	FY 2018 Appropriations	Total Budget	Collections / Expenditures	Encumbrances	Funds Available
Revenue										
27074110-341321		Impact Fees (Roads)			\$ -	\$ -	\$ -	\$ 148,060		\$ (148,060)
27074110-341323		Impact Fees (Recreation and Parks)			-	550,000	550,000	676,689		(126,689)
27074110-341324		Impact Fees (Public Safety)			-	-	-	38,919		(38,919)
27074110-361000		Interest Earnings			-	-	-	23,879		(23,879)
		subtotal			\$ -	\$ 550,000	\$ 550,000	\$ 887,546		\$ (337,546)
Non-Departmental										
27074110-395000		Carryforward Fund Balance			\$ 3,015,456	\$ 1,080,000	\$ 4,095,456	\$ -		\$ 4,095,456
		subtotal			\$ 3,015,456	\$ 1,080,000	\$ 4,095,456	\$ -		\$ 4,095,456
		Total			\$ 3,015,456	\$ 1,630,000	\$ 4,645,456	\$ 887,546		\$ 3,757,910
Expenditures										
Public Safety										
27031150-541300	C1630	PS Headquarters Expansion			\$ 440,465	\$ 80,000	\$ 520,465	\$ 151,200	\$ 369,264	\$ 1
		subtotal			\$ 440,465	\$ 80,000	\$ 520,465	\$ 151,200	\$ 369,264	\$ 1
Public Works										
27041100-541410	C1630	Rucker Road Corridor			\$ 1,150,000	\$ -	1,150,000	\$ -	\$ 150,000	\$ 1,000,000
27041100-541410	C1720	Temporary Traffic Signal Northwinds				25,746	-	25,746	-	25,746
27041100-541410	C1723	Teasley Street Improvements				56,925	-	56,925	-	56,925
		subtotal			\$ 1,232,671	\$ -	\$ 1,232,671	\$ -	\$ 150,000	\$ 1,082,671
Recreation and Parks										
27061150-541500	C1424	Wills Park Pool Expansion			\$ -	\$ 1,100,000	\$ 1,100,000	\$ 906,208	\$ 193,792	\$ -
27061150-541500	C1611	Alpharetta Arts Center				1,127,043	-	1,127,043	85,583	1,035,746
27061150-541000	C1711	Cultural Arts/Park Land Acquisition				150,000	150,000	-	-	150,000
27061150-541500	C1808	City Center Sidewalks				300,000	300,000	-	-	300,000
		subtotal			\$ 1,127,043	\$ 1,550,000	\$ 2,677,043	\$ 991,791	\$ 1,229,539	\$ 455,713
Non-Departmental										
27074110-579001		Non-Allocated (Roads)			\$ 321,389	\$ -	\$ 321,389	\$ -	\$ -	\$ 321,389
27074110-579002		Non-Allocated (Recreation and Parks)			(103,897)	-	(103,897)	-	-	(103,897)
27074110-579003		Non-Allocated (Public Safety)			(2,215)	-	(2,215)	-	-	(2,215)
		subtotal			\$ 215,277	\$ -	\$ 215,277	\$ -	\$ -	\$ 215,277
		Total			\$ 3,015,456	\$ 1,630,000	\$ 4,645,456	\$ 1,142,991	\$ 1,748,803	\$ 1,753,662



CITY OF ALPHARETTA
 Financial Management Reports
 Special Revenue Funds
Hotel/Motel Fund (Fund 275; life-to-date for active projects)
 As of March 31, 2018

Account #Project		Project Snapshot		FY 2018					
		Total Project Authorization	Prior Year Actuals	Carryforward Budget	FY 2018 Appropriations	Total Budget	Collections / Expenditures	Encumbrances	Funds Available
Revenue									
27590150-314100	Hotel/Motel Taxes			\$ -	\$ 7,250,000	\$ 7,250,000	\$ 4,726,323		\$ 2,523,677
	subtotal			\$ -	\$ 7,250,000	\$ 7,250,000	\$ 4,726,323		\$ 2,523,677
Non-Departmental									
27590150-395000	Carryforward Fund Balance			\$ 1,505,262	\$ -	\$ 1,505,262	\$ -		\$ 1,505,262
	subtotal			\$ 1,505,262	\$ -	\$ 1,505,262	\$ -		\$ 1,505,262
	Total			\$ 1,505,262	\$ 7,250,000	\$ 8,755,262	\$ 4,726,323		\$ 4,028,939
Expenditures									
Alpharetta Convention & Visitors Bureau									
27590150-572002	ACVB Distribution	\$ -	\$ 3,171,875	\$ 3,171,875	\$ 2,067,766	\$ -	\$ 1,104,109		
	subtotal	\$ -	\$ 3,171,875	\$ 3,171,875	\$ 2,067,766	\$ -	\$ 1,104,109		
City/Other									
27590150-521200	Professional Services	\$ -	\$ -	\$ -	\$ 3,000	\$ -	\$ (3,000)		
27590150-611100	City of Alpharetta Distribution	-	2,718,750	2,718,750	1,772,371	-	946,379		
	subtotal	\$ -	\$ 2,718,750	\$ 2,718,750	\$ 1,775,371	\$ -	\$ 943,379		
Tourism Product Development									
27590150-541500	C1611 Alpharetta Arts Center	550,000	-	\$ -	\$ 550,000	\$ -	\$ 550,000	\$ -	
27590150-579000	Reserve (Tourist Product Development)			5,262	-	5,262	-	5,262	
27590150-579006	Debt Service Reserve			1,500,000	29,412	1,529,412	-	1,529,412	
27590151-582100	D1600 Interest Pmt (2016 Conference Center Bond)			-	779,963	779,963	389,981	389,982	
	subtotal			\$ 1,505,262	\$ 1,359,375	\$ 2,864,637	\$ 389,981	\$ 550,000	\$ 1,924,656
	Total			\$ 1,505,262	\$ 7,250,000	\$ 8,755,262	\$ 4,233,119	\$ 550,000	\$ 3,972,143



OTHER REPORTS

Payments \$5,000 and Greater



CITY OF ALPHARETTA
 Financial Management Reports
Listing of Payments \$5,000 and greater
 for the month ended April 30, 2018

Vendor	Description	Department	\$ Amount
D A T E Fund Disbursements	March 2018 State Reports	Municipal Courts	\$ 7,962.21
Ed Castro Landscape Inc.	March 2018 Maintenance and Straighten Trees	Rec, Parks & Cultural Svcs	\$ 8,080.58
Ace American Insurance Company	Monthly Workers Comp Claims/Judgements	Risk Management	\$ 28,539.58
Fulton County Board of Commissioners	March 2018 State Reports - LVAP Fund Disbursements	Municipal Courts	\$ 10,156.50
Georgia Superior Court Clerks	March 2018 State Reports	Municipal Courts	\$ 44,323.22
Houser Walker Architecture LLC	Alpharetta Arts Center	Rec, Parks & Cultural Svcs	\$ 5,129.50
Mauldin & Cook Fence Company	Repaired Siren	Public Works	\$ 10,132.00
Bre Coh GA LLC	Tax Refund	Finance	\$ 7,411.98
ErosionBonda	Refund Erosion Control Bond	Community Development	\$ 19,020.00
KM Homes LLC	Refund Perimeter Tree Bond	Community Development	\$ 49,500.00
Seisan MFA Properties	Refund Tree Bond	Community Development	\$ 13,500.00
Newtown Recreation	Newtown Fall Lacrosse Spring 2018	Rec, Parks & Cultural Svcs	\$ 6,170.00
Peace Officer's Annuity & Benefit Fund of GA	March 2018 State Reports	Municipal Courts	\$ 10,053.00
Pond & Company	SR9 at Marietta Street Signal and Douglas Road	Public Works	\$ 6,756.00
Russell Landscape LLC	SR400 @ 5 Interchanges	Public Works	\$ 26,568.34
Smallwood Reynolds Stewart Stewart	Alpharetta City Hall Buildout	Community Development	\$ 6,440.00
Utility Associates Inc.	Initial Payment on Execution of Contract	Public Safety	\$ 204,400.00
American Facility Services Inc.	March 2018 Janitorial Services	Public Works	\$ 11,267.02
AT&T	March 2018 Enhance Lan Services	Information Technology	\$ 5,650.50
Atlas Geographic Data Inc.	City of Alpharetta GIS Parcel Conversion	Information Technology	\$ 11,250.00
Carithers-Wallace-Courtenay	Workstations/Cabinets/Chairs/Installation	Public Safety	\$ 38,909.00
City of Roswell	4th Quarter Budget - Training Center	Public Safety	\$ 11,591.03
Georgia Power Co	Power Bill	Finance	\$ 127,200.97
Global Equipment Co	Lockers and Storage	Public Safety	\$ 5,327.25
Mass Services Inc.	January 2018 Stall Cleaning	Rec, Parks & Cultural Svcs	\$ 8,311.68



CITY OF ALPHARETTA
 Financial Management Reports
Listing of Payments \$5,000 and greater
 for the month ended April 30, 2018

Vendor	Description	Department	\$ Amount
Media Frenzy Global	April 2018 Public Relations Services	City Administration	\$ 8,333.33
AREG HDP TPS Alpharetta Opera	Tax Refund	Finance	\$ 7,360.00
GGPLP Real Estate Inc.	Tax Refund	Finance	\$ 59,019.61
Navex Global Inc.	NAVEX Global Hosted LMS	Human Resources	\$ 8,815.83
One Diversified LLC	Audio Visual Equipment	City Administration	\$ 6,657.00
Ruppert Landscape	Mayfield Road Sidewalk Maintenance and Prune Hedges	Public Works	\$ 5,770.00
Russell Landscape LLC	Cemetery Maintenance and Windward Monument Wall/Tree Removal	Public Works	\$ 11,052.00
SHI International Corp	KnowBe4 Security Software Annual Subscription	Information Technology	\$ 10,490.94
Southern Hydro Vac Inc.	Hydro Vac Services	Public Works	\$ 26,730.65
SunTrust Pcard	Procurement Card	Finance	\$ 147,942.46
Tri Scapes Inc.	March 2018 Landscape Maintenance	Rec, Parks & Cultural Svcs	\$ 20,080.83
Tunnell-Spangler & Associates Inc.	Alpharetta On Call Planning	Community Development	\$ 15,266.12
Watson Furniture Group Inc.	Emergency Communication Console Furniture	Public Safety	\$ 142,620.43
ESIS (EFT)	Workers Comp Settlement	Risk Management	\$ 75,500.00
J&J Computer Connection Inc.	Contracted Equipment	Finance	\$ 5,677.98
Ashley Banan	Community Center-April 2018 Classes	Recreations & Parks	\$ 9,707.38
AFLAC	March 2018 Premiums	Finance	\$ 11,040.96
Republic Services #800	Waste Management Services and On Call Services	Finance	\$ 5,829.83
The Hotel At Avalon	Catering	City Administration	\$ 10,735.92
Downey Trees Inc.	Tree Trimming and Pruning Services	Rec, Parks & Cultural Svcs	\$ 8,345.00
Fulton County Board of Education	March 2018 Fuel Bill	Finance	\$ 38,182.13
Horse & Plow Landscape	Commercial Art-Sculpture	Rec, Parks & Cultural Svcs	\$ 10,350.43
LD Gymnastics Inc.	Classes for Period of Feb 26- May 15 2018	Rec, Parks & Cultural Svcs	\$ 9,710.21
The MaCallan Group	Alpharetta Arts Center	Rec, Parks & Cultural Svcs	\$ 622,244.90
Mass Services Inc.	Parks Maintenance- Wills Park Equestrian	Rec, Parks & Cultural Svcs	\$ 7,347.03
Physio- Control Inc.	Annual Maintenance-	Public Safety	\$ 13,964.40
Pond & Company	Project Big Creek Greenway	Rec, Parks & Cultural Svcs	\$ 8,302.50
RCS Productions	Production Services for Taste of Alpharetta 2018	Rec, Parks & Cultural Svcs	\$ 5,512.50
Rupert Landscape	Landscape Management Installment for March	Public Works	\$ 28,579.34
Stevens & Wilkinson	Professional Services from February 05 to March 04 2018	Rec, Parks & Cultural Svcs	\$ 5,446.35
Republic Services #800	Waste Management Services	Finance	\$ 318,047.60



CITY OF ALPHARETTA
 Financial Management Reports
Listing of Payments \$5,000 and greater
 for the month ended April 30, 2018

Vendor	Description	Department	\$ Amount
Alpharetta Convention & Visitors Bureau	Hotel Motel Tax for April 2018	Finance	\$ 306,291.28
AT&T/Bellsouth @ 85 Annex	4/11-5/10/18 Phone Service	Public Safety	\$ 24,891.68
D&B Rentals	Final Payment - Taste of Alpharetta	Rec, Parks & Cultural Svcs	\$ 10,388.87
Fulton County Sheriffs Department	Court Bond Refund	Municipal Courts	\$ 9,000.00
GTG Traffic Signals	FLIR Camera Detection Installation	Finance	\$ 5,000.00
Landair Surveying Co of GA	Providence Road East Side	Public Works	\$ 25,825.00
Massana Inc.	FY2018 Bridge Maintenance	Public Works	\$ 120,867.12
Piedmont Geotechnical Consultants Inc.	Mayfield Court - Subsurface and Bridge Report	Public Works	\$ 6,885.00
Pieper O'Brien Herr Architects	COA Police Addition and Renovation	Public Safety	\$ 7,633.12
Pond & Company	Alpha Loop, Mayfield Culvert and Webb Bridge Park Environmental Impact Studies	Public Works	\$ 55,058.49
Rhythm N Shoes LLC	Recital and Non-Recital Spring	Rec, Parks & Cultural Svcs	\$ 5,812.25
Sawnee Electric Membership Corp	Power Bill	Finance	\$ 33,880.51
SOL Construction LLC	2017 Bond Sidewalks	Public Works	\$ 72,132.96
Stevens & Wilkinson	Wills Park Pool Renovation	Rec, Parks & Cultural Svcs	\$ 18,827.60
Sunbelt Builders Inc.	Wills Park Pool Renovation	Rec, Parks & Cultural Svcs	\$ 742,017.54
Tech Alpharetta Inc.	May 2018 ATC CEO Pay	Development Authority	\$ 10,416.66
Telerik Inc.	Sitefinity Enterprise Edition Renewal	Information Technology	\$ 8,999.00
The Winter Construction Company	Public Safety Expansion and E911 Renovation	Public Safety	\$ 471,145.50
Verizon Wireless	Cell/iPhone/iPad Service and Cellular Mifi Cards	Information Technology	\$ 12,209.16



OTHER REPORTS

Purchase Orders between
\$5,000 and \$50,000



CITY OF ALPHARETTA
 Financial Management Reports
Listing of PO's between \$5,000.01 and \$50,000.00
 for the month ended March 31, 2018

Purchase Order #	Vendor	Department	Purchase Order Amt.	Description
18000403	Russell Landscape LLC	Public Works	\$ 22,347.00	Removal of dead/dying plants and trees as well as landscape improvements at (5) SR400 interchanges
18000408	Comfort by Design Inc.	Public Works	\$ 6,783.20	Replacement of the HVAC diffusers and connectors in the jail and CID
18000410	Builders Floor Covering and Tile LLC	Recreation and Parks	\$ 6,923.39	Installation of hardwood floors in the multi-purpose room at the Adult Activity Center
18000412	Meer Electrical Contractors Inc.	Recreation and Parks	\$ 10,760.16	Electrical services at the Taste
18000413	34 Strong Inc.	Public Works	\$ 9,190.00	Strengths based employee training
18000416	Norbert's Athletic Products Inc.	Recreation and Parks	\$ 10,608.00	Gymnastic equipment, including mats, tumblers, etc.
18000421	Trevor Etchison	Recreation and Parks	\$ 7,488.66	Fence installation at the Mansell House
18000422	Smallwood, Reynolds, Stewart, Stewart	Community Development	\$ 11,500.00	Architectural design for ground floor buildout for land disturbance inspectors.
18000427	Global Equipment Co	Public Safety	\$ 5,330.25	Lockers for E911 employees
18000428	Laser Products LLC	Recreation and Parks	\$ 19,300.00	Turfplaning services for Webb Bridge Park, North Park, and Wills Park fields
18000429	Athletic Construction Inc.	Recreation and Parks	\$ 16,380.00	Poles and netting for Webb Bridge Park lower soccer field
18000430	Bear Communications Inc.	Public Safety	\$ 25,000.00	Disconnect, relocate, and reinstall the voice processing radio equipment for the E911 center
18000431	ThyssenKrupp Elevator Corporation	Public Works	\$ 8,570.00	Parking deck elevator static testing to determine the location of the oil leak
18000432	Ruppert Landscape	Public Works	\$ 9,683.75	Landscaping for (2) locations as part of the agreement to obtain easements for drainage projects
18000433	DeKalb Office	Recreation and Parks	\$ 21,492.13	Cubicle installation for the Recreation Parks and Cultural Services Offices in City Hall
18000436	American Coach Lines Inc.	Recreation and Parks	\$ 9,708.00	Bus transportation for Wills Park Summer Day Camp fieldtrips in June.
18000440	American Coach Lines Inc.	Recreation and Parks	\$ 7,813.00	Bus transportation for Camp Happy Hearts fieldtrips in June.
18000442	Newtown Recreation	Recreation and Parks	\$ 6,420.00	Spring 2018 fall lacrosse
18000443	Dell Marketing LP	Information Technology	\$ 38,448.60	(10) Ruggedized tablets, docking stations, and keyboard/touchpad sets for fire apparatus



OTHER REPORTS

Bid/RFP Status



CITY OF ALPHARETTA
Financial Management Reports
Bid/RFP Status
for the month ended March 31, 2018

Bid#	RFP#	Department	Description	Close Date	Number of Vendor Responses	Award Date	Awarded To	Award Amount	Purchase Order Date	Purchase Order #
	17-1004 RFQ	Community Development	Design / Build for Downtown Parking Deck	9/1/2016	10	N/A	Shortlisted 4 Bidders for RFP 17-102	N/A		
	17-102 RFP	Community Development	Design / Build for Downtown Parking Decks	5/11/2017	4	7/17/2017	The Christman Company	\$ 6,928,183.00	11/20/2017	18000295/18000296
	17-1011 RFQ	Rec/Parks	Alpharetta Arts Center Construction	3/23/2017	11	N/A	Shortlisted 3 Bidders for RFP 17-112	N/A		
	17-112 RFP	Rec/Parks	Alpharetta Arts Center	5/3/2017	3	8/7/2017	Macallan Construction	\$ 2,836,935.00	10/5/2017	18000232
	17-111 RFP	Information Technology	Cadastral Conversion Services	6/15/2017	4	8/21/2017	Atlas Geographic Data, Inc.	\$ 81,700.00	10/9/2017	18000234
	17-1013 RFQ	Public Works	Rucker Road Corridor Improvements	5/18/2017	5	N/A	Shortlisted 2 Bidders for PW ITB 17-011			
17-011		Public Works	Rucker Road Corridor Improvements	6/29/2017	2	8/7/2017	C. W. Matthews Contracting Co.	\$ 15,030,195.75	9/29/2017	18000225
17-010		Public Works	Windward Sidewalk Improvements	6/15/2017	7	7/17/2017	Construction 57, Inc.	\$ 320,982.00	8/9/2017	18000157
	18-101 RFP	Public Safety	Public Safety Uniforms and Duty Gear	7/27/2017	8	cancelled/no-award				
	18-102 RFP	Rec/Parks	Webb Bridge Park Artificial Turf Field Replacement	7/13/2017	7	8/21/2017	Sprinturf, LLC	\$ 406,461.00	10/31/2017	18000264
18-001		Public Works	FY 2018 Milling and Resurfacing	8/31/2017	5	10/23/2017	Allied Paving Contractors	\$ 2,645,448.30	12/15/2017	18000327
18-002		Public Works	FY 2017 Bond Sidewalk Improvements-Phase 4	9/28/2017	7	10/23/2017	Sol Construction, LLC	\$ 379,383.50	12/19/2017	18000332
18-004		Public Works	FY 2018 Bridge Maintenance	10/12/2017	8	11/6/2017	Massana, Inc.	\$ 310,984.00	2/6/2018	18000369
	18-103 RFP	Public Safety	Body Worn Camera System for Public Safety Officers	10/12/2017	5	2/21/2018	Utility Associates Inc.	\$ 704,550.00	3/27/2018	18000441
	18-104 RFP	Public Safety	Fire and Police Personnel Uniforms and Duty Gear	12/14/2017	4	1/22/2018	Galls, LLC and Smyrna Police Distributors			
18-005		Public Works	FY2017 Bond Sidewalk Improvements - Phase 5	12/14/2017	9	1/9/2018	Autaco Development, LLC	\$ 229,406.00	3/26/2018	18000437
18-006		Public Works	Warsaw Area Sidewalk Improvements	1/18/2018	7	3/5/2018	Vertical Earth	\$ 289,401.57		
	18-105 RFP	Public Safety	Concealable Body Armor for Public Safety Department	2/1/2018	5	3/26/2018	Dana Safety Supply and Galls LLC			
18-007		Public Works	Mayfield Road Culvert Replacement	3/1/2018	6	3/19/2018	Dickerson Group	\$ 823,943.60		
	18-107 RFP	Rec/Parks	Portable Toilet and Dumpster Rentals for Special Events	3/8/2018	3	3/16/2018	United Site Services of Georgia			
	18-106 RFP	Admin	Document Scanning Services	3/15/2018	4					
	18-1002 IOI	Admin	Performing Arts Center Indication of Interest	3/29/2018	3					
	18-1003 IOI	Admin	Downtown Parking Deck Indication of Interest	3/29/2018	1					
	18-1004 RFQ	Public Works	Qualification for HVAC Services for City Facilities	3/22/2018	10	3/29/2018	Shortlisted 3 firms for PW RFP 18-108			
18-108 RFP		Public Works	HVAC Services for City Facilities	4/20/2018						



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OTHER REPORTS

GAAP Financial Statements

**City of Alpharetta
Balance Sheet
Governmental Funds
March 31, 2018**

	Major Governmental Funds						Non-Major	Total
	General	Capital	Capital	Conf Center	Construction	T-SPLOST	Governmental	Governmental
	Fund	Project Fund	Grant Fund	Bond Fund	Bond Fund	Capital Fund	Funds	Funds
ASSETS								
Cash / Cash Equivalents / Investments	\$ 31,759,375	\$ 20,521,962	\$ -	\$ 373,100	\$ 40,674,948	\$ 7,634,909	\$ 13,878,531	\$ 114,842,826
Receivables (net of allowance for uncollectibles)			526,677					526,677
Taxes Receivable								-
Property Taxes	265,862	-		-	-	-	150,568	416,430
Other Taxes	-	-		-	-	-	-	-
Interest	-	-		-	-	-	-	-
Accounts	-	253,913		-	-	-	3,990	257,903
Due from Other Funds	-	-	-	-	-	-	-	-
Prepaid Items	-	-		-	-	-	-	-
Cash - Restricted	-	-		-	-	-	-	-
Intergovernmental Receivable	-	-		-	-	-	-	-
Restricted	-	-		-	-	-	-	-
Total Assets	32,025,238	20,775,875	526,677	373,100	40,674,948	7,634,909	14,033,089	116,043,836
LIABILITIES AND FUND BALANCES								
Liabilities								
Current								
Accounts Payable	1,496,312	22,095	-	-	\$ 9,420	-	70,925	1,598,752
Retainage Payable	-	60,847		-	547,547	-	156,115	764,510
Intergovernmental Payable	-	-	-	-	-	-	-	-
Arbitrage Payable	-	-	-	-	-	-	-	-
Accounts payable/AR Suspense acct	-	-		-	-	-	-	-
Claims Payable	-	-		-	-	-	-	-
Payroll Payable	29,494	-		-	-	-	4,323	33,817
Due to Other Funds	-	-	-	-	-	-	(1,991)	(1,991)
Deferred Revenue	38,337	224,191	\$ 433,332	-	-	(741,130)	164,822	119,552
Unearned Revenue	-	-		-	-	-	-	-
Teen Driving/Donation	-	-		-	-	-	-	-
T.A.D Payment to County	-	-		-	-	-	-	-
Compensated Absences	-	-		-	-	-	-	-
Non-Current								
Unclaimed Property	-	-		-	-	-	-	-
Claims Payable	-	-		-	-	-	-	-
Total Liabilities	1,564,143	307,133	433,332	-	556,967	(741,130)	394,195	2,514,639
Fund Balances:								
Restricted for:								
Capital Projects	-	395,508	93,344	373,100	40,117,981	8,376,040	3,840,011	53,195,984
Law Enforcement	-	-		-	-	-	663,199	663,199
Emergency Telephone Activities	-	-		-	-	-	1,410,223	1,410,223
Grant Projects	-	-		-	-	-	-	-
Debt Service	-	-		-	-	-	4,880,448	4,880,448
Promotion of Tourism	-	-		-	-	-	1,998,466	1,998,466
Assigned for:								
Grant Projects	-			-	-	-	72,991	72,991
Capital Projects		20,073,233						20,073,233
2019 Fiscal year Expenditures	6,083,689	-		-	-	-	-	6,083,689
Unassigned	24,377,406			-	-	-	773,557	25,150,963
Total Fund Balances	30,461,095	20,468,742	93,344	373,100	40,117,981	8,376,040	13,638,894	113,529,196
Total Liabilities and Fund Balances	\$ 32,025,238	\$ 20,775,875	\$ 526,677	\$ 373,100	\$ 40,674,948	\$ 7,634,909	\$ 14,033,089	\$ 116,043,836

City of Alpharetta
Statement of Revenues, Expenditures, and Changes in Fund Balances
Governmental Funds
For the Period Ended March 31, 2018

	Major Governmental Funds						Non-Major Governmental Funds	Total Governmental Funds
	General Fund	Capital Project Fund	Capital Grant Fund	Conf Ctr Fund Fund	S2016 Const Bond Fund	T-SPLOST Capital Fund		
REVENUES								
Taxes:								
Property Tax	\$ 21,101,548	-	-	-	-	-	4,726,323	\$ 25,827,871
Local Option Sales Tax	10,486,302	-	-	-	-	-	5,095,678	15,581,980
Transportation Special Purpose Local Option Sales Tax	-	-	-	-	-	6,992,484	-	6,992,484
Other Taxes	13,308,054	-	-	-	-	-	2,391,058	15,699,112
Licenses and permits	1,885,601	-	-	-	-	-	863,668	2,749,268
Intergovernmental	45,000	303,262	1,483,770	-	-	-	190,261	2,022,293
Charges for services	3,054,011	-	-	-	-	-	544,980	3,598,991
Impact Fees	-	-	-	-	-	-	-	-
Fines/Forfeitures	1,417,786	-	-	-	-	-	46,169	1,463,955
Investment earnings	129,623	99,162	(1,682)	20,196	403,108	42,033	13,527	705,966
Contributions and Donations	-	544,773	-	-	-	-	-	544,773
Other	165,618	-	-	-	3,061	-	-	168,679
Total revenues	51,593,542	947,197	1,482,087	20,196	406,169	7,034,518	13,871,664	75,355,373
EXPENDITURES								
Current:	-	-	-	-	-	-	-	-
Unallocated	-	-	-	-	-	-	2,067,766	2,067,766
General government	6,930,373	768,597	-	6,477,274	-	-	1,479,822	15,656,065
Public safety	19,851,327	1,154,286	-	-	-	-	4,494,280	25,499,893
Public works	5,581,263	1,658,665	1,070,741	-	3,136,031	497,547	834,022	12,778,268
Economic and community development	2,085,116	116,975	120,534	-	-	-	-	2,322,624
Alpharetta Business Community	-	318,769	-	-	-	-	-	318,769
Culture and recreation	5,930,697	884,525	-	-	4,586,065	-	1,004,720	12,406,007
Debt service:	-	-	-	-	-	-	-	-
Principal	-	-	-	-	-	-	-	-
Interest	55,920	-	-	-	-	-	389,981	445,901
Other Costs	528,255	-	-	-	-	-	-	528,255
Bond issuance costs	-	-	-	-	-	-	3,000	3,000
Capital outlay	-	-	-	-	-	-	-	-
Total expenditures	40,962,950	4,901,817	1,191,275	6,477,274	7,722,096	497,547	10,273,591	72,026,550
Excess (deficiency) of revenues over (under) expenditures	10,630,592	(3,954,620)	290,812	(6,457,078)	(7,315,927)	6,536,971	3,598,073	3,328,823
OTHER FINANCING SOURCES (USES)								
Transfers in	1,772,371	9,560,522	-	-	-	-	-	11,332,893
Transfers out	(10,516,772)	-	-	-	-	-	(816,121)	(11,332,893)
Loan Proceeds	-	-	-	-	-	-	-	-
Capital Leases	-	-	-	-	-	-	-	-
Sale of capital assets	96,847	-	-	-	-	-	-	96,847
Sale of non-capital assets	16,708	-	-	-	-	-	-	16,708
Land Sale	1,000	-	-	-	-	-	-	1,000
Insurance Proceeds	-	-	-	-	-	-	-	-
Bond Proceeds	-	-	-	-	-	-	-	-
Total other financing sources and (uses)	(8,629,846)	9,560,522	-	-	-	-	(816,121)	114,555
Net change in fund balances	2,000,746	5,605,902	290,812	(6,457,078)	(7,315,927)	6,536,971	2,781,952	3,443,378
Fund balances - beginning	28,460,350	14,862,840	(197,468)	6,830,178	47,433,908	1,839,069	10,856,942	110,085,819
Fund balances - ending	\$ 30,461,095	\$ 20,468,742	\$ 93,344	\$ 373,100	\$ 40,117,981	\$ 8,376,040	\$ 13,638,894	\$ 113,529,196

City of Alpharetta
General Fund
Statement of Revenues, Expenditures, and Changes in Fund Balances - Budget and Actual
For the Period Ended March 31, 2018

	Budget	Actual Amounts	Variance with Budget- Positive (Negative)
REVENUES			
Taxes:			
Property Tax	\$ 21,469,000	\$ 21,101,548	\$ (367,452)
Local Option Sales Tax	15,200,000	10,486,302	(4,713,698)
Other Taxes	15,657,820	13,308,054	(2,349,766)
Licenses and Permits	2,070,550	1,885,601	(184,949)
Intergovernmental	435,000	45,000	(390,000)
Charges for Service	4,139,750	3,054,011	(1,085,739)
Fines/Forfeitures	2,209,250	1,417,786	(791,464)
Investment Earnings	75,000	129,623	54,623
Contributions and Donations			-
Other	197,416	165,618	(31,798)
Total revenues	61,453,786	51,593,542	(9,860,244)
EXPENDITURES			
Current:			
General government			
City Administration	2,266,016	1,679,134	586,882
Finance	3,347,009	2,641,375	705,634
Human Resources	415,782	265,075	150,707
Legal	665,000	289,647	375,353
Mayor and Council	364,488	229,882	134,606
Municipal Court	1,126,546	809,164	317,382
Information Technology	1,681,857	1,222,445	459,412
Non-Departmental	710,000	508,750	201,250
Contingency	650,000	19,505	630,495
Total general government	11,226,698	7,664,977	3,561,721
Public Safety	27,260,508	20,254,031	7,006,477
Public works	8,377,022	5,911,316	2,465,706
Economic and community development	2,857,116	2,118,592	738,524
Culture and recreation	9,102,275	6,553,454	2,548,821
Debt Service			
Principal	175,000	-	175,000
Interest	111,840	55,920	55,920
Total expenditures	59,110,459	42,558,290	16,552,169
Excess (Deficiency) of revenues over expenditures	2,343,327	9,035,252	6,691,925
OTHER FINANCING SOURCES (USES)			
Transfers in	2,718,750	1,772,371	(946,379)
Transfers out	(14,022,363)	(10,516,772)	3,505,591
Capital leases	-	-	-
Land Sale	-	1,000	1,000
Sale of capital assets	60,000	96,847	36,847
Sale of non-capital assets	40,000	16,708	(23,292)
Total other financing sources and uses	(11,203,613)	(8,629,846)	2,573,767
Net change in fund balances	(8,860,286)	405,406	9,265,692
Fund balances - beginning		28,460,350	
Fund balances - ending		\$ 28,865,756	
Adjustments to GAAP basis:			
Encumbrances		1,595,339	
Misc adj			
Fund balances-ending		\$ 30,461,095	

City of Alpharetta
Capital Project Fund
Statement of Revenues, Expenditures, and Changes in Fund Balances - Budget and Actual
For the Period Ended March 31, 2018

	Budget	Actual Amounts	Variance with Budget- Positive (Negative)
REVENUES			
Intergovernmental	\$ 2,166,779	\$ 303,262	\$ (1,863,517)
Contributions & Donations	1,885,626	544,773	(1,340,853)
Investment earnings	-	99,162	99,162
Misc Revenue	-	-	-
Other	250,000	-	(250,000)
Total revenues	4,302,405	947,197	(3,355,208)
EXPENDITURES			
Capital Outlay			
General Government:			
City Administration	790,969	637,582	153,387
Finance	59,885	9,866	50,019
Information Technology	1,164,679	469,074	695,605
Non-departmental	2,978,399	-	2,978,399
Total general government	4,993,932	1,116,521	3,877,411
Public Safety	3,685,367	3,308,133	377,234
Engineering & Public Works	18,405,732	13,057,195	5,348,537
Alpharetta Business Community	543,443	484,484	58,959
Economic and community development	340,057	186,975	153,082
Culture and recreation	3,944,076	3,134,912	809,164
Total Capital Outlay	31,912,607	21,288,221	10,624,386
Excess (Deficiency) revenue over expenditures	(27,610,202)	(20,341,024)	7,269,178
OTHER FINANCING SOURCES (USES)			
Transfers in	12,747,363	9,560,522	(3,186,841)
Capital leases	-	-	-
Budgeted Fund Balance	-	-	-
Total other financing sources and uses	12,747,363	9,560,522	(3,186,841)
Net change in fund balances	(14,862,839)	(10,780,502)	4,082,337
Fund balances - beginning		14,862,840	
Fund balances - ending		\$ 4,082,338	
Adjustments to GAAP basis:			
Encumbrances		16,386,404	
Misc adj-			
Fund balances-ending		\$ 20,468,742	

City of Alpharetta
Capital Grant Fund
Schedule of Revenues, Expenditures, and Changes in Fund Balances - Budget and Actual
For the Period Ended March 31, 2018

	Budget	Actual Amounts	Variance with Budget - Positive (Negative)
Revenues:			
Intergovernmental	\$ 2,439,873	1,483,770	\$ (956,103)
Contributions & Donations	-	-	-
Interest Earnings	-	(1,682)	(1,682)
Total	<u>2,439,873</u>	<u>1,482,087</u>	<u>(957,786)</u>
Expenditures:			
Public Safety	-	-	-
General Government	176,088	-	176,088
Community Development	120,534	120,534	-
Public Works	1,945,783	1,886,650	59,133
Recreation & Parks	-	-	-
Non-Departmental	-	-	-
Total	<u>2,242,405</u>	<u>2,007,184</u>	<u>235,221</u>
Excess (Deficiency) revenue over expenditures	<u>197,468</u>	<u>(525,097)</u>	<u>(722,565)</u>
Other Financing Sources & Uses:			
Transfers in	-	-	-
Budgeted Fund Balance	-	-	-
Subtotal:	<u>-</u>	<u>-</u>	<u>-</u>
Net change in fund balance	<u>197,468</u>	<u>(525,097)</u>	<u>(722,565)</u>
Fund balance - beginning		<u>(197,468)</u>	
Fund balance - ending		<u>\$ (722,565)</u>	
Adjustments to GAAP basis:			
Misc adj			
Encumbrances		815,909	
Fund balances - ending		<u>\$ 93,344</u>	

City of Alpharetta
Conference Center Fund
Statement of Revenues, Expenditures, and Changes in Fund Balances - Budget and Actual
For the Period Ended March 31, 2018

	Budget	Actual Amounts	Variance with Budget- Positive (Negative)
REVENUES	\$ -	\$ -	\$ -
Bond Proceeds	-	-	-
Premium on Bond Proceeds	-	-	-
Misc Rev	-	-	-
Investment Earnings	-	20,196	20,196
Total revenues	-	20,196	20,196
EXPENDITURES			
General Government:			
Cost of Bond Issuance		-	-
Non-Departmental	133,163	-	133,163
Total general government	133,163	-	133,163
City Administration	6,697,014	6,493,852	203,162
Public Safety	-	-	-
Excess (Deficiency) of Revenues Over expenditures	(6,830,177)	(6,473,657)	356,520
OTHER FINANCING SOURCES			
General Obligation Bond Proceeds	-	-	-
Operating Transfers Out			-
Total other financing sources (uses)	-	-	-
Net change in fund balances	(6,830,177)	(6,473,657)	356,520
Fund balances - beginning		6,830,178	
Fund balances - ending		<u><u>\$ 356,521</u></u>	
Adjustments to GAAP basis:			
Encumbrances		16,579	
Fund balances-ending		<u><u>\$ 373,100</u></u>	

City of Alpharetta
Bond Construction Fund
Statement of Revenues, Expenditures, and Changes in Fund Balances - Budget and Actual
For the Period Ended March 31, 2018

	Budget	Actual Amounts	Variance with Budget- Positive (Negative)
REVENUES			
Bond Proceeds	\$ -	\$ -	\$ -
Premium on Bond Proceeds	-	-	-
Misc Revenue	-	3,061	3,061
Investment Earnings	-	403,108	403,108
Total revenues	-	406,169	406,169
EXPENDITURES			
General Government:			
Cost of Bond Issuance	-	-	-
Public Works	32,264,476	17,188,810	15,075,666
Recreation & Parks	1,516,431	5,085,233	(3,568,802)
Total general government	33,780,907	22,274,043	11,506,864
City Administration			-
Public Safety	-	-	-
Excess (Deficiency) of Revenues			
Over expenditures	(33,780,907)	(21,867,874)	11,913,033
OTHER FINANCING SOURCES			
General Obligation Bond Proceeds	-	-	-
Operating Transfers Out			-
Total other financing sources (uses)	-	-	-
Net change in fund balances	(33,780,907)	(21,867,874)	11,913,033
Fund balances - beginning		47,433,908	
Fund balances - ending		\$ 25,566,034	
Adjustments to GAAP basis:			
Encumbrances		14,551,947	
Fund balances-ending		\$ 40,117,981	

City of Alpharetta
TSPLOST Fund
Statement of Revenues, Expenditures, and Changes in Fund Balances - Budget and Actual
For the Period Ended March 31, 2018

	Budget	Actual Amounts	Variance with Budget- Positive (Negative)
REVENUES			
Transportation Special Purpose Local Option Sales Tax	\$ 13,000,000	\$ 6,992,484	\$ (6,007,516)
Investment Earnings		42,033	42,033
Total revenues	13,000,000	7,034,518	(5,965,482)
EXPENDITURES			
General Government:			
Cost of Bond Issuance			-
Public Works	14,839,068	1,892,439	12,946,629
Recreation & Parks			-
Total general government	14,839,068	1,892,439	12,946,629
City Administration			-
Public Safety	-	-	-
Excess (Deficiency) of Revenues			-
Over expenditures	(1,839,068)	5,142,079	6,981,147
OTHER FINANCING SOURCES			
General Obligation Bond Proceeds			-
Operating Transfers Out			-
Total other financing sources (uses)	-	-	-
Net change in fund balances	(1,839,068)	5,142,079	6,981,147
Fund balances - beginning			
		1,839,069	
Fund balances - ending			
	\$	6,981,147	
Adjustments to GAAP basis:			
Encumbrances		1,394,893	
Fund balances-ending	\$	8,376,040	

City of Alpharetta
Internal Service Fund - Medical Insurance
Statement of Net Position
March 31, 2018

ASSETS

Current Assets:		
Cash and Cash Equivalents & Investments	\$	2,523,119
Accounts Receivables (net of allowance for uncollectibles)		-
Total Current Assets		<u>2,523,119</u>
Noncurrent Assets:		
Restricted Cash, Cash Equivalents, and Investments		-
Total Restricted Assets		<u>-</u>
Total Noncurrent Assets		<u>-</u>
Total Assets		<u>2,523,119</u>

LIABILITIES

Current Liabilities:		
Accounts Payable		-
Claims Payables	\$	826,130
Accrued Interest Payable		-
Due to Other Funds		-
Total Current Liabilities		<u>826,130</u>
Current Liabilities Payable from Restricted Assets:		-
Total Current Liabilities Payable from Restricted Assets		<u>-</u>
Noncurrent Liabilities:		-
Other Non-Current Liabilities		-
Total Noncurrent Liabilities		<u>-</u>
Total Liabilities		<u>826,130</u>

NET ASSETS

Invested in Capital Assets, net of related debt		-
Reserved for Debt Service		-
Reserved for Encumbrances		-
Unreserved		<u>1,696,990</u>
Total Net Assets		<u>1,696,990</u>
Total Liabilities & Net Assets	\$	<u>2,523,119</u>

City of Alpharetta
Internal Service Fund - Medical Insurance
Statement of Revenues, Expenses, and Changes in Net position - Budget and Actual
For the Period Ended March 31, 2018

	Budget	Actual Amounts	Variance with Budget - Positive (Negative)
REVENUES			
Investment Earnings	\$ -	\$ 88	\$ (88)
Employer Medical Contribution	6,289,453	4,691,451	(1,598,002)
Employee Medical Contribution	702,209	576,562	(125,647)
Insurance Proceeds	-	-	
Total revenues	6,991,662	5,268,101	(1,723,561)
EXPENDITURES			
Medical Premiums	1,501,694	1,130,401	371,293
Medical Claims	5,408,414	3,404,892	2,003,522
Contingency	1,104,121	0	1,104,121
Total expenditures	8,014,229	4,535,292	3,478,937
Excess (Deficiency) of Revenues Over expenditures	(1,022,567)	732,809	1,755,376
OTHER FINANCING SOURCES			
Asset Disposition		-	
Operating Transfers In	-	-	-
Operating Transfers Out	-	-	-
Total other financing sources (uses)	-	-	-
Net change in fund balances	(1,022,567)	732,809	1,755,376
Fund balances - beginning		964,180	
Fund balances - ending		\$ 1,696,990	
Adjustments to GAAP basis:			
Encumbrances		-	
Misc adj			
Fund balances-ending		\$ 1,696,990	

City of Alpharetta
Enterprise Fund -Solid Waste
Statement of Net Position
March 31, 2018

	<u>Solid Waste</u>
ASSETS	
Current Assets:	
Cash and Cash Equivalents & Investments	\$ 2,392,149
Inventories, at cost	-
Accounts Receivables (net of allowance for uncollectibles)	138,768
Prepaid Insurance Expenses	-
Total Current Assets	<u>2,530,917</u>
Noncurrent Assets:	
Restricted Cash, Cash Equivalents, and Investments	-
Total Restricted Assets	<u>-</u>
Other	-
Capital Assets	
Buildings and System	-
Machinery and Equipment	
Less Accumulated Depreciation	-
Total Capital Assets (net of accumulated depreciation)	<u>-</u>
Total Noncurrent Assets	<u>-</u>
Total Assets	<u>2,530,917</u>
LIABILITIES	
Current Liabilities:	
Accounts Payable	2,137
Accounts Payable/ Customer Credit Balances	(56)
Accounts Payable/ Customer Pre-Paid Service	-
Accounts Payable/ A/R Module Suspense Acct	1,031
Payroll Liabilities	1,128
Accrued Salaries	-
Accrued Interest Payable	-
Compensated Absences Payable	713
Notes Payable - Revenue Bonds	-
Due to Other Funds	-
Total Current Liabilities	<u>4,952</u>
Current Liabilities Payable from Restricted Assets:	
Revenue Bonds Payable	-
Total Current Liabilities Payable from Restricted Assets	<u>-</u>
Noncurrent Liabilities:	
Customer Deposits	-
Compensated Absences less Current Portion	-
Revenue Bonds Payable	-
Total Noncurrent Liabilities	<u>-</u>
Total Liabilities	<u>4,952</u>
NET ASSETS	
Invested in Capital Assets, net of related debt	-
Reserved for Debt Service	-
Reserved for Encumbrances	-
Unreserved	2,525,965
Total Net Assets	<u>2,525,965</u>
Total Liabilities & Net Assets	<u>\$ 2,530,917</u>

City of Alpharetta
Enterprise Fund - Solid Waste
Statement of Revenues, Expenses, and Changes in Net Position
For the Period Ended March 31, 2018

Operating revenues:		
Charges for sales and services:		
Refuse Collection charges	\$	3,823,899
Misc Revenue		11,982
Total operating revenues		<u>3,835,882</u>
Operating expenses:		
Administration		3,277,642
Non-departmental		-
Total operating expenses		<u>3,277,642</u>
Operating Gain (loss)		558,240
Non-operating revenues (expenses):		
Investment earnings		-
Total non-operating revenue (expenses)		<u>-</u>
Income (loss) before transfers		558,240
Transfers In		-
Transfers Out		<u>-</u>
Change In Net Assets		558,240
Total net assets-beginning		<u>1,133,212</u>
Total net assets-ending (net of encumbrances)		<u><u>1,691,452</u></u>
Adjustments to GAAP basis:		
Encumbrances		834,514
Misc adj-Encumbrances Resv/Prior Year		
Total net assets-ending	\$	<u><u>2,525,965</u></u>

City of Alpharetta
Internal Service Fund - Risk Management
Statement of Net Position
March 31, 2018

ASSETS

Current Assets:		
Cash and Cash Equivalents & Investments	\$	1,151,000
Accounts Receivables (net of allowance for uncollectibles)		-
Total Current Assets		<u>1,151,000</u>
Noncurrent Assets:		
Restricted Cash, Cash Equivalents, and Investments		-
Total Restricted Assets		<u>-</u>
Total Noncurrent Assets		<u>-</u>
Total Assets		<u>1,151,000</u>

LIABILITIES

Current Liabilities:		
Accounts Payable		-
Claims Payables		473,206
Accrued Interest Payable		-
Due to Other Funds		-
Total Current Liabilities		<u>473,206</u>
Current Liabilities Payable from Restricted Assets:		
Total Current Liabilities Payable from Restricted Assets		<u>-</u>
Noncurrent Liabilities:		
Other Non-Current Liabilities		553,962
Total Noncurrent Liabilities		<u>553,962</u>
Total Liabilities		<u>1,027,168</u>

NET ASSETS

Invested in Capital Assets, net of related debt		-
Reserved for Debt Service		-
Reserved for Encumbrances		-
Unreserved		123,832
Total Net Assets		<u>123,832</u>
Total Liabilities & Net Assets	\$	<u>1,151,000</u>

City of Alpharetta
Internal Service Fund - Risk Management
Statement of Revenues, Expenses, and Changes in Net position - Budget and Actual
For the Period Ended March 31, 2018

	Budget	Actual Amounts	Variance with Budget - Positive (Negative)
REVENUES			
Investment Earnings	\$ 3,000	\$ 5,049	\$ 2,049
Charges for Service	1,335,000	1,001,250	(333,750)
Discounts	-	-	-
Insurance Proceeds	-	40,695	40,695
Total revenues	1,338,000	1,046,994	(291,006)
EXPENDITURES			
Workers Compensation Admin	-	-	-
Professional Fees	125,000	124,547	453
Auto Liability	150,000	159,588	(9,588)
Property & Equipment Liability	90,000	92,197	(2,197)
General Liability	60,000	56,626	3,374
Law Enforcement Liability	100,000	85,194	14,806
Public Entity Liability	60,000	58,077	1,923
Workers Comp Excess Liability	105,000	103,609	1,391
Employee Benefits Liability	-	-	-
Criminal Liability	5,000	3,386	1,614
Cyber Liability	8,000	6,394	1,606
Umbrella Liability	60,000	52,782	7,218
Medical Services	30,000	39,454	(9,454)
Claims/Judgements	550,000	512,564	37,436
Contingency	274,335	-	274,335
Total expenditures	1,617,335	1,294,418	322,917
Excess (Deficiency) of Revenues Over expenditures	(279,335)	(247,424)	31,911
OTHER FINANCING SOURCES			
Asset Disposition	-	-	-
Operating Transfers In	-	-	-
Operating Transfers Out	-	-	-
Total other financing sources (uses)	-	-	-
Net change in fund balances	(279,335)	(247,424)	31,911

Fund balances - beginning

279,335

Fund balances - ending

\$ 31,911

Adjustments to GAAP basis:

Encumbrances

91,921

Misc adj

Fund balances-ending

\$ 123,832

**City of Alpharetta
Statement of Net Position
OPEB Trust Fund
March 31, 2018**

	OPEB Plan
ASSETS	
Current Assets:	
Cash and Cash Equivalents	\$ 1,205,047
Investments	-
Accounts Receivables (net of allowance for uncollectibles)	-
Total Assets	<u>1,205,047</u>
LIABILITIES	
Current Liabilities:	
Accounts Payable	\$ -
Due to Other Funds	-
Total Current Liabilities	<u>-</u>
Current Liabilities Payable from Restricted Assets:	-
Total Current Liabilities Payable from Restricted Assets	<u>-</u>
Noncurrent Liabilities:	-
Total Noncurrent Liabilities	<u>-</u>
Total Liabilities	<u>-</u>
NET ASSETS	
Net Assets held in trust for pension benefits	<u>1,205,047</u>
Total Net Assets	<u>1,205,047</u>
Total Liabilities & Net Assets	<u><u>\$ 1,205,047</u></u>

City of Alpharetta
Statement of Changes in Fiduciary Net Position
OPEB Trust Fund
For the Period Ended March 31, 2018

	<u>Actual Amounts</u>
Additions:	
Employer Contribution	\$ 63,900
Employee Contribution	
Total Contribution	<u>63,900</u>
Investment Income	-
Net appreciation in FMV	-
Interest and Dividends	10,895
Total Investment Income	<u>10,895</u>
Total Additions (Deductions)	<u>74,795</u>
Deductions:	
Benefits payments	-
Professional Fees	-
Total deductions	<u>-</u>
Net Increase (Decrease)	<u>74,795</u>
Net Assets held in trust for pension benefits	
Beginning of year	1,130,252
Total net assets	<u>\$ 1,205,047</u>

City of Alpharetta
Statement of Net Position
Pension Trust Fund
March 31,2018

	Pension Trust Fund
ASSETS	
Current Assets:	
Cash and Cash Equivalents	72,957
Investments	70,249,544
	-
Accounts Receivables (net of allowance for uncollectibles)	413,391
Total Assets	<u>70,735,892</u>
LIABILITIES	
Current Liabilities:	
Accounts Payable	202,894
	-
Due to Other Funds	-
Total Current Liabilities	<u>202,894</u>
Current Liabilities Payable from Restricted Assets:	
	-
Total Current Liabilities Payable from Restricted Assets	<u>-</u>
Noncurrent Liabilities:	
	-
Total Noncurrent Liabilities	<u>-</u>
Total Liabilities	<u>202,894</u>
NET ASSETS	
Net Assets held in trust for pension benefits	<u>70,532,998</u>
Total Net Assets	<u>70,532,998</u>
Total Liabilities & Net Assets	<u>\$ 70,735,892</u>

City of Alpharetta
Statement of Changes in Fiduciary Net Position
Pension Trust Fund
For the Period Ended March 31, 2018

	<u>Actual Amounts</u>
Additions:	
Employer Contribution	\$ 2,625,003
Employee Contribution	247,098
Total Contribution	<u>2,872,101</u>
Investment Income	(156,966)
Net appreciation in FMV	3,980,433
Interest and Dividends	993,104
Accrued Interest & Dividends	20,329
Other Receipts	1,612
Total Investment Income	<u>4,838,513</u>
Total Additions (Deductions)	<u>7,710,615</u>
Deductions:	
Benefits payments	1,480,252
Administrative Fees	72,781
Legal Fees	7,380
Consulting Fees	270,789
Agent Custody Fees	7,528
Other Disbursements	-
Total deductions	<u>1,838,730</u>
Net Increase (Decrease)	<u>5,871,885</u>
Net Assets held in trust for pension benefits	
Beginning of year	64,661,113
Total net assets	<u>\$ 70,532,998</u>

City of Alpharetta
Combining Statement of Revenues, Expenditures, and Changes in Fund Balances
Non-major Governmental Funds
For the Period Ending March 31, 2018

	Special Revenue							Total Non-major Governmental Funds
	Hotel Motel	Impact Fee	Confiscated Assets	Grant Operations	E911 Fund	Debt Service Fund	Stormwater Service Fund	
REVENUES:								
Hotel Motel Tax	\$ 4,726,323	-	-	-				\$ 4,726,323
Property tax						5,095,678	-	5,095,678
Charges for Service	-	-	-	-	2,391,058			2,391,058
Impact Fees	-	863,668		-				863,668
Forfeiture Income	-	-	190,261	-				190,261
Intergovernmental	-	-	2,902	38,054	504,024			544,980
Contributions & Donations	-	-	-	-				-
Investment Earnings	-	23,879	651	362	7,093	14,185		46,169
Other	-		13,527				-	13,527
Total revenues	4,726,323	887,546	207,341	38,415	2,902,175	5,109,864	-	13,871,664
EXPENDITURES:								
Tourism	2,067,766	-	-	-	-			2,067,766
Community Development	-	-	-	-	-			-
Culture/Recreation	-	991,791	-	-	-		12,929	1,004,720
Public Safety	-	151,200	995,089	28,969	3,319,022			4,494,280
Public Works		-					834,022	834,022
General Government	-	-	-	-	-	1,479,822	-	1,479,822
Debt Service:							-	-
Principal							-	-
Interest	389,981						-	389,981
Bond Issuance Costs	3,000						-	3,000
Total expenditures	2,460,748	1,142,991	995,089	28,969	3,319,022	1,479,822	846,951	10,273,591
Excess (deficiency) of revenues over expenditures	2,265,575	(255,445)	(787,748)	9,447	(416,847)	3,630,041	(846,951)	3,598,073
OTHER FINANCING SOURCES (USES):								
Transfers in / out:								-
Debt service fund	-	-	-	-				-
Capital Projects								-
Operating grants fund	-	-	-	-				-
Capital grants fund	-	-	-	-				-
General fund	(1,772,371)	-	-	15,000	-		941,250	(816,121)
Budgeted Fund Balance:	-	-	-	-				-
Total other financing sources and (uses)	(1,772,371)	-	-	15,000	-		941,250	(816,121)
Net change in fund balances	493,204	(255,445)	(787,748)	24,447	(416,847)	3,630,041	94,299	2,781,952
Fund balances - beginning	1,505,262	4,095,456	1,450,947	48,544	1,827,069	1,250,406	679,258	10,856,942
Fund balances - ending	1,998,466	\$ 3,840,011	\$ 663,199	\$ 72,991	\$ 1,410,223	\$ 4,880,448	\$ 773,557	\$ 13,638,894

City of Alpharetta
Combining Balance Sheet
Non-Major Governmental Funds
March 31, 2018

	Special Revenue					Total Non-major Governmental Funds	
	Hotel Motel	Impact Fee	Confiscated Assets	Grant Operating	E911	Debt Service Fund	Stormwater Capital Fund
ASSETS							
Cash / Cash Equivalents / Investments	\$ 1,998,466	\$ 3,936,126	\$ 800,767	\$ 74,451	\$ 1,412,192	\$ 4,882,972	\$ 773,557
Taxes Receivable	-	-	-	-	-	-	-
Pre-Paid Expenditures	-	-	-	-	-	-	-
Accounts Receivable	-	-	-	3,990	\$ -	-	-
Property Taxes	-	-	-	-	-	150,568	-
Intergovernmental Receivable	-	-	-	-	-	-	-
Due From Other Funds	-	-	-	-	-	-	-
Restricted	-	-	-	-	-	-	-
Total Assets	1,998,466	3,936,126	800,767	78,441	1,412,192	5,033,540	773,557
LIABILITIES							
Accounts Payable	-	-	69,400	1,460	65	-	-
Retainage Payable	-	96,115	60,000	-	-	-	-
Intergovernmental Payable	-	-	-	-	-	-	-
Arbitrage Payable	-	-	-	-	-	-	-
Accounts payable/AR Suspense acct	-	-	-	-	-	-	-
Compensated Absences	-	-	-	-	-	-	-
Payroll Liabilities	-	-	428	-	3,895	-	-
Due to Other Fund	-	-	-	-	(1,991)	-	-
Deferred Revenue	-	-	7,739	3,990	-	153,092	-
Unearned Revenue	-	-	-	-	-	-	-
Total Liabilities	-	96,115	137,567	5,450	1,969	153,092	-
FUND BALANCES							
Restricted:							
Capital Projects	-	3,840,011	-	-	-	-	-
Law Enforcement	-	-	663,199	-	-	-	-
Promotion of Tourism	1,998,466	-	-	-	-	-	-
Emergency Telephone Activities	-	-	-	-	1,410,223	-	-
Debt Service	-	-	-	-	-	4,880,448	-
Assigned for: Grant Projects	-	-	-	-	-	-	-
Grant Projects	-	-	-	72,991	-	-	-
Unassigned:	-	-	-	-	-	-	773,557
Total Fund Balances	1,998,466	3,840,011	663,199	72,991	1,410,223	4,880,448	773,557
Total Liabilities and Fund Balances	\$ 1,998,466	\$ 3,936,126	\$ 800,767	\$ 78,441	\$ 1,412,192	\$ 5,033,540	\$ 773,557

City of Alpharetta
Hotel Motel Special Revenue Fund
Schedule of Revenues, Expenditures, and Changes in Fund Balances - Budget and Actual
For the Period Ended March 31, 2018

	Budget	Actual Amounts	Variance with Budget - Positive (Negative)
REVENUES:			
Hotel Motel Tax	\$ 7,250,000	\$ 4,726,323	\$ (2,523,677)
Misc Revenue	-	-	-
Investment Earnings	-	-	-
Total revenues	7,250,000	4,726,323	(2,523,677)
EXPENDITURES:			
Professional Services	-	3,000	(3,000)
Recreation Improvements	550,000	550,000	-
Alpharetta Convention & Visitor's Bureau	3,171,875	2,067,766	1,104,109
Alpharetta Business Community	-	-	-
Debt Service Reserve	1,529,412		1,529,412
Bond Interest	779,963	389,981	389,982
Contingency	5,262	-	5,262
Total Expenditures	6,036,512	3,010,748	3,025,764
Excess of revenues over expenditures	1,213,488	1,715,575	502,087
OTHER FINANCING SOURCES (USES):			
Transfers Out	(2,718,750)	(1,772,371)	946,379
Total other financing sources and uses	(2,718,750)	(1,772,371)	946,379
Net change in fund balances	(1,505,262)	(56,796)	1,448,466
Fund balances - beginning	\$ 1,505,262		
Fund balances - ending	\$ 1,448,466		
Enbumbances	\$ 550,000		
Fund balances - ending	\$ 1,998,466		

City of Alpharetta
Impact Fee Special Revenue Fund
Schedule of Revenues, Expenditures, and Changes in Fund Balances - Budget and Actual
For the Period Ended March 31, 2018

	Budget	Actual Amounts	Variance with Budget - Positive (Negative)
REVENUES:			
Impact Fees	\$ 550,000	\$ 863,668	\$ 313,668
Investment Earnings	-	23,879	23,879
Total Revenues	550,000	887,546	337,546
EXPENDITURES:			
Public Safety	520,465	520,464	1
Public Works	1,232,671	150,000	1,082,671
Recreation & Parks	2,677,043	2,221,330	455,713
Community Development	215,277	-	215,277
General Government	-	-	-
Total expenditures	4,645,456	2,891,794	1,753,662
Excess (deficiency) of revenues over expenditures	(4,095,456)	(2,004,248)	(2,091,208)
OTHER FINANCING SOURCES (USES):			
Transfers Out	-	-	-
Total other financing sources and uses	-	-	-
Net change in fund balances	(4,095,456)	(2,004,248)	(2,091,208)
Fund balances - beginning		4,095,456	
Fund balances - ending		\$ 2,091,208	
Encumbrances		1,748,803	
Fund balances - ending		\$ 3,840,011	

City of Alpharetta
Confiscated Assets Special Revenue Fund
Schedule of Revenues, Expenditures, and Changes in Fund Balances - Budget and Actual
For the Period Ended March 31, 2018

	Budget	Actual Amounts	Variance with Budget - Positive (Negative)
REVENUES:			
Forfeiture Income	\$ -	\$ 190,261	\$ 190,261
Investment Earnings	-	651	651
Intergovernmental	240,360	2,902	\$ (237,458)
Misc Revenue		13,527	13,527
Total Revenues	240,360	207,341	(33,019)
EXPENDITURES:			
Public Safety	1,691,433	1,346,647	344,786
Non-Departmental	-	-	-
Total expenditures	1,691,433	1,346,647	344,786
Excess (deficiency) of revenues over expenditures	(1,451,073)	(1,139,306)	311,767
OTHER FINANCING SOURCES (USES):	-	-	-
Net change in fund balances	(1,451,073)	(1,139,306)	311,767
Fund balances - beginning		1,450,947	
Fund balances - ending		\$ 311,641	
Adjustments to GAAP basis:			
Encumbrances		351,558	
Fund balances - ending		\$ 663,199	

City of Alpharetta
Grant Fund - Operating
Schedule of Revenues, Expenditures, and Changes in Fund Balances - Budget and Actual
For the Period Ended March 31, 2018

	Budget	Actual Amounts	Variance with Budget - Positive (Negative)
REVENUES:			
Intergovernmental	\$ 58,947	\$ 38,054	(20,893)
Contributions & Donations	-	-	-
Discounts Taken	-	-	-
Interest Earnings	-	362	362
Transfers in	20,000	15,000	(5,000)
Contingencies	-	-	-
Total	<u>78,947</u>	<u>53,415</u>	<u>(25,532)</u>
EXPENDITURES:			
General Government	19,977	-	19,977
Community Development	-	-	-
Engineering/Public Works	-	-	-
Public Safety	62,035	28,969	33,066
Recreation & Parks	45,479	-	45,479
Contingencies	-	-	-
Operating Transfers Out	-	-	-
Non-Allocated	-	-	-
Total	<u>127,491</u>	<u>28,969</u>	<u>98,522</u>
Excess (deficiency) of revenues over expenditures	<u>(48,544)</u>	<u>24,447</u>	<u>72,991</u>
OTHER FINANCING SOURCES (USES):	<u>-</u>	<u>-</u>	<u>-</u>
Net change in fund balance	<u>(48,544)</u>	<u>24,447</u>	<u>72,991</u>
Fund balance - beginning		<u>48,544</u>	
Fund balance - ending		<u><u>\$ 72,991</u></u>	
Adjustments to GAAP basis:			
Encumbrances		-	
Fund balances - ending		<u><u>\$ 72,991</u></u>	

City of Alpharetta
Emergency 911 Special Revenue Fund
Schedule of Revenues, Expenditures, and Changes in Fund Balances - Budget and Actual
For the Period Ended March 31, 2018

	Budget	Actual Amounts	Variance with Budget - Positive (Negative)
REVENUES:			
Charges for Service	\$ 3,940,000	\$ 2,391,058	\$ (1,548,942)
Capital Lease	504,025	504,024	(1)
Investment Earnings	5,478	7,093	1,615
Total Revenues	4,449,503	2,902,175	(1,547,328)
EXPENDITURES:			
Public Safety	5,447,806	4,434,452	1,013,354
Total expenditures	5,447,806	4,434,452	1,013,354
Excess (deficiency) of revenues over expenditures	(998,303)	(1,532,277)	(533,974)
OTHER FINANCING SOURCES (USES):			
Transfers In	-	-	-
Transfers Out - Capital Project Fund	-	-	-
Total other financing sources and uses	-	-	-
Net change in fund balances	(998,303)	(1,532,277)	(533,974)
Fund balances - beginning		1,827,069	
Fund balances - ending		\$ 294,793	
Adjustments to GAAP basis:			
Encumbrances		1,115,430	
Fund balances - ending		\$ 1,410,223	

City of Alpharetta
Debt Service Fund
Statement of Revenues, Expenditures, and Changes in Fund Balances - Budget and Actual
For the Period Ended March 31, 2018

	Budget	Actual Amounts	Variance with Budget - Positive (Negative)
REVENUES:			
Property tax	\$ 5,164,000	\$ 5,095,678	\$ (68,322)
Misc Revenue		-	-
Investment earnings	12,000	14,185	2,185
Total revenues	5,176,000	5,109,864	(66,136)
EXPENDITURES:			
Current:			
General government			
Finance			-
Non-departmental		-	-
Total general government	-	-	-
Debt Service:			
Principal	2,755,500	115,500	2,640,000
Interest	2,719,158	1,361,022	1,358,136
Contingency	946,748	-	946,748
Bond issuance costs	5,000	3,300	1,700
Total debt service	6,426,406	1,479,822	4,946,584
Total expenditures	6,426,406	1,479,822	4,946,584
Excess (Deficiency) of revenues over expenditures	(1,250,406)	3,630,041	4,880,447
OTHER FINANCING SOURCES (USES):			
Transfers in			-
Transfers out			-
Total other financing sources and uses	-	-	-
	(1,250,406)	3,630,041	4,880,447
Fund balances - beginning		<u>1,250,406</u>	
Fund balances - ending		<u><u>\$ 4,880,448</u></u>	

City of Alpharetta
Stormwater Capital Fund
Schedule of Revenues, Expenditures, and Changes in Fund Balances - Budget and Actual
For the Period Ended March 31, 2018

	Budget	Actual Amounts	Variance with Budget - Positive (Negative)
REVENUES:			
Misc Revenue	-	-	-
Investment Earnings	-	-	-
Total Revenues	-	-	-
EXPENDITURES:			
Public Works	1,921,230	1,343,348	577,882
Recreation & Parks	13,027	13,027	0
Total expenditures	1,934,257	1,356,375	577,882
Excess (deficiency) of revenues over expenditures	(1,934,257)	(1,356,375)	577,882
OTHER FINANCING SOURCES (USES):			
Transfers In	1,255,000	941,250	(313,750)
Transfers Out	-	-	-
Total other financing sources and uses	1,255,000	941,250	(313,750)
Net change in fund balances	(679,257)	(415,125)	264,132
Fund balances - beginning		679,258	
Fund balances - ending		\$ 264,133	
Adjustments to GAAP basis:			
Encumbrances		509,426	
Fund balances - ending		\$ 773,557	

DEVELOPMENT AUTHORITY



Revenue & Expenditure Report GAAP Financial Statements



ALPHARETTA DEVELOPMENT AUTHORITY

Financial Management Report - As of March 31, 2018

Account #	Project	Total Budget	Actuals (Collections/ Expenditures)	Forecasted Receivables/ Encumbrances	Remaining
Revenues					
99575100-346900	Bond Application Fee	\$ 162,500	\$ 162,500		\$ -
99575100-361000	Investment Earnings	-	102		(102)
99575100-334310-C1528	FISERV REBA Grant	125,000	-		125,000
99575100-371000-C1625	Alpharetta Virtual Reality Video (ACVB Contribution)	18,500	18,500		-
99575100-371000-C1821	Newsweek Ad (ACVB Contribution)	8,000	8,000		-
99575100-371000-C1532	ATC Operational Funding (COA)	95,000	95,000		-
99575100-381000-C1535	Innovation Center Operations (ATC)	9,439	6,837	18,947	21,549
	<i>subtotal</i>	\$ 418,439	\$ 290,939	\$ 18,947	\$ 146,447
(1) 99575100-395000	Carryforward Fund Balance	\$ 163,458	\$ -		\$ 163,458
	<i>subtotal</i>	\$ 163,458	\$ -		\$ 163,458
	Total	\$ 581,897	\$ 290,939		\$ 309,905
Expenditures					
99575100-531100	General Supplies	\$ 4,500	\$ -	\$ -	\$ 4,500
99575100-571000-C1403	Local Job Creation Grant Program	46,000	-	-	46,000
99575100-544100-C1532	ATC Operational Funds	115,001	93,750	-	21,251
99575100-544100-C1601	High Impact Permitting Grant Program (IGA with COA)	20,948	-	-	20,948
99575100-544100-C1528	FISERV REBA Grant	125,000	-	-	125,000
99575100-544100-C1625	Alpharetta Virtual Reality Video (Economic Development)	47,000	47,000	-	-
99575100-571000-C1808	City Center Contribution	45,312	45,312	-	-
99575100-544100-C1819	Site Selector Guild Sponsorship	25,000	25,000	-	-
99575100-544100-C1825	SKIGNZ App	25,000	25,000	-	-
99575100-544100-C1821	Newsweek Ad	20,000	20,000	-	-
99575100-544100-C1822	Ag Tech Sponsorship	25,000	25,000	-	-
	<i>subtotal</i>	\$ 498,761	\$ 281,062	\$ -	\$ 217,699



ALPHARETTA DEVELOPMENT AUTHORITY

Financial Management Report - As of March 31, 2018

Account #	Project	Total Budget	Actuals (Collections/ Expenditures)	Forecasted Receivables/ Encumbrances	Remaining
(2) 99575100-523860-C1535	Innovation Center Operations (Maintenance Contracts)	\$ 3,256	\$ 5,712	\$ 9,249	\$ (11,706)
99575100-531100-C1535	Innovation Center Operations (General Supplies)	-	3,695	-	(3,695)
99575100-531200-C1535	Innovation Center Operations (Miscellaneous Utilities)	696	697	-	(1)
99575100-531210-C1535	Innovation Center Operations (Water/Sewer)	146	128	-	18
99575100-531220-C1535	Innovation Center Operations (Natural Gas)	2,839	2,840	-	(1)
99575100-531230-C1535	Innovation Center Operations (Electricity)	2,501	3,461	-	(960)
	<i>subtotal</i>	\$ 9,438	\$ 16,534	\$ 9,249	\$ (16,345)
99575100-579000	Reserve	\$ 73,698	\$ -	\$ -	\$ 73,698
	<i>subtotal</i>	\$ 73,698	\$ -	\$ -	\$ 73,698
	Total	\$ 581,897	\$ 297,596	\$ 9,249	\$ 275,052

- (1) Carryforward Fund Balance represents cash available at the end of the prior fiscal year that is programmed into the current fiscal year budget. As this account represents cash already received, there will not be actual collections.
- (2) Innovation Center utilities are being funded by the Alpharetta Technology commission (ATC) on a reimbursement basis. As such, expenses will outpace budget at month end due to the billing/reimbursement delay.

Fund Balance Reconciliation

Fund Balance (beginning of Fiscal Year)	\$ 163,459
Revenues collected to date	290,939
Expenditures incurred to date	(297,596)
Fund Balance (current)	\$ 156,802
Forecasted revenue collections	143,947
Fund Balance (forecasted)	\$ 300,749
Allocation of Forecasted Fund Balance:	
Spendable (available for investment by the Board)	\$ 73,800
Non-Spendable (unspent/remaining project allocations)	226,948
	\$ 300,749



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GAAP



Financial Statements

City of Alpharetta
Balance Sheet
COMPONENT UNIT-DEVELOPMENT AUTHORITY
March 31, 2018

ASSETS

Current Assets:

Cash and Cash Equivalents	155,974
Investments	828
Receivables	2,606

Restricted Cash for Bond Issuance Costs	-
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Total Assets	<u>159,407</u>
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LIABILITIES

Current Liabilities:

Accounts Payable	2,606
Due to Other Funds	-
Total Current Liabilities	<u>2,606</u>

Current Liabilities Payable from Restricted Assets:

	-
Total Current Liabilities Payable from Restricted Assets	<u>-</u>

Noncurrent Liabilities:

	-
Total Noncurrent Liabilities	<u>-</u>
Total Liabilities	<u>2,606</u>

Fund Balance

Restricted	83,002
Unassigned	73,800
Total Fund Balance	<u>156,802</u>

Total Liabilities & Fund Balance	<u><u>\$ 159,407</u></u>
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City of Alpharetta
Statement of Revenues, Expenditures, and Changes in Fund Balance
COMPONENT UNIT-DEVELOPMENT AUTHORITY
For the Period Ended March 31, 2018

	<u>Actual Amounts</u>
Revenues	
Rent/Royalties	\$ 6,837
State Grant	-
Fees	162,500
Contributions & Donations	121,500
Miscellaneous Income-Interest	<u>102</u>
Total Revenues	<u>290,939</u>
Expenditures	
Economic Development	281,062
Utilities - Miscellaneous	16,534
Debt Service:	
Principal	-
Interest	<u>-</u>
Total Expenditures	<u>297,596</u>
Excess (deficiency) of revenues over (under) expenditures	(6,657)
Other Financing Sources (Uses)	
Sale of capital assets	<u>-</u>
Net Change in Fund Balances	(6,657)
Fund Balance, Beginning of Year	<u>163,459</u>
Fund Balance, End of Year	<u>\$ 156,802</u>





CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT
SUBMITTED BY: KATHI COOK
DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: PH-17-29 UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS – DOWNTOWN CODE, HERITAGE DESIGN AREAS AND LOCATIONAL CRITERIA FOR RESIDENTIAL PARKING

CITY COUNCIL: APRIL 30, 2018

This item was heard at the December 7, 2017 Planning Commission meeting. No one spoke in favor or against the request. After discussion, the Planning Commission recommended to approve the item. Vote (6-0)

Staff updated the Heritage Design Area regulations to reflect a change to the maximum building height from 42' to 46'. The change is recommended in order to meet the Downtown Code minimum requirement of a 14' first floor height for storefront buildings, as well as to allow for greater 1st floor building heights.

This item was heard at the April 12, 2018 Planning Commission meeting. No one spoke in favor or against the request. After discussion, the Planning Commission recommended to approve this item. Vote (6-0)

II. RECOMMENDATION:

Approve text amendments to Unified Development Code, Subsection 2.5.4(B) as it relates to the locational criteria for residential parking and Appendix A: Alpharetta Downtown Code as it relates to the creation of Heritage Design Areas, maximum building footprints and streetscape standards.

III. REPORT IN BRIEF:

Consideration of amendments to Unified Development Code (UDC) Section 2.5 Parking and Loading and Appendix A: Alpharetta Downtown Code.

Locational Criteria for Parking:

Staff proposes an amendment to Subsection 2.5.4(B) to clarify the location of required parking in residential zoning districts.

Heritage Design Areas:

Staff proposes the creation of Heritage Design Areas along Roswell Street and along Old Canton Street and Church Street to encourage the protection of contributing historic structures in the area. Development incentives are recommended as it relates to building coverage, building placement, building height, parking requirements for historic structures and gravel parking. A maximum building height of 46' is proposed for buildings in the Heritage Design Areas, which includes a restriction on allowable uses when the height incentive is used.

Other Downtown Code Amendments:

Staff proposes text amendments to streetscape standards and maximum building footprints in the DT-C (Downtown Core) and DT-MU (Downtown Mixed-Use) zoning districts.

IV. ATTACHMENTS:

- UDC Strike Through and Underline Edits

AN ORDINANCE TO AMEND ARTICLE II AND APPENDIX A: ALPHARETTA DOWNTOWN CODE OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ALPHARETTA, GEORGIA; TO AMEND THE LOCATIONAL CRITERIA FOR RESIDENTIAL PARKING; TO ADD HERITAGE DESIGN AREAS AND ASSOCIATED DEVELOPMENT REGULATIONS; TO AMEND THE STREETScape STANDARDS; TO ADD A MAXIMUM BUILDING FOOTPRINT IN THE DT-C AND DT-MU ZONING DISTRICTS; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, on or about May 21, 2001, the City of Alpharetta (the “City”) adopted a comprehensive zoning ordinance known and cited as the Unified Development Code of the City of Alpharetta, Georgia, which has subsequently been amended from time to time (the “Unified Development Code”); and

WHEREAS, the Mayor and Council of the City of Alpharetta (the “City Council” or “Council”) are charged with the protection of the public health, safety, and welfare of the citizens of the City of Alpharetta; and

WHEREAS, the Unified Development Code was designed to be amended from time to time when circumstances warrant that modifications be made in order to make the Unified Development Code more responsive to community needs; and

WHEREAS, the City Council finds that ordinances and regulations governing the uses of land and development of land within the City, as well as the City’s operations, should be continually improved from time to time and modified as necessary to better protect and promote the public health, safety and welfare of the residents and businesses of the City of Alpharetta; and

WHEREAS, the City Council desires to amend Article II and Appendix A: Alpharetta Downtown Code of the Unified Development Code for the foregoing purposes; and

WHEREAS, the City Council finds that the following amendment to the Unified Development Code promotes the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the City of Alpharetta;

NOW THEREFORE, The Council of the City of Alpharetta hereby ordains, as follows:

Section 1: **Alpharetta Downtown Code** of Appendix A of the Unified Development Code is hereby amended to read as set forth in Exhibit “A” attached hereto as if fully set forth herein.

Section 2: **Subsection 2.5.4(B)** [Locational Criteria for Parking] of Article II of the Unified Development Code is hereby amended to clarify the location of required parking in residential districts.

Section 3: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

Section 4: This Ordinance shall be effective immediately upon its adoption by the City Council and incorporated into The Unified Development Code of the City of Alpharetta, Georgia. This Ordinance hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED this the _____ day of _____, 2018.

Approved:

Donald Mitchell, Mayor Pro-Tem

Attest:

COUNCILMEMBERS

Coty Thigpen, City Clerk
(Seal)

Approved as to Form:

C. Sam Thomas, City Attorney

Exhibit A:

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Article 1. General Provisions

Sec. 1.1. Title and Purpose

1.1.1. Title

This ordinance shall be known as the “Alpharetta Downtown Code” or may be internally cited as “this code.”

1.1.2. General Purpose

The intent and purpose of this code is to enable and support the implementation of the following policies:

- A. That the Downtown Alpharetta is the focal point for high-quality, mixed-use development in the City of Alpharetta as established in the Downtown Master Plan and the City of Alpharetta 2030 Comprehensive Plan.
- B. That within Downtown Alpharetta, ordinary activities of daily life should be able to occur within walking or bicycling distance of most dwellings.
- C. That Downtown Alpharetta should serve people of all ages and allow residents to remain in the community as they age.
- D. That interconnected networks of streets should be designed to disperse traffic and reduce the length and number of automobile trips.
- E. That a range of high-quality and aesthetically compatible housing options should be provided to accommodate different needs in the community.
- F. That the quality-of-life in existing neighborhoods should be preserved and protected.
- G. That development patterns should make walking and bicycling safer and more pleasant.
- H. That a range of useable open spaces including parks, squares, playgrounds, and preserved environmentally sensitive areas should be distributed throughout Downtown Alpharetta.
- I. That buildings and landscaping should be coordinated in order to contribute to Downtown Alpharetta’s physical design and sense of place.
- J. That development should adequately accommodate automobiles while respecting the pedestrian and the design of public areas.
- K. That public buildings, gathering places, and areas for community events should be provided as locations that reinforce community identity.
- L. That public buildings should be distinctive and appropriate to a role more important than the other buildings that constitute the fabric of the area.
- M. That the harmonious and orderly development and redevelopment of Downtown Alpharetta should be secured through these regulations.

Sec. 1.2. Applicability

1.2.1. Territorial Application

This code applies within the study area of the City of Alpharetta Downtown Master Plan, adopted by the City of Alpharetta Mayor and city Council on February 23, 2015, subject to the following:

- A. The study area of the City of Alpharetta Downtown Master Plan shall be shown on the Official Zoning Map and labeled “Downtown Overlay.” [Heritage Design Areas identified in Sec. 2.10 shall also be shown on the Official Zoning Map and labeled “Heritage Design Area.”](#)
- B. Within the Downtown Overlay the requirements of Article 2 apply in addition to the requirements of [the](#) zoning district in which a parcel lies.
- C. Within the Downtown Overlay the requirements of Article 3 only apply when a parcel has been rezoned to a Downtown Zoning Code in accordance with the requirements for such found in Section 4.2 of the Unified Development Code.

1.2.2. Conformance Requirements

- A. All buildings, structures or land, in whole or in part, must be used or occupied, in conformance with this code. All buildings or structures, in whole or in part, must be erected, constructed, moved, enlarged or structurally altered in conformance with this code.
- B. Nothing in this code shall require any change in the plans, construction or intended use of a building or structure for which a lawful permit has been issued or a lawful permit application has been accepted before the effective date of this code, provided that the construction under the terms of such permit is diligently followed until its completion.

1.2.3. Conflicting Provisions

- A. It is not the intent of this code to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this code imposes a greater restriction upon the use of property or premises or upon the height of buildings, or requires greater space than is imposed or required by other resolutions, rules or regulations, or by easements, covenants or agreements, the provisions of this code shall govern.
- B. Nothing herein shall be construed as repealing or modifying the conditions of operation or conditions of site development accompanying those zoning approvals, variances or use permits issued prior to the existence of this code; however, modification or repeal of these past conditions of approval may be accomplished through a zoning change in accordance Section 4.2 of the Unified Development Code.

1.2.4. Use of Words and Phrases

Terms used throughout this code may be defined in Article 4 Definitions of Terms. Article 4 contains regulatory language that is integral to this code. Those terms not defined in Article 4 shall be accorded their commonly accepted meanings. In the event of conflicts between these definitions and those of Section 1-4 of the Unified Development Code, those of this code shall take precedence.

1.2.5. Text and Graphics

Illustrations, photos, and graphics are included in this code to illustrate the intent and requirements of the text. In the case of a conflict between the text of this code and any Illustrations, photos, or graphics, the text governs.

Sec. 1.3. Downtown Zoning Districts

1.3.1. Downtown Zoning Districts Established

A. The following “Downtown Zoning Districts” are established within the area regulated by this code:

1. Downtown Core (DT-C)
2. Downtown Mixed-Use (DT-MU)
3. Downtown Live-Work (DT-LW)
4. Downtown Residential (DT-R)

B. Parcels shall retain their current zoning that existed on the effective date of this ordinance.

1.3.2. Relationship between Land Use Categories and Downtown Zoning Districts

The land use categories established by the Comprehensive Land Use Plan may be implemented by the establishment of appropriate zoning districts within each category. The Downtown Zoning Districts permitted within each land use category are restricted to the following:

- A. The “Downtown District” land use category permits the “Downtown Core” zoning district.
- B. The “Mixed-Use Commercial District land use permits the “Downtown Mixed-Use” zoning district.
- C. The “Mixed-Use Live/Work District” land use category permits the “Downtown Live-Work” zoning district.
- D. The “High Density Residential” land use category permits the “Downtown Residential” zoning district.
- E. All other land use categories permit the zoning districts identified in the Comprehensive Land Use Plan.

1.3.3. Zoning Changes

Zoning changes to a “Downtown Zoning District” shall only occur in conformance with Section 1.3.2 and in accordance with Section 4.2 of the Unified Development Code.

Article 2. Downtown Overlay

Sec. 2.1. Applicability

2.1.1. Applicability

- A. The requirements of this Article apply to all parcels within the Downtown Overlay unless expressly stated otherwise in this Article.
- B. The requirements of the Unified Development Code also apply in all Downtown Districts unless expressly stated otherwise in this Article.
- C. This Article does not change the permitted use or density of a property within the Downtown Overlay. Land and structures must be used in accordance with the standards of the underlying zoning district.
- D. This Article does change the permitted form and design of a property subject to the Downtown Overlay. When requirements of this Article conflict with any other requirement of the Unified Development Code or the Alpharetta Downtown Design Guidelines, the requirements of this Article shall prevail.
- E. When the word “street” is used in this Article it means both public and private streets unless stated otherwise.

Sec. 2.2. Block and Access

2.2.1. Intent

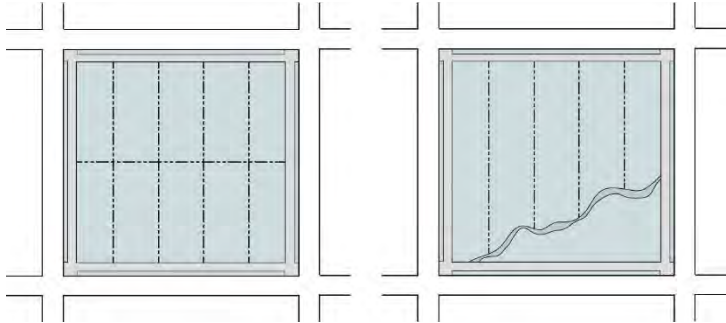
- A. The intent of the block and access standards is to provide a well-connected street network. Large blocks with limited connectivity discourage walking, contribute to street congestion, and add driving distance that can negatively impact emergency services. New streets should also be designed to consider the future development identified in the Alpharetta Downtown Master Plan.
- B. The intent of the access standards is to provide safe and convenient vehicular and pedestrian access within developments and between adjacent developments and to lessen traffic congestion and increase connectivity. Pedestrian, bike, and vehicular access should be safe, direct and convenient.

2.2.2. Blocks

- A. Sites greater than 4 acres in size must incorporate existing or new streets that terminate at other existing or new streets to form an interconnected network with the maximum block perimeter lengths that follow:

	Block Perimeter (Max.)
Downtown Zoning Districts	
DT-C	1,600 feet
DT-MU	2,000 feet
DT-LW, DT-R	2,400 feet
Other Zoning Districts	
C-1, C-2, O-I, O-P	2,400 feet
CUP, R-8A, R-10A	2,400 feet
AG, R-12, R-15, SU, I-1	n/a

- B. In addition to the block standards above, blocks containing exclusively 'For Sale' detached dwellings must be wide enough to provide two tiers of lots, except where fronting on arterial streets prevented by topographical conditions or size of the property, in which case the City Transportation Engineer may require and/or approve a single tier of lots.



- C. Other than stub-out streets, dead-end streets are not allowed unless a variance is granted for topographic hardship.
- D. Block Measurement
1. A block is bounded by a public or private right-of-way (not including an alley). All public or private rights-of-way proposed as part of a development must be improved with a street.
 2. Block perimeter is measured along the edge of the property abutting the public or private right-of-way, except for the measurement of dead-end streets, which are measured from intersecting centerlines.
 3. The City Transportation Engineer may modify the block perimeter requirements when steep slopes in excess of 25%, preexisting development, tree protection areas, stream buffers, cemeteries, open space, or easements would make the provision of a complete block infeasible.
 4. Where the block pattern is interrupted by public parkland, including greenways, that is open and accessible to the public, pedestrian access points must be provided with a minimum spacing equal to half of the maximum block perimeter.
- E. No public or private street within the Downtown Overlay, including alleys, may be gated.

2.2.3. Access

- A. General. When land is subdivided or otherwise developed, parcels and buildings must be arranged and designed so as to allow for the opening of future streets and must provide access to those areas not presently served by streets. No development may be designed to completely eliminate street access to abutting parcels without current street access.
- B. Stub-Out Streets
1. Stub-Out Required
 - a. Where a development abuts unsubdivided land, stub-out streets within the new development must be installed to meet the block standards of Section 2.2.2.
 - b. The stub-out street right-of-way, pavement, and curbing must extend to the boundary of the abutting parcel to the point where the connection to the anticipated street is expected.
 - c. Where a stub-out street is provided, a sign noting the future street extension must be posted at the applicant's expense.
 2. Connecting to an Existing Stub-Out Street. If a stub-out street exists on an abutting parcel, the street system of any new development must connect to the stub-out street to form a through

street.

3. Exception. The City Transportation Engineer may eliminate the requirement for a stub-out street or require pedestrian and bicycle only access when steep slopes in excess of 25%, freeways, waterways, tree conservation areas, stream buffers, cemeteries, open space or easements would make the provision of a stub-out street infeasible.

2.2.4. Vehicle Cross-Access

All lots in districts allowing commercial uses, attached 'For-Sale' dwellings, or 'For-Rent' dwellings, and all lots where the adopted comprehensive plan land use classification would allow for rezoning to such district, that abut another lot in a district or land use classification allowing either commercial uses, attached 'For-Sale' dwellings, or 'For-Rent' dwellings must comply with the following standards.

- A. Internal vehicular circulation areas must be designed and installed to allow for cross-access between abutting lots.
- B. Vehicle cross-access may not be gated.
- C. When an abutting lot is vacant or already developed, a stub for a future cross-access connection must be provided at the point where the connection to the abutting parcel is expected to occur in the future.
- D. If a cross-access driveway stub exists on an abutting parcel, the internal vehicular circulation area must connect to the stub to form a cross-access connection.
- E. When cross-access for vehicles is deemed impractical by the City Transportation Engineer on the basis of topography, the presence of natural features, or vehicular safety factors, the requirement for cross access may be waived. Bicycle and pedestrian connections must be provided between abutting properties when cross-access is waived.
- F. Property owners who establish cross-access easements must:
 1. Allow pedestrian and vehicular access to all properties on the same block face as the property owner establishing the cross-access. Pedestrian and vehicular access is contingent upon the granting of reciprocal vehicular, bicycle, and pedestrian access rights to the granting property;
 2. Record an easement allowing cross-access to and from properties served by the cross-access easement;
 3. Record a joint maintenance agreement requiring each property owner to maintain the vehicular, bicycle, and pedestrian access areas on their lot;
 4. Contain a provision prohibiting the erection of fences, walls and other obstructions that prevent the use of vehicular, bicycle, and pedestrian access ways;
 5. Include a statement that the cross-access agreement is conveyed with the land, is binding on all successors, heirs and assigns and that the easement rights are perpetual; and
 6. The cross access agreement must be signed by all of owners of the granting property.

Sec. 2.3. Streets

2.3.1. Intent

- A. The intent of this Section is to provide a palette of street types and design elements that reflect the character of different areas within the Downtown Overlay as established in the Alpharetta Downtown Master Plan.
- B. The regulations provide adequate accommodations for vehicles, cyclists, and pedestrians.
- C. The street types defined in this Section provide a guide to balancing the needs of all modes of travel. Modifications to these types may be made by the City Transportation Engineer.
- D. The appropriate street type will be selected by the City Transportation Engineer based on the Roadway Plan in the Alpharetta Master Plan and engineering and land use context factors, including anticipated vehicle volumes.

2.3.2. Applicability

- A. When a development proposes the construction of a new public or private street, the requirements of this Section apply.
- B. When constructing a new street or reconstructing an existing street, sidewalks, bike lanes, curb and gutter or an alternative curb and gutter to accommodate GI/LID, and street trees must be installed and constructed in accordance with this Section and the City of Alpharetta Department of Engineering/Public Works Design Standards.
- C. Use of multi-functional stormwater BMPs is expressly allowed and encouraged in the ROW, including streetscape landscape bioretention areas and stormwater planters, stormwater street trees, curb bulbouts and medians with bioretention, and vegetated swales. Such stormwater BMPs may receive stormwater credit for the site if part of an approved stormwater management plan and with a long-term maintenance agreement.
- D. D. Traffic calming design elements, such as intersection bulbouts can help moderate vehicle speeds on Downtown Streets; multifunctional bulb-outs that include runoff reduction measures for stormwater management are encouraged. Landscaping and traffic calming techniques that are ideal on Downtown Streets include, but are not limited to, street trees with grated wells, bioretention areas/planters, curb bulbouts with bioretention.
- E. Existing streets may continue serving existing development in their current configuration; however, they must not be extended or substantially rebuilt except in conformance with this Section.

2.3.3. Street Types

- A. All new or extended public or private streets must meet the following standards unless modified by the City Transportation Engineer for the following public purposes:
 - 1. To provide on- or off-street bicycle facilities;
 - 2. To provide wider sidewalks or planters;
 - 3. To provide a median, left turn lane, or combination therefore;
 - 4. To provide bulb-outs;

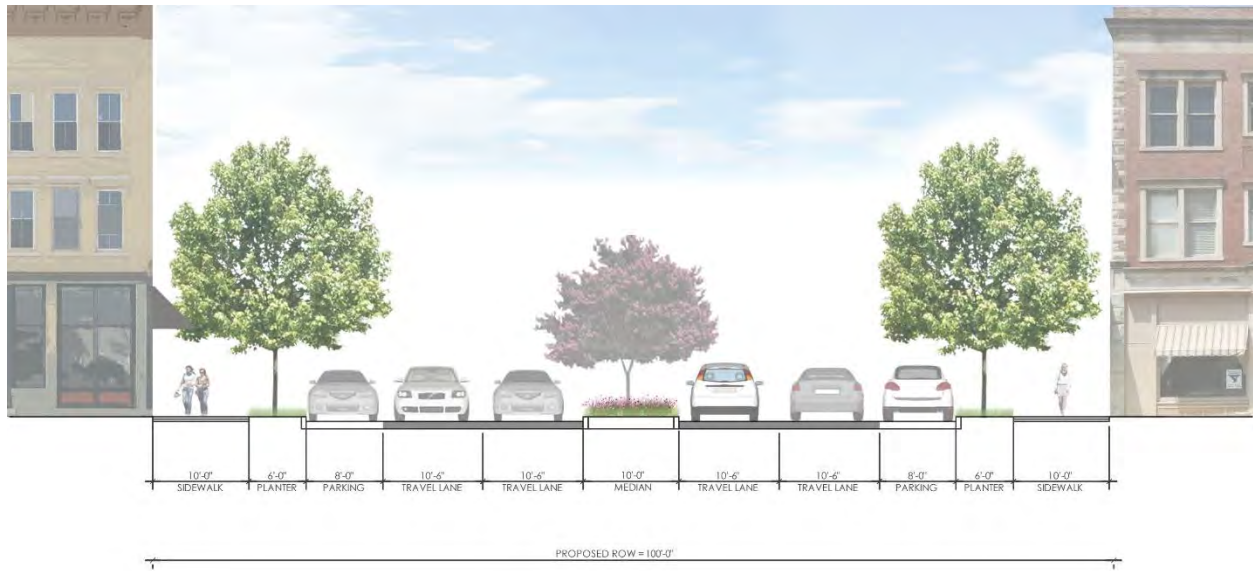
5. To provide hardscape surface in otherwise landscaped planters in order to provide pedestrian access to adjacent on-street parking;
6. To increase or decrease the travel lane width; and
7. To provide traffic calming or pedestrian safety measures.

B. Arterial Street Residential



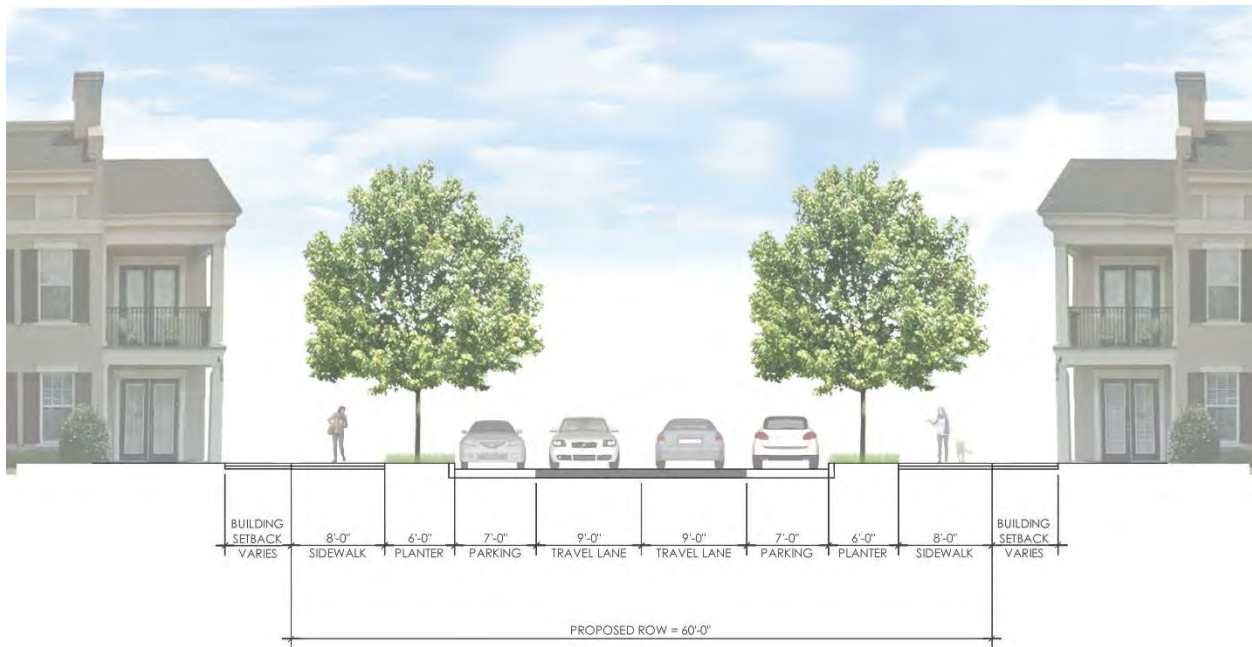
Width	
Right-of-way Width	60 feet
Face of curb to face of curb width	36 feet
Streetscape	
Sidewalk	6 feet
Planter	6 feet
Planter Tree Spacing (max.)	40 feet on-center
Planter Type	Landscaped
Travelway	
Parallel Parking	8 feet
Travel Lane	10 feet

C. Arterial Street Commercial/Mixed-Use



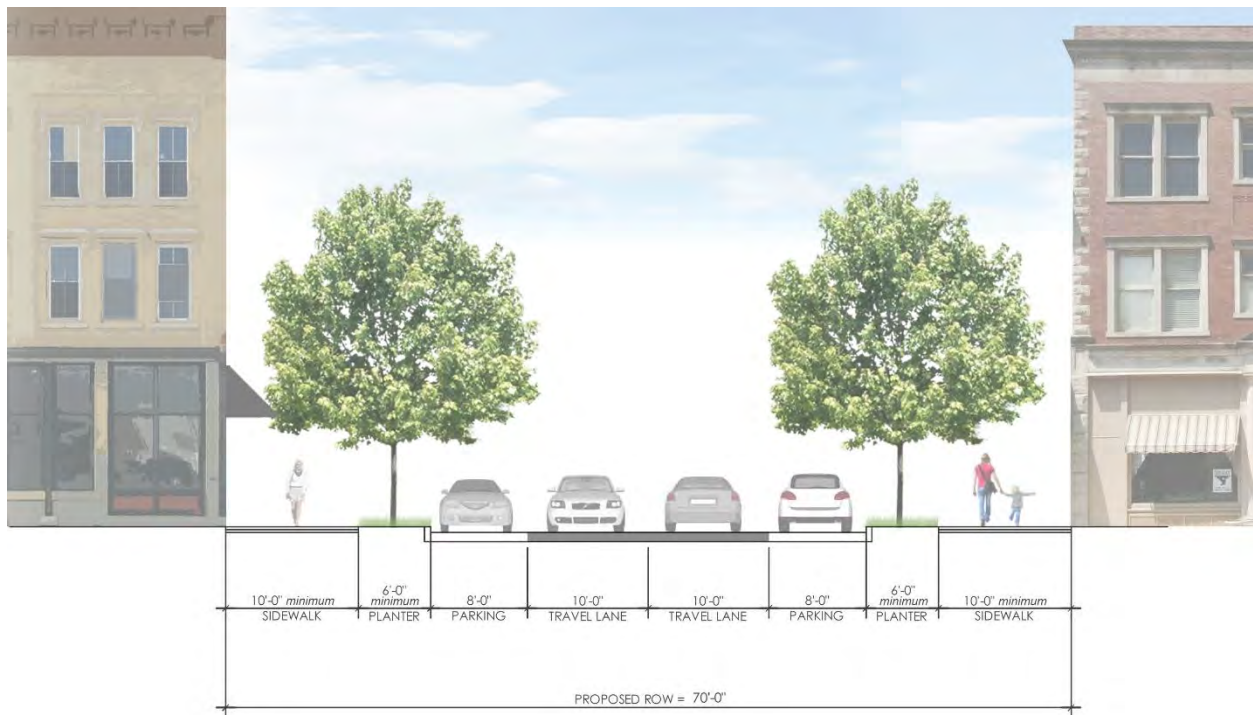
Width	
Right-of-way Width	100 feet
Face of curb to face of curb width	68 feet
Streetscape	
Sidewalk	10 feet
Planter	6 feet
Planter Tree Spacing (max.)	40 feet on-center
Planter Type	Landscaped/Hardscaped*
Travelway	
Parallel Parking	8 feet
Travel Lane	10.5 feet

*Planter may be landscaped or hardscaped, but all trees shall be planted in a landscape area with a minimum size of 6 feet by 10 feet.

D. Collector Street Residential

Width	
Right-of-way Width	60 feet
Face of curb to face of curb width	32 feet
Streetscape	
Sidewalk	8 feet
Planter	6 feet
Planter Tree Spacing (max.)	40 feet on-center
Planter Type	Landscaped
Travelway	
Parallel Parking	7 feet
Travel Lane	9 feet

D.E. Collector Street Commercial/Mixed-Use



Width	
Right-of-way Width	70 feet
Face of curb to face of curb width	36 feet
Streetscape	
Sidewalk	Min. 10 feet
Planter	6 feet
Planter Tree Spacing (max.)	40 feet on-center
Planter Type	Landscaped/Hardscaped*
Travelway	
Parallel Parking	8 feet
Travel Lane	10 feet

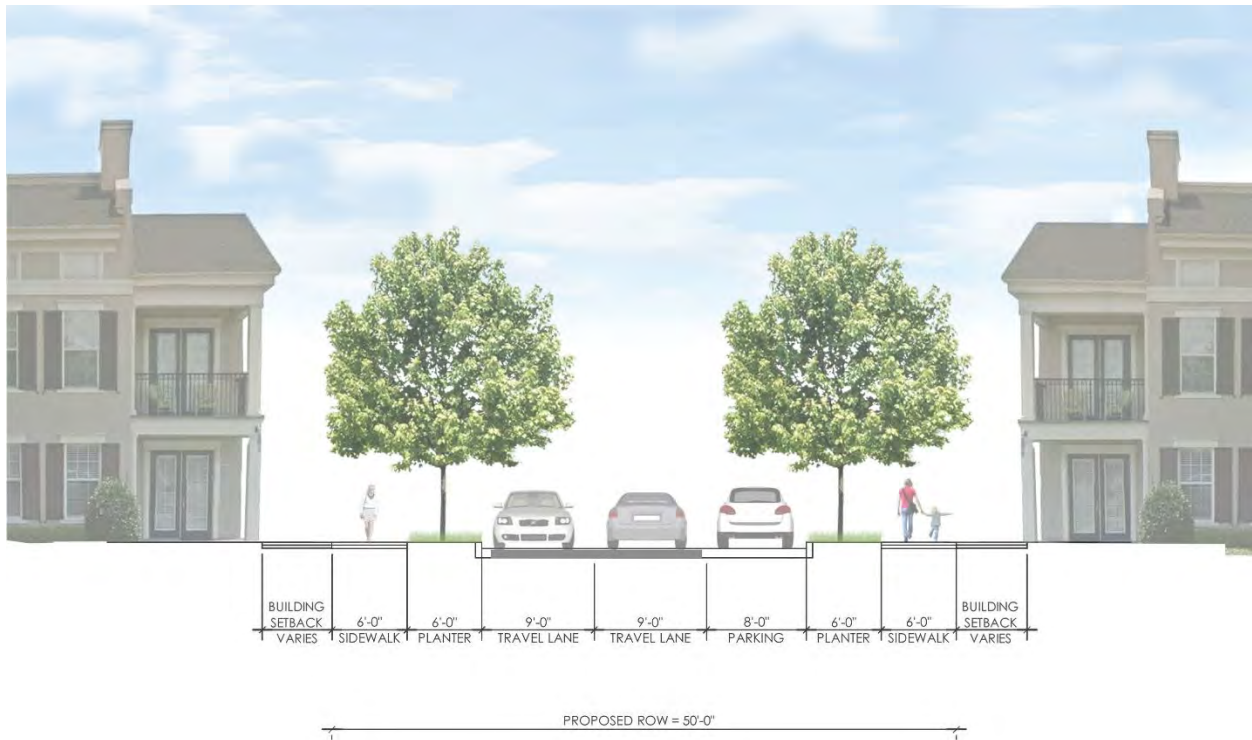
*Planter may be landscaped or hardscaped, but all trees shall be planted in a landscape area with a minimum size of 6 feet by 10 feet.

E.F. Green Street



Width	
Right-of-way Width	70 feet
Face of curb to face of curb width	36 feet
Streetscape	
Sidewalk	6 feet (one side) (see note 1)
Multi-use trail	12 feet (one side) (see note 1)
Planter	8 feet
Planter Tree Spacing (max.)	40 feet on-center
Planter Type	Bio-swale
Travelway	
Parallel Parking	8 feet
Travel Lane	10 feet

Note 1: The side of the street containing sidewalks and multi-use trails shall be as established by the City Transportation Engineer.

G. Local Street Residential

Width	
Right-of-way Width	50 feet
Face of curb to face of curb width	26 feet
Streetscape	
Sidewalk	6 feet
Planter	6 feet
Planter Tree Spacing (max.)	40 feet on-center
Planter Type	Landscaped
Travelway	
Parallel Parking	8 feet
Travel Lane	9 feet

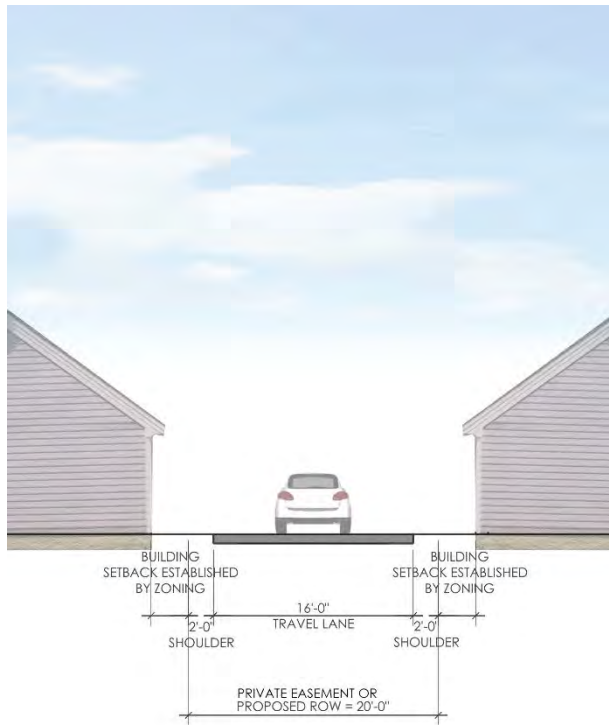
F.H. Local Street Commercial/Mixed-Use



Width	
Right-of-way Width	70 feet
Face of curb to face of curb width	34 feet
Streetscape	
Sidewalk	Min. 10 feet
Planter	7 feet
Planter Tree Spacing (max.)	40 feet on-center
Planter Type	Landscaped/Hardscaped*
Travelway	
Parallel Parking	7 feet
Travel Lane	10 feet

*Planter may be landscaped or hardscaped, but all trees shall be planted in a landscape area with a minimum size of 6 feet by 10 feet.

G.I. Residential Alley



Width	
Right-of-way or Easement	20 feet
Width	
Paved Width	16 feet
Shoulder	2 feet
Travelway	
Parallel Parking	Not allowed
Travel Lane	16 feet

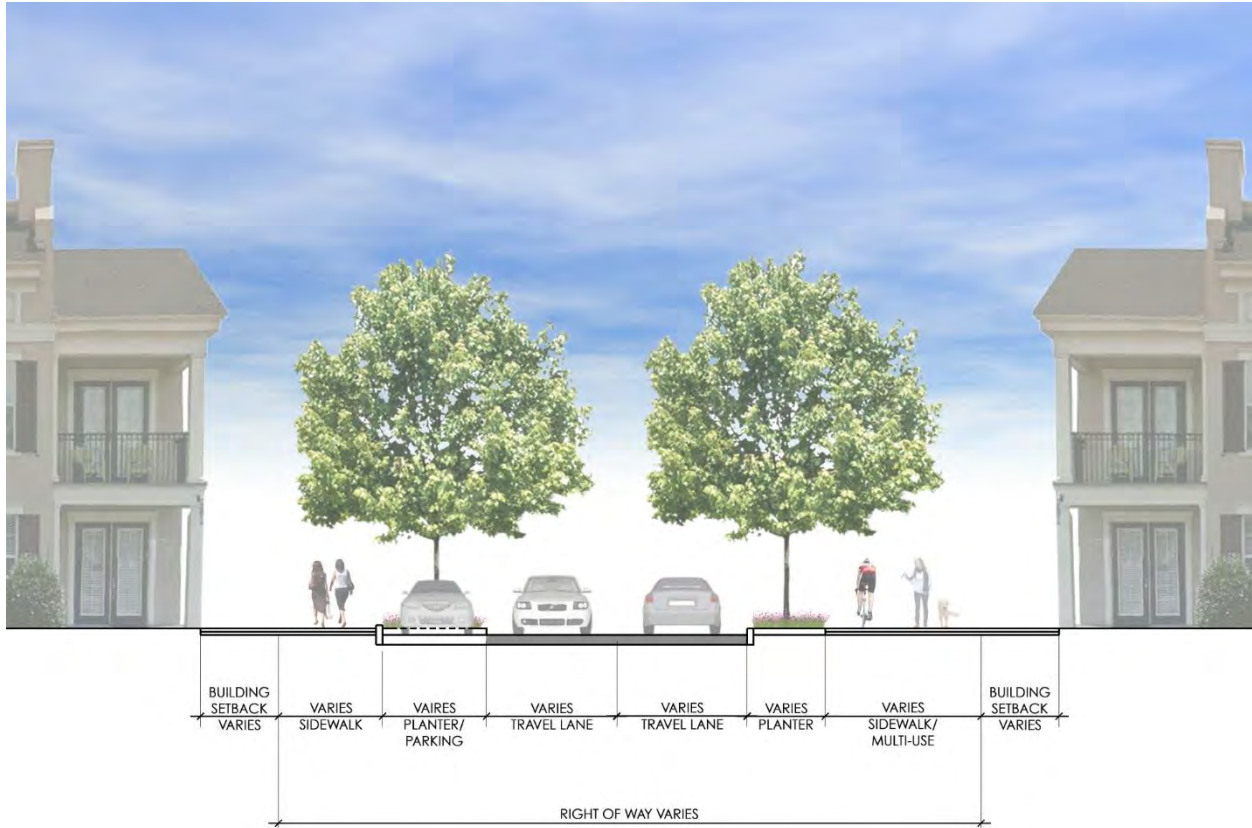
H.I. Commercial/Mixed-Use Alley



Width	
Right-of-way or Easement	20 feet
Width	
Paved Width	20 feet
Shoulder	0 feet
Travelway	
Parallel Parking	Not allowed
Travel Lanes	10 feet

K. Representative Alternative Streetscape Standard along an Existing Street

1. Purpose. Sec. 2.3.4.C.6 allows alternative streetscape standards to be approved by City Transportation Engineer under certain conditions. The purpose of this section is to illustrate one option for how this street type could be arranged.



Width	
Right-of-way Width	Varies
Face of curb to face of curb width	Varies
Streetscape	
Sidewalk	Min. 8 feet
Planter	7 feet
Planter Tree Spacing (max.)	40 feet on-center
Planter Type	Landscaped
Travelway	
Parallel Parking	8 feet
Travel Lane	Varies

2.3.4. Existing Streets, Streetscapes

- A. Applicability. A building or site may be renovated or repaired without meeting the requirements of this Section, provided any increase in gross floor area or improved site area does not exceed 25%.
- B. Exceptions. This does not apply as follows:
 1. On a parcel zoned R-12 or R-15 when such parcel is located within a recorded subdivision that existed on the date of adoption of this ordinance and when no sidewalks currently exist adjacent to the parcel.

2. On a parcel for which a Land Disturbance Permit or Building Permit is issued but where the Director of Community Development determines that the permit is for an accessory use or structure to the principal use or structure or for minor repairs or additions to the principal building or structure in existence.

C. Streetscapes Required

1. Existing streets, ~~planters, and sidewalk~~ that do not meet the parallel parking, planter, and sidewalk width and planting standards of the Downtown Alpharetta Streetscape Table ~~must be brought into compliance with said the current standards~~ along the site's frontage prior to the issuance of Certificate of Occupancy, except as indicated in 5 below.
2. On existing streets where there is insufficient right-of-way for the required streetscape and parking improvements, the right-of-way needed for such improvements may be expanded by mutual agreement between the property owner and the entity holding the right-of-way, or a public access easement may be provided to the City to meet the required improvements.
3. Where an easement is provided to the City and a parcel is zoned a Downtown Zoning District, the back of the minimum required sidewalk (adjacent to the lot) may be considered the lot line for the purpose of establishing yards, may not be included in lot coverage calculations, and may not be counted in minimum lot size requirements for new lots.

Downtown Alpharetta Streetscape Table

Street Type and Parcel Zoning District (both must be met)		Parallel Parking	Planter	Sidewalk (see note 1)
Arterial (existing)	DT-C, DT-MU, C-1, C-2, O-I, OP, MU	<u>Required</u>	6 feet	10 feet
Arterial (existing)	All other Zoning Districts	<u>Required</u>	6 feet	6 feet
Collector (existing or proposed)	DT-C, DT-MU, C-1, C-2, O-I, OP, MU	<u>Required</u>	6 feet	10 feet
Collector (existing or proposed)	All other Districts	<u>Required</u>	6 feet	6 feet
Green (existing or proposed, includes Thompson Street)	DT-C, DT-MU, C-1, C-2, O-I, OP, MU	<u>Required</u>	8 feet	10 feet
Green (existing or proposed)	All other Districts	<u>Required</u>	8 feet	8 feet
Local (existing or proposed)	DT-C, DT-MU, C-1, C-2, O-I, OP, MU	<u>Required</u>	6 feet	10 feet
Local (existing or proposed)	All other Districts	<u>Required</u>	6 feet	8 feet

Note 1: Along at least one side of Thompson Street a 12-foot wide multi-use trail must be provided in lieu of the required sidewalk in accordance with the Downtown Master Plan. Such trail may be on the north or south side of the street, as determined by the City Transportation Engineer. The planter width may also be increased to allow the trail to run through existing or new open spaces.

4. Where a publically funded streetscape project using alternative planter standards was installed adjacent to a parcel after January 1, 2005, the planter standards of Downtown Alpharetta Streetscape Table do not apply.
5. The City encourages the use of multi-functional runoff reduction measures in the streetscape, including bioretention areas, stormwater tree box, and planter box. The dimensional standards for planting area, tree spacing, planting type and utility placement may be varied to accommodate runoff reduction measures.

6. Alternative streetscape standards along an existing local street may be approved by City Transportation Engineer when all of the following conditions are met:

- a. The site has less than 100 feet of frontage along an existing local street;
- b. The site is along a block that is transitioning from for-sale detached dwellings into more intense uses;
- c. The site is exclusively used for detached houses, cottage courts, semi-detached houses, or townhouses; and
- d. Compliance with this section would result in a streetscape that extends 4 feet or greater beyond the existing right-of-way.

a.e. An example of one possible alternative streetscape standard is shown in Sec. 2.3.3.K.

2.3.5. Multi-Use Trails

- A. Multi-use trails shall have an average width of 12 feet, but their width may be periodically reduced to 8 feet where topography, wetlands, stream buffers, existing buildings, existing trees, or other existing conditions render this requirement infeasible. The maximum length of this reduced width is 400 feet.
- B. A multi-use trail may be required instead of a sidewalk along any new or existing street when the location is identified for a multi-use trail in the Downtown Master Plan or other plan that has been adopted by the City of Alpharetta.
- C. Where a City of Alpharetta park or access easement held by the City of Alpharetta abuts a street subject to Section 2.3.5.A above, the multi-use trail may also be located in such park or easement.
- D. In approving a multi-use trail in lieu of a sidewalk, the City Transportation Engineer may reduce the planter width to a minimum width of 5 feet.



2.3.6. Improvements along State Highways

- A. For any development that abuts a State highway or other right-of-way controlled by the State of Georgia, improvements to the roadway and the location and design of any street or driveway providing access from the State highway must comply with the standards and requirements of the Georgia Department of Transportation.
- B. An approved permit for proposed access or improvements is required by Georgia Department of Transportation and must be incorporated into the construction drawings for the project prior to the issuance of a Land Disturbance Permit.

2.3.7. Planter

- A. **Defined.** A zone adjacent to the curb intended for planting street trees and the placement of street furniture including light poles, litter receptacles and similar items.
- B. Street trees shall be planted in the planter as follows:

1. Where no overhead utilities exist, shade trees must be planted a maximum of 40 feet on center in the planter. Newly planted trees shall be a minimum of 3½ inches in caliper, and shall be limbed up to a minimum of 7 feet.
2. Where overhead utilities exist, one understory tree must be planted a maximum of 25 feet on center in the planter, subject to approval of the overhead utility provider and the City Arborist.
3. Trees shall have a minimum 6 feet by 10 feet pervious landscape planting area. Tree grates are not allowed unless the City Arborist determines that they will not negatively impact tree health.

Sec. 2.4. Parking and Loading

2.4.1. Vehicle Parking

- A. Every use must provide and maintain vehicular parking in accordance with the Vehicular Parking Requirements Table.

B. Vehicular Parking Requirements Table

Use	Parking Space Ratio
Residential Activities	
Dwelling, 'For-Sale,' Attached	Min. 1 per bedroom (up to 2 bedrooms), plus 0.15 visitor space per unit
Dwelling, 'For-Sale,' Detached	Min. 1 per bedroom (up to 2 bedrooms), plus 0.15 visitor space per unit
Dwelling, 'For-Rent'	Min. 1 per bedroom (up to 2 bedrooms), plus 0.15 visitor space per unit
Bed & Breakfast	Min. 1 per guest bedroom
Hotel	Min. 1 space per guest room, plus 1 employee space per 20 guest rooms, plus 1 per 500 sf of convention rooms, conference rooms, ballrooms, restaurant and retail shops
Congregate Housing, Assisted Living Facility	Min. 1 per 2 sleeping rooms
Home-Elderly, Children, Nursing	Min. 1 per 2 sleeping rooms
Business Uses	
Bank, Savings & Loan, Mortgage Company	Min. 3 per 1,000 sf
Day Care Center	Min. 1 per 400 sf, plus stacking for 6 cars on the lot
Funeral Home (with no cemetery or mausoleum)	Min. 1 per 4 seats in chapel or parlor, plus sufficient space to park or store all company vehicles
Medical, dental and optical offices	Min. 3 per 1,000 sf
Professional and business offices not otherwise specifically enumerated	Min. 3 per 1,000 sf
Auto, truck and mobile home sales, outdoor equipment and machinery sales, commercial nurseries	Min. 3 per 1,000 sf of showroom, sales office or other conditioned space
Restaurant	Min. 1 per 500 sf
Retail businesses, not otherwise specifically enumerated	Min. 1 per 500 sf
Theaters, night clubs and other such places of public assembly	Min. 1 per 4 seats, plus 1 (employee space) per 10 seats
Service and repair establishments not otherwise specifically enumerated	Min. 3 per 1,000 sf, excluding storage
Service Station, Automotive	Min. 2 per fueling station, plus 1 per 250 sf of retail

Use	Parking Space Ratio
Technology Centers/Data Processing Centers	Min. 1 per 500 sf of unmanned areas and min. 1 per 300 sf of manned areas
Wholesale/Industrial Uses	
Wholesaling and industrial uses including lumber, brick, coal, junk and supply yards	Min. 1 per 1,000 sf
Public and Semipublic Uses	
Hospital	Min. 1 per bed, plus 1 per 200 sf for outpatient treatment areas
Church, Synagogue, Other Place of Worship	Min. 1 per 2 seats in the principal assembly room
Places of assembly or indoor recreation without fixed seats	Min. 1 per 500 sf playing court, rink, playing field and spectator area, plus 1 per 200 sf of patron use areas
Schools, elementary and middle schools	Min. 1 per classroom and administrative office, plus 5 visitor spaces
Schools, senior high	Min. 1 per classroom and administrative office, plus 1 per 4 students (based on the design capacity of the school)
Other public building	Min. 1 per 300 sf

C. Parking in the following locations may be used to satisfy the minimum requirements of the Vehicular Parking Requirements Table:

1. Off-street parking located on the same site or lot as the use it serves;
2. On-street parking located adjacent to and on the same side of the street as the site or lot contain the use it serves; and

D. When a use provides more than 120% of the minimum number of spaces required by the Vehicular Parking Requirements Table, any additional spaces in a surface parking lot must be constructed of pervious paving materials. For the purpose of conforming to this requirement, any on-street spaces or off-street spaces in parking structures must be counted towards satisfying the minimum requirement.

E. A parking study may be submitted to support a request for a proposed parking reduction. This study shall be reviewed by Community Development and must be approved prior to permitting.

2.4.2. Bicycle Parking

A. Facilities that provide or required 25 or more vehicle parking spaces must provide a minimum of 1 bicycle parking space, plus 1 space for each additional 25 provided vehicle parking spaces, provided that no site may have fewer than 3 spaces nor be required to exceed bicycle 30 spaces.

B. Bicycle parking facilities must comply with the following provisions.

1. Each required bicycle parking space must be at least 2 feet by 6 feet. Where a bike can be locked on both sides of a bicycle rack without conflict, each side can be counted as a required space.
2. Bicycle racks must be securely anchored, be easily usable with both U-locks and cable locks, and support a bicycle at 2 points of contact to prevent damage to the bicycle wheels and frame.
3. Bicycle parking must be provided in a well-lit area.
4. Spacing of the bicycle racks must provide clear and maneuverable access.
5. Bicycle parking may be placed within the public right-of-way, provided the encroachment is approved by the City Transportation Engineer.
6. Bicycle parking spaces must be as close as or closer than the nearest vehicle parking space (as

measured along a pedestrian walkway from the door of the use the parking serves).

2.4.3. Driveways

- A. Applicability. This following applies to driveways, including those serving alleys, but not to new streets in conformance with Section 2.3.3.
- B. Width. Unless approved by the City Transportation Engineer or required by the Georgia Department of Transportation along a State highway, the maximum width of curb cuts, not including flares or returns at the throat of the facility, for entrances, exits, service drives and similar facilities shall be 24 feet for two-way entrances and 12 feet for one-way entrances.
- C. Number. The maximum number of driveways allowed on a site shall not exceed an amount equal to one driveway for every 300 feet of total street frontage or fraction thereof. All parcels are permitted at least one driveway.
- D. Location. Driveways may not be located on an arterial street when access is available from a collector or local street.

2.4.4. Design of Parking Structures

- A. When a parking structure fronts an arterial or collector street its ground story must have active uses (such as, but not limited to, residential, commercial, office or civic space) located between the parking structure and the closest adjacent street (not including an alley). Such active use shall have a minimum depth of 20 feet.
- B. Where upper stories of structured parking are adjacent to or visible from any street, they must be screened so that cars and ramps are not clearly visible from ground level view from the adjacent parcel or the adjacent street (not including an alley).
- C. Structured parking facades adjacent to or visible from any street must have the appearance of a horizontal storied building.

2.4.5. Loading

- A. On-site loading space is not required.
- B. Loading areas must be located to the rear of buildings. Loading areas must not be placed between a building and the closest adjacent street.
- C. Screening. If a loading area is provided, it must meet the following.
 - 1. Where a loading dock designed for tractor-trailers is placed between a shared lot line or building and the closest adjacent street (not including an alley), the entire length of the loading area must be screened.
 - 2. Screening must consist of either:
 - a. An 8-foot high wall compatible with the principal building in terms of texture, quality, material and color; or
 - b. Evergreen plant material that can be expected to reach a height of 8 feet with a spread of 4 feet within 3 years of planting.

2.4.6. Vehicle Access and Parking Locations

- A. No driveway or off-street parking lots may be located between a building and the closest street unless an intervening approved building type exists.

- B. Off-street parking for the following must be accessed from alleys:
 - 1. Townhouses on lots of any width.
 - 2. All other building types on lots less than 50 feet in width.
- C. Where a garage faces a street the garage must be recessed a minimum distance of 20 feet behind the front building façade.

Sec. 2.5. Landscaping and Screening

2.5.1. Applicability

- A. New Construction. Any new building or site improvement must comply with the landscaping and screening requirements of this Section.
 - B. Maintenance and Repair. An existing building or site may be repaired, maintained or modernized without providing additional landscaping or screening, provided there is no increase in gross floor area or improved site area.
 - C. Additions
 - 1. When an existing building, use or site is increased in gross floor area or improved site area by up to 25% cumulatively, landscaping and screening is required for the additional floor or site area only.
 - 2. When an existing building, use or site is increased in gross floor area or improved site area by more than 25% cumulatively, both the existing building, use or site and the additional floor or site area must conform to the landscaping and screening requirements of this Section.
 - D. Change in Use. A change in use does not trigger the application of these requirements except when there is a specific use standard requiring landscaping or screening for the new use.
- 1. Front porches and stoops;
 - 2. Outdoor dining or display;
 - 3. Pedestrian walkways used to access a street-facing pedestrian entrance;
 - 4. Driveways used to access off-street parking; and
 - 5. Amenity space, where required by Article 3.
- C. Yards greater than 10 feet in depth must be planted with one tree for each 30 feet of street frontage or portion thereof.
 - D. Vegetated runoff reduction measures shall be allowed in the designated yards, if properly designed to provide stormwater management and screening functions.

2.5.3. Parking Lot Landscape Strips

- A. Applicability. All surface parking areas (of any size) abutting a street (not including an alley) must be screened using one of the following options.
- B. Landscape Strip with Shrubs. A minimum 10 feet wide landscape strip planted with a minimum of 10 shrubs per 35 linear feet of street frontage, excluding driveway openings. Shrubs shall be provided to screen paved areas and parking lots from the right-of-way. Shrubs shall be at least 2 feet tall at time of planting. They must be planted 2 rows deep, and provide a screen within 3 years of planting.
- C. Landscape Strip with Wall
 - 1. A 2.5 feet high wall in a minimum 4-foot planting strip.
 - 2. Walls must be close to the parking lot in order to provide a minimum 2-foot landscaped area facing the street.
 - 3. Walls must be closed and be constructed of one or a combination of

2.5.2. Yard Landscaping

- A. Yards between a parking lots and a street must comply with Section 2.5.3.
- B. Yards greater than 5 feet in depth and located between a building and the closest adjacent sidewalk along a street must be landscaped with grass, trees, shrubs, hedges and other landscaping materials for their entire width, with the exception of areas used for:

the following: decorative blocks; brick; stone; cast-stone; split-faced block; or stucco over standard concrete masonry blocks.

D. Landscape Strip with Berm

1. An earth berm a minimum of 2.5 feet higher than the finished elevation of the parking area, planted with 5 shrubs for every 35 linear feet of street frontage, excluding driveway openings.
2. The berm must contain a rounded crown suitable for planting, and a stabilized side slope of no greater than 3:1.

E. Landscape Strip with Grade Change. A 6-foot landscaped strip with a minimum 3-foot grade drop from the street to the parking area, planted with a minimum of 5 shrubs for every 35 linear feet of street frontage, excluding driveway openings.

F. Location. A required landscape strip must be located at the outer perimeter of the parking area and must be provided along the entire parking area abutting the street, excluding breaks for pedestrians, bicycles and driveways.

G. Plant Material. Required shrubs must be a minimum of 2.5 feet in height at time of planting. 70% of the required amount of shrubs must be evergreen.

2.5.4. Screening

A. Service Areas

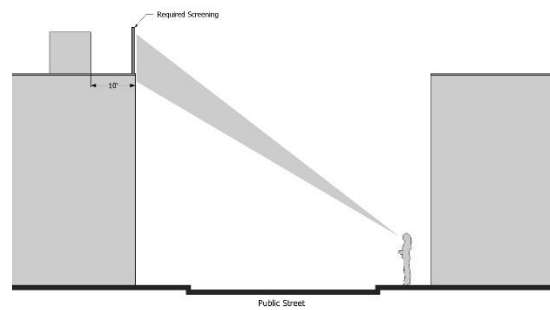
1. Trash and recycling collection and other similar service areas must be located to the side or rear of buildings and may not be between a building and the street.
2. Service areas must be screened on 3 sides by a wall a minimum 6 feet in height and on the 4th side by a solid gate at a minimum of 6 feet in height.
3. The wall must be opaque and be

constructed of one or a combination of the following: decorative blocks; brick; stone; cast-stone; split-faced block; or stucco over standard concrete masonry blocks.

4. The gate must be self-locking and maintained in good working order.

B. Roof-Mounted Equipment

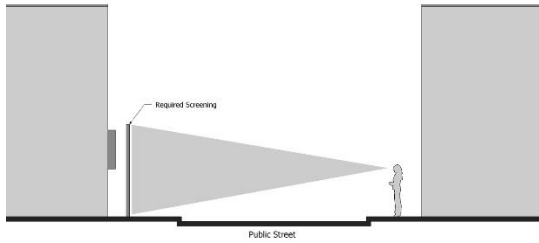
1. Roof-mounted equipment must be set back at least 10 feet from the edge of the roof and screened from ground level view from abutting parcel or abutting street (not including an alley).
2. New buildings must provide a parapet wall or other architectural element that is compatible with the principal building in terms of texture, quality, material, and color that fully screens roof-mounted equipment from ground level view.



3. For buildings with no or low parapet walls, roof mounted equipment must be screened on all sides by an opaque screen compatible with the principal building in terms of texture, quality, material, and color.

C. Wall-Mounted Equipment

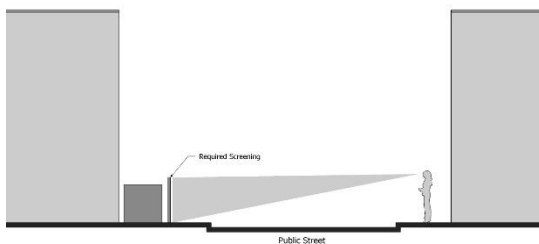
1. Wall-mounted equipment located on any surface that is visible from a street (not including an alley) must be fully screened by landscaping or an opaque wall or fence that is compatible with the principal building in terms of texture, quality, material, and color.



2. Screening must be of a height equal to or greater than the height of the mechanical equipment being screened.

D. Ground-Mounted Equipment

1. Ground-mounted mechanical equipment that is visible from a street (not including an alley) must be fully screened by landscaping or an opaque wall or fence that is compatible with the principal building in terms of texture, quality, material and color.



2. Screening must be of a height equal to or greater than the height of the mechanical equipment being screened.

2.5.5. Design and Installation

A. Plant Material

1. Plant materials must be hardy to zone 7b in accordance with the U.S. Department of Agriculture's Plant Hardiness Zone Map.
2. Plant materials must be able to survive on natural rainfall once established with no loss of health.
3. Tree height is measured from the top of the root ball to the tip of the main stem.
4. No artificial plants, trees, or other vegetation may be installed as required

landscaping and screening

2.5.6. Maintenance of Landscaping

- A. Responsibility. The property owner is responsible for maintaining all required landscaping and screening in good health and condition. Any dead, unhealthy, damaged or missing landscaping and screening must be replaced with landscaping and screening that conforms to this Section within 90 days (or within 180 days where weather concerns would jeopardize the health of plant materials) as approved by the City Arborist.

B. Soil Erosion

1. All planting areas must be stabilized from soil erosion immediately upon planting and must be maintained for the duration of the use.
2. Grass areas must be sodded prior to the issuance of a Certificate of Occupancy. If grass seed must be used, it must be a variety that may be reasonably expected to produce full coverage of the area.

C. Pruning and Trimming

1. All required landscaping must be allowed to reach its required size and must be maintained at no less than required size.
2. To prevent long-term harm to the health of required landscaping, all pruning of shrubs and trees must be done in accordance with the International Society of Arboriculture Standards entitled "ANSI A300 Standards."
3. "Topping," defined as removal of more than one-third of the leaves and branches of a tree, as measured from the lowest branch on the trunk of the tree to the top of the tree, is prohibited, except where necessary to maintain public overhead utilities.

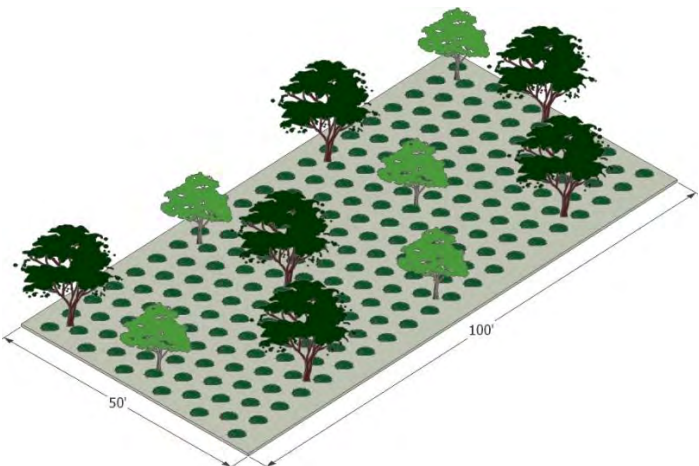
Sec. 2.6. Neighborhood Compatibility

2.6.1. Applicability

- A. Neighborhood compatibility measures are required when a lot zoned or used for a rental dwelling, office, institutional, commercial, industrial uses, or occupied by a non 'For-Sale' residential use adjoins a protected district
- B. Protected district as used in this Section means any property zoned for or used by 'For-Sale' residential purposes. Where commercial or industrial districts or developments abut R-10M zoning districts, the R-10M zoning district is considered a protected district and neighborhood compatibility measures also apply.

2.6.2. Buffers

- A. A 50 feet wide undisturbed buffer is required as shown in the Downtown Buffer Table.

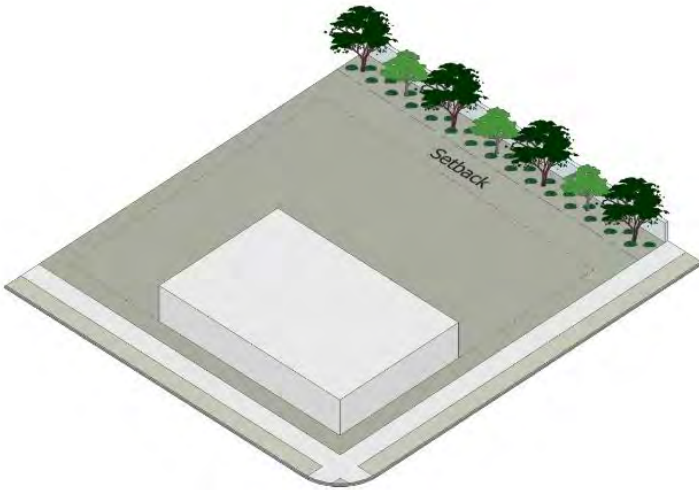
Downtown Buffer Table		
Depth (min.)	50 ft.	
Fence/wall height (min.)	Not required	
Shade trees (min. per 100 feet and evenly spaced)	6	
Understory trees (min. per 100 feet in length and evenly spaced)	5	
Shrubs (min. per 100 feet in length and evenly spaced)	60	

- B. Except as otherwise provided, herein, the buffer shall be preserved in its natural undisturbed state, except that sparsely planted buffers shall be enhanced with additional plant material. Enhancement plants must provide an opaque screen within two years of planting and must meet the following standards:
 1. Plants must be a minimum of 5 feet in height at time of installation;
 2. At least 75% of the total number of plants installed must be evergreen species; and
 3. Plants will be planted and spaced as shown in the Downtown Buffer Table.
- C. Buffers may not contain any surface parking or storm water, detention basins, or any structures except that the Director of Community Development may approve underground facilities within the buffer or the crossing of the buffer for the purpose of extending utilities. The Community Development Director may approve vegetated runoff reduction measures within the buffer. The planting requirements in A. and B. above may be varied to accommodate vegetated runoff reduction measures as part of an approved stormwater management plan, if properly designed to provide stormwater management and screening functions.

- D. Stream buffers must be replanted where disturbed for approved access, and utility crossings. Replacement plants must be approved by the City Arborist.
- E. All buffer plantings are subject to the approval of the Director of Community Development.

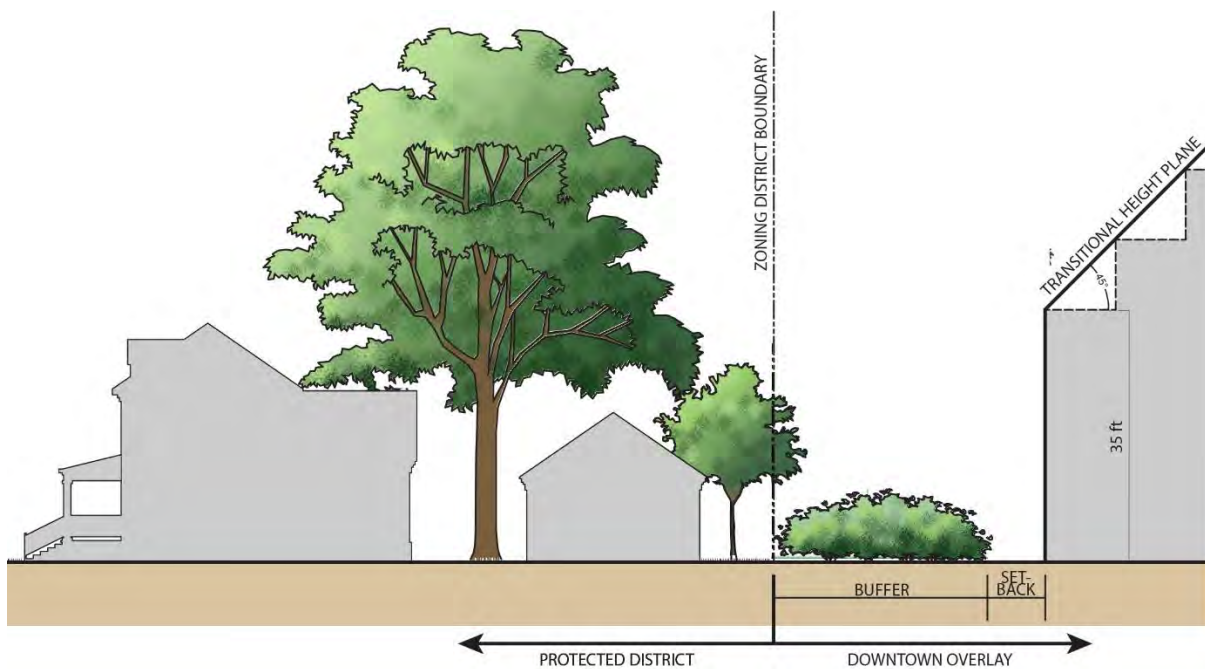
2.6.3. Building Setbacks

All building setbacks are measured from the inside edge of the required buffer.



2.6.4. Transitional Height Plane

- A. A building must not extend into a 45-degree angular plane projecting over the subject property measured from a height of 35 feet at the side interior or rear setback line.



- B. The transitional height plane ends at any public street (not including an alley) or 60 feet from the protected district lot line, whichever is less.

Sec. 2.7. Building Types

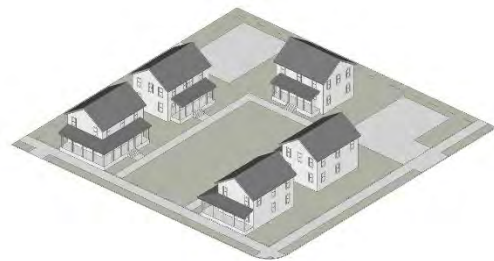
The following rules apply to all buildings in the Downtown Overlay.

2.7.1. Descriptions

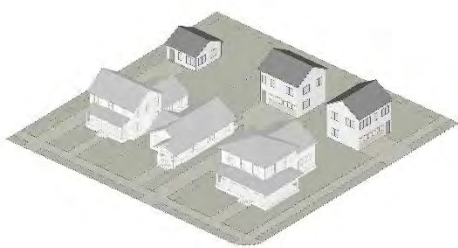
Within the Downtown Overlay building types are used to regulate the design of buildings. Each building type is described below. A building's building type is determined by the Director of Community Development. Within Downtown Zoning District, building types are subject to the additional use requirements of the applicable zoning district. All graphic depictions of building types are for illustrative purposes only. Note that these building types are for zoning purposes only, and not linked to the Building Code. Freestanding parking structures are not considered to be a building type.



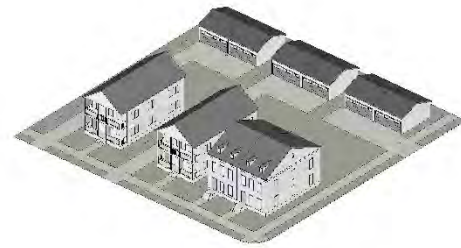
- A. **Detached House.** A building type that accommodates one dwelling unit on an individual lot with yards on all sides. Not intended for nonresidential uses.



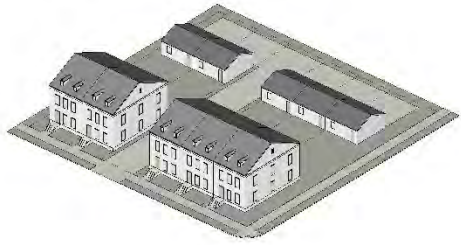
- C. **Cottage Court.** A building type designed to accommodate 5 to 10 detached dwelling units organized around a shared internal courtyard. Units cannot be vertically mixed.



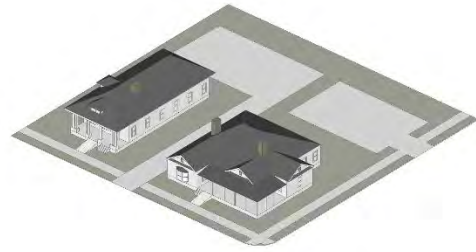
- B. **Carriage House.** A small self-contained accessory dwelling unit located on the same lot as a detached house, semi-detached house, or townhouse but physically separated, for use as a complete, independent living facility, with provisions for cooking, sanitation and sleeping.



- D. **Semi-Detached House.** A building type that accommodates two dwelling units arranged either horizontally or vertically. Not intended for nonresidential uses.



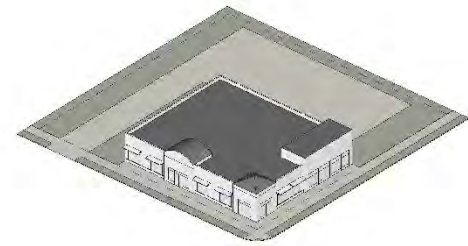
- E. **Townhouse.** A building type that accommodates 3 or more dwelling units where each unit is separated by a common side wall. Units cannot be vertically mixed.



- H. **Commercial House.** A building type that accommodates nonresidential uses in a building type that resembles a detached house. Not intended for residential uses.



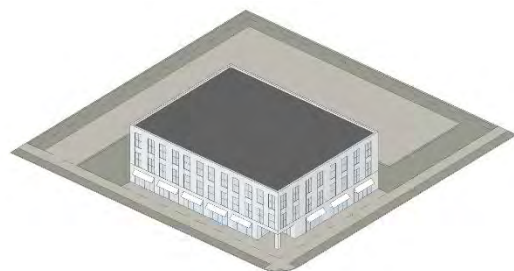
- F. **Walk-up Flat.** A building type that accommodates 3 to 8 dwelling units vertically and horizontally integrated.



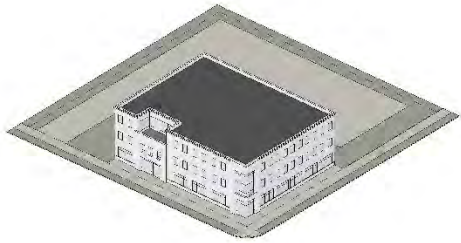
- I. **Shopfront.** A single-story building type that typically accommodates single-use retail or commercial activity.



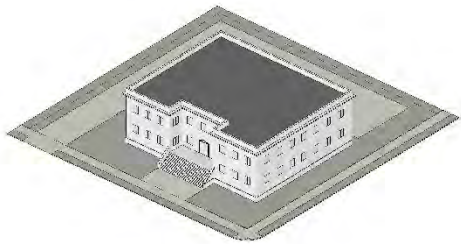
- G. **Stacked Flat.** A building type that accommodates 9 or more dwelling units vertically and horizontally integrated.



- J. **Mixed Use Building.** A multi-story building type that typically accommodates ground story retail, office, or commercial uses with upper-story residential or office uses. Not for ground story street-facing residential uses along arterial or collector streets.



- K. **General Building.** A multi-story building type that typically accommodates nonresidential uses such as industrial, hotel, or office uses on all stories.



- L. **Civic Building.** A building type that accommodates civic uses. Not intended for commercial, retail, office, or residential uses.

2.7.2. Rules Specific to Building Types

A. Detached House

A building type that accommodates one dwelling unit on an individual lot with yards on all sides. Not intended for nonresidential uses.



Lot	
Detached house units per lot:	1 max.
Pedestrian Access	
Entrance facing street:	Required
Walkway width:	3 ft min. /5 ft max.

B. Carriage House

A small self-contained accessory dwelling unit located on the same lot as a detached house, semi-detached house, or townhouse but physically separated, for use as a complete, independent living facility, with provisions for cooking, sanitation and sleeping.



Lot	
Carriage house units per lot:	1 max.
Size	
Dwelling Floor Area:	700 sf max. (excluding garage)
Bedrooms:	1 max.
Pedestrian Access	
Entrance facing street:	Not Required
Walkway width:	n/a

C. Cottage Court

A building type designed to accommodate 5 to 10 detached dwelling units organized around a shared internal courtyard. Units cannot be vertically mixed.

**Site**

Site width/depth:	150 ft min.
Cottage court units per site:	5 min./ 10 max.

Courtyard

Area:	3,000 sf min.
Width:	40 ft min.
Courtyard may not be parked or driven upon, except for emergency access and permitted temporary events.	

Pedestrian Access

Entrance facing street:	Required for units along street
Walkway width:	3 ft min. /5 ft max.

D. Semi-Detached House

Semi-Detached House. A building type that accommodates two dwelling units arranged either horizontally or vertically. Not intended for nonresidential uses.

**Lot**

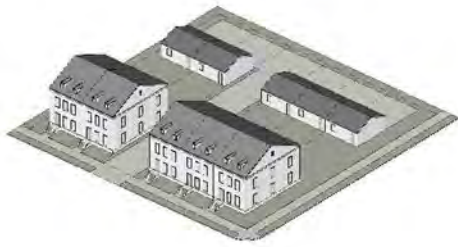
Semi-detached house units per lot:	2 max.
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Pedestrian Access

Entrance facing street:	Required
Walkway width:	3 ft min. /5 ft max.

E. Townhouse

A building type that accommodates 3 or more dwelling units where each unit is separated by a common side wall. Units cannot be vertically mixed. Not intended for nonresidential uses.



Site	
Townhouse units per site:	3 min.
Townhouse units in a row:	8 max.
Fenestration	
Ground floor:	15% min.
Upper story:	15% min. / 35% max.
Blank wall area:	20 ft max. (per story)
Pedestrian Access	
Entrance facing street:	Required for units along street
Walkway width:	3 ft min. / 5 ft max.
Parking Location	
No on-site parking is allowed between the building and the street.	
Design	
No more than three adjacent units may have identical facade designs. Differentiation between adjacent units may be accomplished by a change in materials, building height, color, roof form, or setbacks.	

F. Walk-up Flat

A building type that accommodates 3 to 8 dwelling units vertically and horizontally integrated.



Site	
Walk-up flat units per building:	3 min. / 8 max.
Fenestration	
Ground floor:	20% min.
Upper story:	20% min. / 40% max.
Blank wall area:	20 ft max. (per story)
Pedestrian Access	
Entrance facing street:	Required for lobby (if provided) or ground floor units along street (if no lobby)
Walkway width:	3 ft min. / 6 ft max.
Parking Location	
No on-site parking is allowed between the building and the street.	

G. Stacked Flat

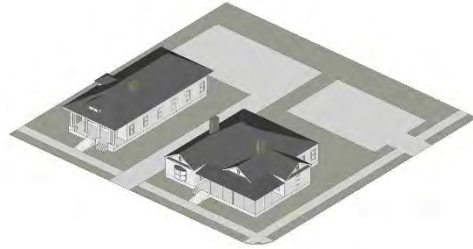
A building type that accommodates 9 or more dwelling units vertically and horizontally integrated. Intended for primarily residential uses, but may include limited ground story



Site	
Stacked flat units per building:	9 min.
Street facing façade length:	200 ft max.
Fenestration	
Ground floor:	20% min.
Upper story:	20% min. / 40% max.
Blank wall area:	20 ft max. (per story)
Pedestrian Access	
Entrance facing street:	Required for lobby and ground floor units along street
Walkway width:	3 ft min. /8 ft max.
Parking Location	
No on-site parking is allowed between the building and the street.	

H. Commercial House

A building type that accommodates nonresidential uses in a building type that resembles a detached house. Not intended for residential uses.



Site	
Street facing façade length:	100 ft max.
Fenestration	
Ground floor:	15% min. / 30% max.
Upper story:	15% min. / 30% max.
Blank wall area:	20 ft max. (per story)
Pedestrian Access	
Entrance facing street:	Required for businesses facing street
Walkway width:	6 ft min.
Parking Location	
No on-site parking is allowed between the building and the street.	

I. Shopfront

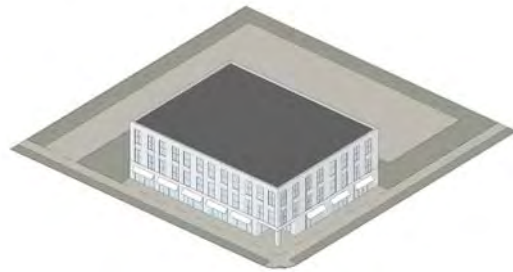
A single-story building type that typically accommodates single-use retail or commercial activity.



Site	
Street facing façade length:	200 ft max.
Height	
Ground floor height (floor to ceiling) :	14 ft min.
Fenestration	
Ground floor: arterial or collector/local street:	70% min./30% min.
Blank wall area: arterial or collector/local street:	30 ft max. / 50 ft max.
Pedestrian Access	
Entrance facing street:	Required every 75 ft of frontage
Walkway width:	6 ft min.
Parking Location	
No on-site parking is allowed between the building and the street.	

J. Mixed Use Building

A multi-story building type that typically accommodates ground story retail, office or commercial uses with upper-story residential or office uses. Not intended for ground story, street-facing residential uses along arterial or collector streets.



Site	
Street facing façade length:	200 ft max.
Height	
Ground floor height (floor to ceiling) :	14 ft min.
Fenestration	
Ground floor: arterial or collector/local street:	70% min./30% min.
Blank wall area: arterial or collector/local street:	30 ft max. / 50 ft max.
Upper story:	20% min. / 40% max.
Pedestrian Access	
Entrance facing street:	Required every 75 ft of frontage
Walkway width:	6 ft min.
Parking Location	
No on-site parking is allowed between the building and the street:	

K. General Building

A multi-story building type that typically accommodates nonresidential uses such as industrial, hotel, or office uses on all stories.



Site	
Street facing façade length:	200 ft max.
Height	
Ground floor height (floor to ceiling) :	11 ft min.
Fenestration	
Ground floor: arterial or collector/local street:	50% min./20% min.
Blank wall area: arterial or collector/local street:	40 ft max. / 60 ft max.
Upper story	20% min.
Pedestrian Access	
Entrance facing street:	Required every 150 ft of frontage
Walkway width:	6 ft min.
Parking Location	
No on-site parking is allowed between the building and the street.	

L. Civic Building

A building type that accommodates civic uses. Not intended for commercial, retail, office, or residential uses.



Fenestration	
Ground floor:	15% min.
Blank wall area:	60 ft max.
Upper story:	15% min.
Pedestrian Access	
Entrance facing street:	Required
Walkway width:	6 ft min.
Parking Location	
No on-site parking is allowed between the building and the street.	

Sec. 2.8. Building Design

2.8.1. Applicable

This Section applies to the Building Types identified in Section Sec. 2.7.

2.8.2. Fenestration

- A. Fenestration is the minimum percentage of window and door glass that must cover a facade.
- B. Glass used to satisfy fenestration requirements must be unpainted, must have a transparency (visible light transmission) higher than 70%, and must have an external reflectance of less than 15%. Transparency and external light reflectance must be established using the manufacturer's specifications.
- C. Fenestration is measured from the top of the finished floor to the top of the finished floor above.
- D. When there is no floor above, fenestration is measured from the top of the finished floor to the top of the wall plate.

2.8.3. Pedestrian Access

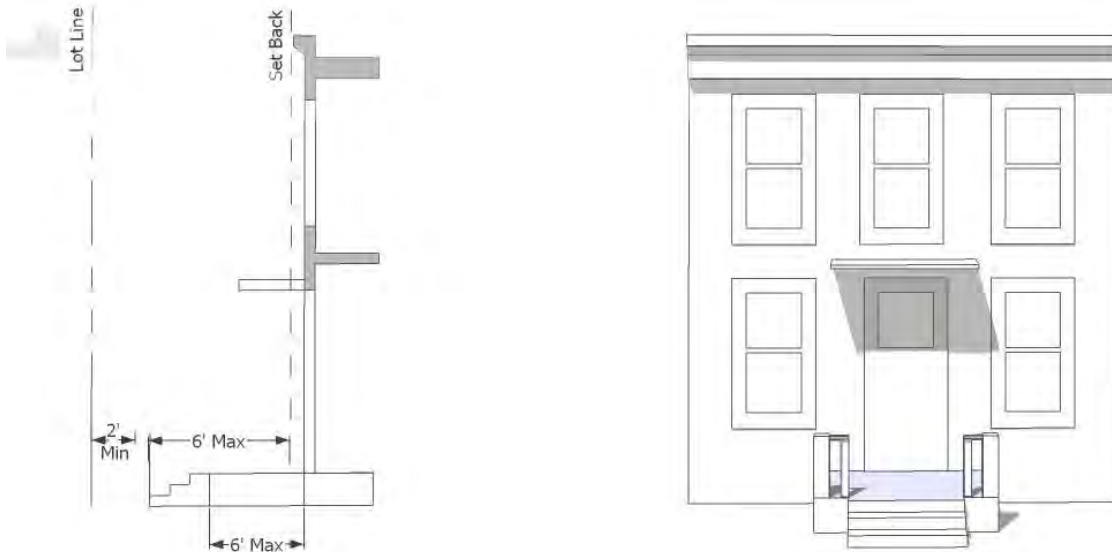
- A. A pedestrian entrance and walkway providing both ingress and egress, operable to residents at all times and operable to customer, visitors, and employees during business hours, is required to meet the street-facing pedestrian entrance requirements. Additional entrances off another street, pedestrian area or internal parking area are permitted, but must have the same or shorter hours of operability as the street-facing entrance.
- B. An angled pedestrian entrance may be provided at either corner of a building along the street to meet the street-facing pedestrian entrance requirements.
- C. Where a lot has frontage on a civic space instead of a street, these requirement apply to and from the civic space.

2.8.4. Building Elements

- A. **Intent.** The following standards are intended to ensure that certain building elements that when added to a street-facing facade are of sufficient size to be both usable and functional and be architecturally compatible with the building they are attached to.



- B. **Front Porch.** A raised structure attached to a building, forming a covered pedestrian entrance to a doorway.
1. A front porch must be at least 6 feet deep (not including the steps).
 2. A front porch must be contiguous, with a width not less than 33% of the building facade from which it projects.
 3. A front porch must be roofed and may be screened, but cannot be fully enclosed.
 4. A front porch may extend up to 9 feet, including the steps, into a required front setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.
 5. A front porch must not encroach into the public right-of-way or required sidewalk.
 6. Steps leading to front porches must have enclosed risers.
 7. Front porch columns must be a minimum width of 8 inches.



C. **Stoop.** A small raised platform that serves as a pedestrian entrance to a building.

1. A stoop must be no more than 6 feet deep (not including the steps).
2. A stoop may be covered but cannot be fully enclosed.
3. A stoop may extend up to 6 feet, including the steps, into a required setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.
4. A stoop must not encroach into the public right-of-way or required sidewalk.
5. Steps leading to stoops must have enclosed risers.
6. Stoop columns, where provided, must be a minimum width of 8 inches.



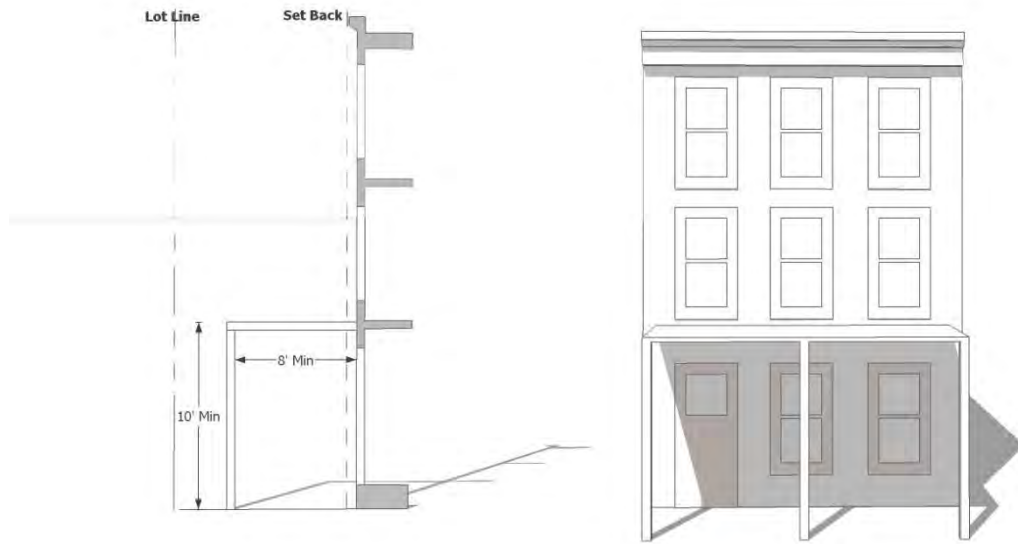
D. **Balcony.** A platform projecting from the wall of an upper-story of a building with a railing along its outer edge, often with access from a door or window.

1. A balcony must be at least 4 feet deep and may extend up to 6 feet into a required setback, provided that such extension is at least 2 feet from the vertical plane of any lot line.
2. A balcony must have a clear height above the sidewalk of at least 10 feet.
3. A balcony may be covered and screened, but cannot be fully enclosed.
4. A balcony may encroach up to 6 feet into the public right-of-way or required sidewalk but must be at least 2 feet inside the curb line or edge of pavement, whichever is greater.



E. **Awning/Canopy.** A wall-mounted, cantilevered structure providing shade and cover from the weather for a sidewalk.

1. An awning must be a minimum of 10 feet clear height above the sidewalk and must have a minimum depth of 6 feet.
2. An awning may extend into a required setback.
3. An awning may encroach up to 9 feet into the public right-of-way or required sidewalk but must be at least 2 feet inside the curb line or edge of pavement, whichever is greater.
4. Awning must be made of canvas and may not be reflective or shiny.
5. Awnings must have open ends called “shed awnings” to allow views into buildings.
6. Awnings may not be internally lit.
7. Awnings may not be narrower than nor two feet wider than the door or window opening that they serve. Where multiple doors and windows are less than two feet apart, multiple awnings may be combined into a single awning.



- F. **Gallery.** A covered passage extending along the outside wall of a building supported by arches or columns that is open on 3 sides.
1. A gallery must have a clear depth from the support columns to the building's facade of at least 8 feet and a clear height above the sidewalk of at least 10 feet.
 2. A gallery must be contiguous and extend over at least 75% of the width of the building facade from which it projects.
 3. A gallery may extend into a required setback.
 4. A gallery may encroach up 9 feet into the public right-of-way or required sidewalk but must be at least 2 feet inside the curb line or edge of pavement, whichever is greater.

2.8.5. General Architectural Standards

A. Applicability

1. The following applies to all buildings, except as specifically stated otherwise.
2. Detached houses, carriage houses, cottage courts, semi-detached houses, townhouses, walk-up flats, and stacked flats must comply with either the following or Section 2.8.6, at the discretion of the applicant.
3. Commercial houses must comply with Section 2.9.6.

B. Building Materials

1. Exterior finish materials on walls visible from a street or civic space must be limited to brick, manufactured stone, architectural block, natural stone, wood siding, cement-based siding, cement-based panels, and/or hard coat stucco.
2. Hard coat stucco, when used as an exterior wall finish material on any individual building, is subject to the following additional standards:

- a. Hard coat stucco may not exceed 30% of the total wall area (excluding foundations) visible from a street or civic space. For the purpose of calculating conformance with this requirement, windows and doors are not included in the total wall area.

- b. The maximum wall length (excluding foundations) visible from a street or civic space that is finished in any continuous or discontinuous hard coat stucco is 60 feet. Authorized wall lengths finished in hard coat stucco must be separated by a minimum wall length of 60 feet that contains no hard coat stucco.



3. Exterior finish materials must be combined only horizontally, with the visually heavier below the lighter as shown in the General Visual Weight Table. This does not apply to architectural details such as cornices, window sills, and beltlines.
4. No more than three different exterior finish materials, textures, colors, or combinations thereof may be used on a single building, excluding materials used on windows, doors, front porches, balconies, foundations, awnings, or architectural details.
5. Foundations must be constructed as a distinct building element that is finished in a different material or color than the exterior wall. Exposed above-ground foundations

General Visual Weight Table

This table shows the visual weight of permitted materials. Those at the top are lighter than those at the bottom and must be combined accordingly.

Visually Lighter Visually Heavier	Hard Coat Stucco
	Wood/Cement-Based Siding or Panels
	Brick
	Architectural Block
	Natural /Manufactured Stone

must be coated or faced in cement, hard coat stucco, brick, manufactured stone, or natural stone to contrast with façade materials.

C. Building Facade

1. The following applies to all street-facing facades.
2. Where used, shutters must match one half the width and shape of the window opening to which they are adjacent.
3. Facades must provide visual divisions between the ground story and second story through architectural means such as courses, awnings, or a change in materials.
4. Facades must delineate all stories above the ground story with windows, belt courses, balconies, cornice lines or similar architectural detailing.
5. Windows above the ground story must be equally sized, vertically oriented, equally spaced and arranged in a grid pattern.
6. Window must be recessed a minimum of 3 inches and a maximum of 8 inches from the adjacent façade.

D. Building Massing

1. Facades over 50 feet in length must incorporate wall projections or recesses a minimum of 12 inches in depth. The combined length of said recesses and projections must constitute at least 20% of the total facade length.
2. Variation in the roofline of buildings and offsets in pitched roofs and gables are required. Parapets in individual building facades exceeding 100 continuous linear feet must be varied in height and projection and must use decorative elements such as crown moldings, dentals, brick soldier courses, or similar details.
3. The roofs of buildings may include cisterns and greenroofs if part of an approved stormwater management plan for the site and if designed in accordance with the GA Stormwater Management Design Manual (latest version). Above-ground cisterns and greenwalls shall require approval by the Community Development Director.

2.8.6. Small Residential Building Standards

- A. Applicability. The following applies to detached houses, carriage houses, cottage courts, semi-detached houses, townhouses, walk-up flats, stacked flats, and commercial houses.

B. Building Materials

1. The exterior finish material on all walls is limited to brick, manufactured stone, natural stone, wood siding, cement-based siding and/or hard coat stucco.
2. Exterior finish materials must be combined only horizontally, with the visually heavier below the lighter as shown in the Small Residential Building Visual Weight Table. This does not apply to architectural details such as cornices, window sills, and beltlines.

Small Residential Building Visual Weight Table

This table shows the visual weight of permitted materials. Those at the top are lighter than those at the bottom and must be combined accordingly.

Visually Lighter ↑ ↓ Visually Heavier	Hard Coat Stucco
	Wood/Cement-Based Siding or Panels
	Brick
	Architectural Block
	Natural /Manufactured Stone

3. No more than three different exterior finish materials, textures, colors, or combinations thereof may be used on a single building, excluding materials used on windows, doors, porches, balconies, foundations, or architectural details.
4. Foundations must be constructed as a distinct building element that is finished in a different material or color than the exterior wall. Exposed above-ground foundations must be coated or faced in cement, hard coat stucco, brick, manufactured stone, or natural stone to contrast with façade materials.

C. Building Facades

1. The following apply to all street-facing facades.
2. Windows and Doors
 - a. Where used, shutters must match one half the width and shape of the window opening to which they are adjacent.
 - b. Doors and windows that operate as sliders are prohibited
 - c. All windows must be vertically shaped with a height greater than width, except for windows that are part of a door or otherwise appropriate for a required architectural style. The top of said windows must generally be in alignment with the top of the adjacent door frame.
 - d. Windows must have true or simulated divided lights or be one-over-one lights.
 - e. Windows must include sills of wood, masonry, stone, cast stone, or terra cotta.
 - f. Window frames must be recessed a minimum of 1.5 inches from the exterior façade.
3. A stoop or front porch is required.
4. Awnings are not allowed.

D. Building Massing

1. Pitched roofs, if provided, must be symmetrically sloped no less than 5:12, except that roofs for front porches and attached sheds may be no less than 2:12.
2. Flat roofs must be enclosed by parapets a minimum of 42 inches high, or as required to conceal mechanical equipment by Section 2.6.4.
3. All roofs must have a minimum 25-year roof life and no visible roll roofing.
4. Chimneys, where provided, must extend to the ground and must be faced in brick or stacked stone.

2.8.7. Architectural Style Requirements

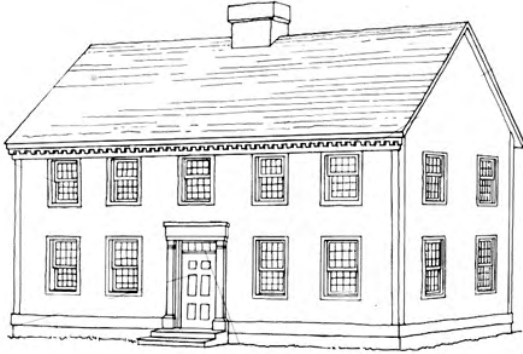
A. Applicability

1. This section only applies to detached houses, cottage courts, and carriage houses that are accessory to a detached house or cottage court. All other building types must comply with the requirements and procedures found in the Downtown Alpharetta Design Guidelines amendment to the Alpharetta Design Review Ordinance and Design Guidelines.
2. This section is further limited to not apply to parcels zoned R-12 or R-15 when such parcels are located within a recorded subdivision that existed on the date of adoption of this ordinance.

3. This section is further limited to only apply to new construction, modification, addition, alteration, moving, destruction or demolition which would affect the exterior appearance of any structure, building, land, site or other object, as follows:
 - a. The demolition of any building, structure or object.
 - b. The moving or relocation of any building, structure or object.
 - c. Except housecleaning, any material work on the exterior appearance of existing buildings by additions, reconstruction, rehabilitation, alteration or any maintenance (including exterior color), or any exterior material changes.
 - d. Any new construction of a principal building or accessory building or structure subject to view from a street or public way.
- B. Administration
1. Conformance with this section is determined by the Director of Community Development. The Director of Community Development may grant relief from one or more requirement when:
 - a. The requirement is unique to this section and is not otherwise required by the Unified Development Ordinance, another section of the Downtown Overlay, a Downtown District, or any other applicable local, State, or Federal regulation; and
 - b. The relief does not cause substantial detriment to the public good or impair the purpose and intent of this Overlay.
 2. Appeals of a decision by the Director of Community Development shall be made to the Board of Appeals for interpretation.
- C. General Requirements
1. All buildings must be designed in one of the following architectural styles:
 - a. Georgian
 - b. Federal/Adam
 - c. Greek Revival
 - d. Neoclassical
 - e. Stick
 - f. Queen Anne
 - g. Shingle
 - h. Folk Victorian
 - i. Romanesque
 - j. Italianate
 - k. Tudor eclectic
 2. Specific elements of the required styles are identified in Section 2.9.7.D through M. More information on each style can be found in A Field Guide to American Houses by Virginia Savage McAlester, Residential Architectural Styles in Georgia by the Historic Preservation Division of the Georgia Department of Natural Resources, or other architectural resources.

D. Georgian

Elements of the Georgian style are as follows:



Source: *A Field Guide to American Houses* by Virginia Savage McAlester

Façade Composition

Front facades are always symmetrical and usually five windows wide. Narrower houses are sometimes three windows wide and larger houses are sometimes seven windows wide. There is never an even number of windows across the front façade.

Front Doors

Front doors are paneled, centered, and topped with a decorative crown support by decorative pilasters. There is also usually a row of small rectangular glass panes beneath the crown, either within the door or in a transom.

Windows (visible from a street or civic space only)

Windows have double-hung sashes, typically with nine or twelve small panes per sash.

Windows are never in adjacent pairs.

Cornices

The cornice is usually emphasized with tooth-like dentils or other decorative molding.

E. Federal/Adam

Elements of the Federal/Adam style are as follows:



Source: *A Field Guide to American Houses* by Virginia Savage McAlester

Façade Composition

Front facades are always symmetrical and usually five windows wide. Narrower houses are sometimes three windows wide and larger houses are sometimes seven windows wide. There is never an even number of windows across the front façade.

Front Doors

Front doors are paneled, centered, and topped with a semi-circular or elliptical fanlight. There are also usually sidelights, an elaborate crown and surround, and/or an extended small entry porch.

Windows (visible from a street or civic space only)

Windows have double-hung sashes, typically with six panes per sash.

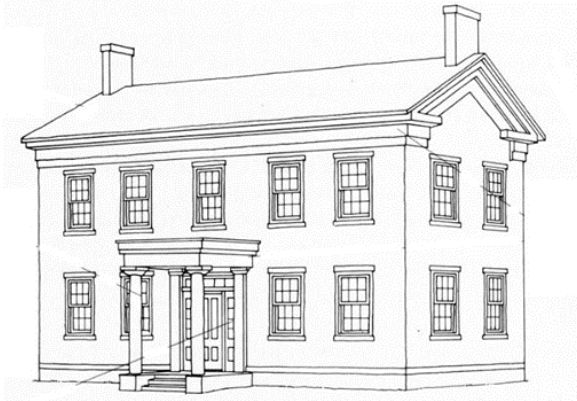
Windows are never in adjacent pairs.

Cornices

The cornice is usually emphasized with tooth-like dentils or other decorative molding.

F. Greek Revival

Elements of the Greek Revival style are as follows:



Source: *A Field Guide to American Houses* by Virginia Savage McAlester

Façade Composition

Front facades of the principal building mass are usually symmetrical. Exceptions to this are limited to off-centered doors, which may be located at one side of the structure, especially in narrower detached houses.

Front Doors

Front doors include a narrow line of transom and sidelight windows, usually incorporated into an elaborate door surround.

Front entry porches or full-width porches are usually provided. Porch roofs are always supported by square or rounded columns of one of the Classical Orders.

Cornices

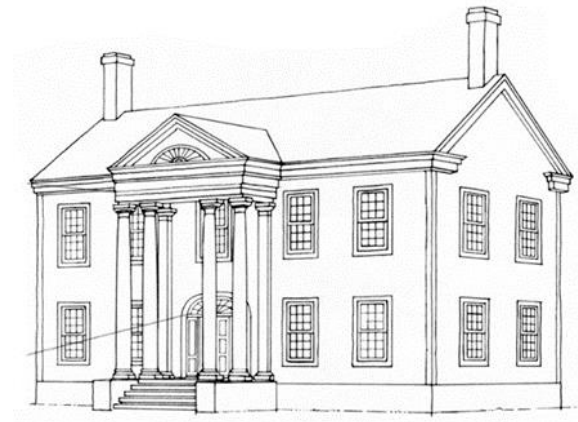
The cornice is emphasized with a wide, divided band of trim.

Roof

The roof is usually gabled or hipped with a low pitch.

G. Neoclassical

Elements of the Neoclassical style are as follows:



Source: *A Field Guide to American Houses* by Virginia Savage McAlester

Façade Composition

Front facades are always symmetrical and usually five windows wide. Narrower houses are sometimes three windows wide and larger houses are sometimes seven windows wide. There is never an even number of windows across the front façade.

Front facades are usually dominated by a full-height entry porch with a triangular gable above supported by four columns with shallow square bases.

Front Doors

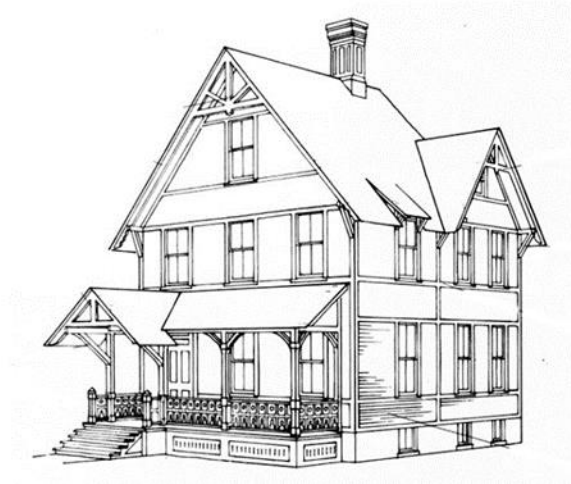
Front doors are paneled, centered, and topped with a semi-circular or elliptical fanlight.

Windows

Windows have double-hung sashes.

H. Stick

Elements of the Stick style are as follows, although it's rare for one building to have all elements:



Source: *A Field Guide to American Houses* by Virginia Savage McAlester

Façade Composition

Front facades are usually asymmetrical and include horizontal and vertical bands raised from the wall surface for emphasis.

Front porches or stoops are always provided and include diagonal or curving support braces.

Roofs

Roofs are steeply pitched.

When roof gables are provided they include decorative trusses. Cross gables are common.

I. Queen Anne

Elements of the Queen Anne style are as follows:



Source: *A Field Guide to American Houses* by Virginia Savage McAlester

Façade Composition

Front facades of the principal building mass are usually asymmetrical.

Front facades include a partial- or full-width porch and extend along one or both side walls.

All facades often include textured shingles or other devices to avoid a smooth-walled appearance.

Roofs

Roofs are steeply pitched.

J. Shingle

Elements of the Shingle style are as follows:



Source: *A Field Guide to American Houses* by Virginia Savage McAlester

Façade Composition

Front facades are always asymmetrical.

Front porches are almost always present.

Wall cladding and roofs are of continuous wood shingles.

Shingled walls turn corners without interruption.

Roofs

Roofs have irregular, steeply pitched roof lines, usually with cross gables and multi-level eaves.

K. Folk Victorian

Elements of the Folk Victorian style are as follows:



Source: *A Field Guide to American Houses* by Virginia Savage McAlester

Façade Composition

Front facades are always symmetrical, except when a front gable or wing is provided.

Front porches are provided and have spindlework detailing.

Roofs

Roofs are usually gabled and with very simple massing.

Roofs include brackets under eaves.

L. Romanesque

Elements of the Romanesque style are as follows:



Source: *A Field Guide to American Houses* by Virginia Savage McAlester

Façade Composition

Front facades of the principal building mass are usually asymmetrical.

Walls are of masonry.

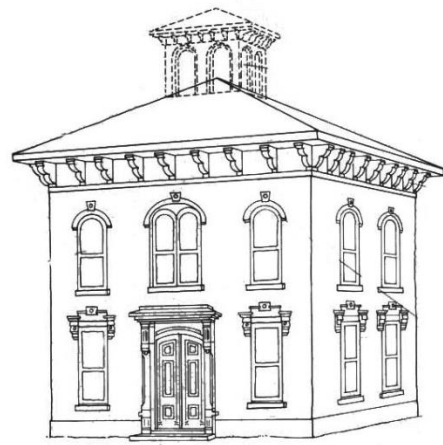
Round top arches are provided over windows or entrances.

Roofs

Roofs shapes vary, but there are conical roofs on towers, when such are provided.

M. Italianate

Elements of the Italianate style are as follows:



Source: *A Field Guide to American Houses* by Virginia Savage McAlester

Façade Composition

Facades are usually two or three stories.

Windows

Windows often have elaborate crowns, usually of an inverted U-shape.

Windows are tall, narrow, and often arched above.

Roofs

Roofs are low pitched with widely overhanging eaves supported by decorative brackets.

Roofs often include a square cupola or tower.

N. Tudor Eclectic

Elements of the Tudor Eclectic style are as follows:



Source: A Field Guide to American Houses by Virginia Savage McAlester

Façade Composition

Facades dominated by one or more prominent front-facing gables, usually steeply pitched.

Front door and/or entry porch with round or Tudor arch.

Decorative half-timbering, but not present on all examples.

Windows

Tall, narrow windows, usually in multiple groups, with multi-pane glazing

Roofs

Steeply pitched roof, usually side-gabled

Massive and prominent chimneys, usually capped with decorative clay pots.

2.8.8. Storefront Street Requirements

- A. **Applicability.** These regulations apply to the portions of sites abutting the street segments designated in the Downtown Alpharetta Storefront Street Table.

Downtown Alpharetta Storefront Street Table

Street	Street Segment		Side of Street
	From:	To:	
Milton Avenue	A point 400 feet west of the intersection with Canton Street (centerline)	State Route 9/Main Street	Both sides
Academy Street	State Route 9/Main Street	Manning Street	Both sides
State Route 9/Main Street	A point 200 feet north of the intersection with Milton Avenue/Academy Street	Marietta Street	Both sides

- B. **Building Type Restrictions.** Buildings abutting a street segment identified in the Downtown Alpharetta Shopfront Table are limited to Mixed-Use Buildings or Shopfronts. Additional building types may be provided to the rear of a conforming Mixed-Use Building or Shopfront.

Sec. 2.9. Tree Protection

2.9.1. Applicability

- A. This Section applies to all sites in the Downtown Overlay except 'For-Sale' residential lots.
- B. 'For-Sale' residential lots must comply with the full requirements of Section 3.2 of the Unified Development Code.
- C. Sites subject to this Section and with a building coverage under 70% must comply with the full requirements of Section 3.2 of the Unified Development Code.
- D. Site subject to this Section and with a building coverage of 70% or more must comply with one of the following:
1. The full requirements of Section 3.2 of the Unified Development Code; or
 2. All requirements of Section 3.2 of the Unified Development Code except Section 3.27.A, which are replaced with the requirements of Section 2.10.2 below.

2.9.2. Minimum Tree Density Requirements

- A. A minimum of one Overstory tree must be provided on-site for every 400 square feet of a site not covered by buildings.
- B. The required Overstory tree must have a minimum 4-inch caliper.
- C. The required number of Overstory trees may be achieved by counting existing trees to be preserved, planting new trees according to the standards of this Section, or some combination of the two.
- D. All sites shall comply with the applicable street tree requirements in the adjacent street.

Sec. 2.10. Heritage Design Areas

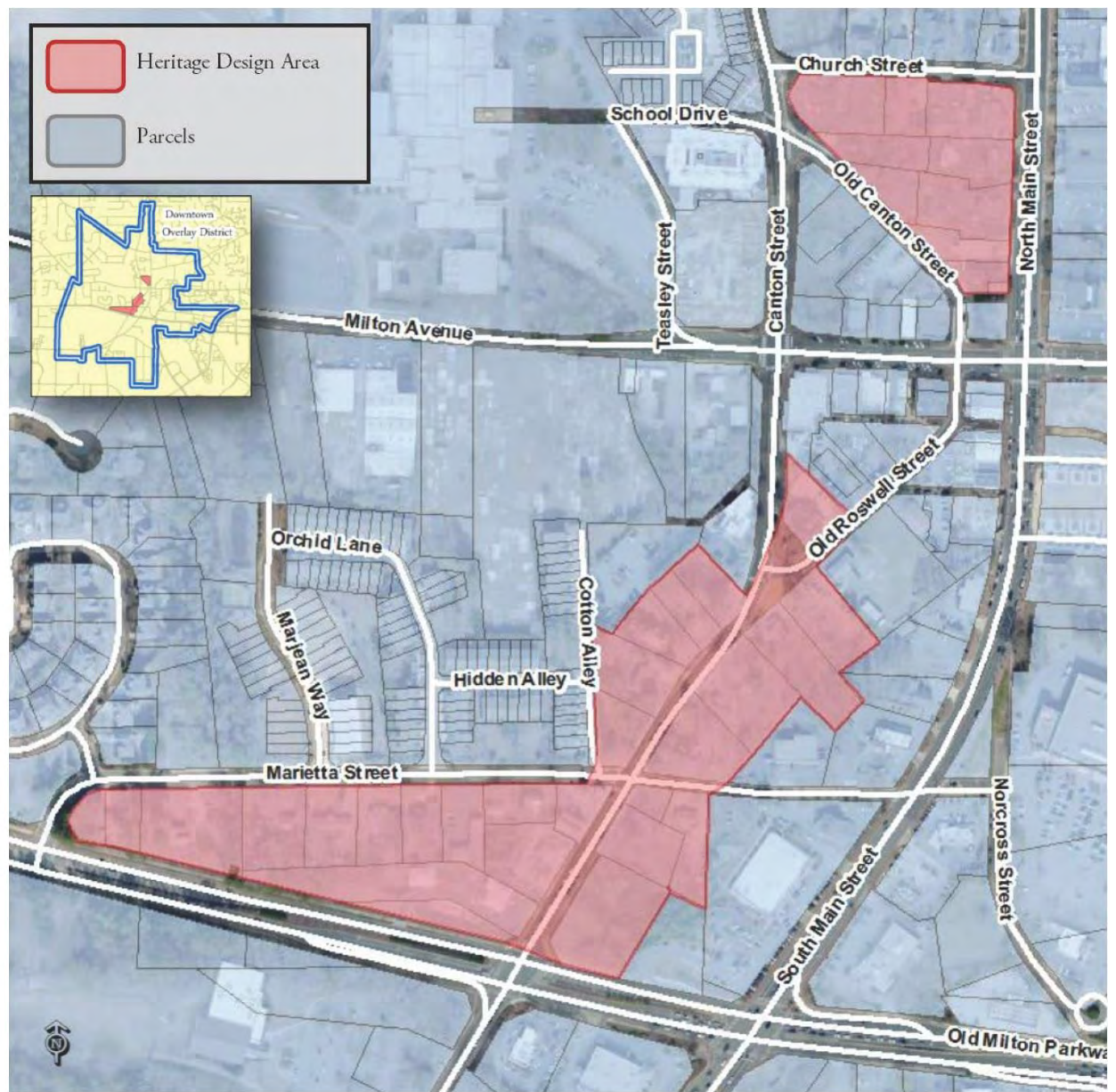
2.10.1. Purpose

The purpose of Heritage Design Areas is to protect the unique character of established areas in Downtown Alpharetta by requiring new development to be consistent with the unique, character-defining elements of the area.

2.10.2. Applicability

A. Territorial Application.

1. The following map identifies the boundaries of the Heritage Design Areas and is incorporated by reference into the Official Zoning Map, as provided for in Sec. 1.2.1.A.



B. General

1. This Section applies to all sites in designated Heritage Design Areas.
2. The Section applies in addition to the requirements of the zoning district in which a site lies.

C. Historic Preservation Incentive Zoning. When a site includes one or more historic properties that have been designated in accordance with Sec. 2.9 - Historic Preservation Incentive Zoning of the City of Alpharetta Unified Development Ordinance, the following additional incentives apply:

1. **Building Coverage Exclusion.** Designated contributing historic buildings are excluded from building coverage calculations. This exclusions also applies to historic accessory structures such as barns, carriage houses, garages, and similar structures that would otherwise be counted towards in building coverage.
2. **Building Coverage Incentive.** The maximum building coverage of a site may be increased an additional 5% for each designated historic building on the site. Historic accessory buildings such as barns, carriage houses, garages, and similar structures are not considered designated historic buildings for the purpose of this increased in lot coverage.

D. Building Coverage

1. The maximum building coverage of a site may not exceed 70%, except as allowed for in Sec. 2.10.2.C. above for sites utilizing Historic Preservation Incentive Zoning.
2. When a site is subdivided into individual lots, the building coverage on any individual lot may exceed the maximum permitted building coverage, provided that the overall maximum building coverage of the site is not exceeded.

E. Building Placement.**1. Front Yard Setbacks along Public Streets**

- a. The minimum required front yard setback along a public street shall be as follows:
 - i If a site includes an existing building to remain, the minimum front yard setback shall be the setback of the existing building.
 - ii If a site includes no existing building to remain, the minimum front yard setback shall be the average front yard of the existing buildings on adjacent developed lots within the same block face. If only one adjacent lot is developed, the minimum front yard setback shall be the front setback of the existing adjacent building.
 - iii In all other situations, the minimum front yard setback shall be established by the applicable zoning district.
- b. The maximum permitted front yard setback along a public street is the largest front setback of any existing building on the block face, except when the minimum setback required by the applicable zoning district is greater.
- c. For the purpose of calculating front yard setbacks, a block face means one side of a public street between two consecutive intersecting public streets. Only the portion of such side that is located in the Heritage Design Area may be included in the calculation.

2. **Site Side Yard Setbacks.** The minimum side yard setback on a site may not be less than 5 feet,

except when a greater minimum setback is required by the applicable zoning district.

3. **Site Rear Yard Setbacks.** The minimum rear yard setback on a site may not be less than 5 feet, except when a greater minimum setback is required by the applicable zoning district.

F. Bulk and Mass

1. **Building Height.** The maximum building height is 46 feet. Properties that take advantage of the height incentive shall restrict uses to restaurant with no drive-through, office, non-automotive retail and residential with a conditional use.

G. Parking

1. Properties that save a structure on the City's List of Contributing Historic Structures shall be permitted to use the structure for any use permitted within the underlying zoning district and said use shall be exempt from meeting the minimum required parking spaces.

H. Parking -Lots and Driveways

1. Parking lots and driveways may be constructed of pervious or impervious paving materials. Alternative materials such as gravel or crushed stone are also allowed when the City Transportation Engineer finds that such material is suitable for the anticipated use and neither impairs the public health, safety, or welfare, nor creates a public nuisance.

Article 3. Downtown Zoning Districts

Sec. 3.1. Applicability

- A. This requirements of this Article apply to all Downtown Zoning Districts.
- B. The requirements of the Unified Development Code also apply in all Downtown Districts unless expressly stated otherwise in this Article.

Sec. 3.2. Rules of Interpretation

3.2.1. Site

Defined. A site is any lot or group of contiguous lots owned or functionally controlled by the same person or entity, assembled for the purpose of development. Lots within a site may be separated by an existing public right-of-way.

3.2.2. Lot

A. Lot Frontage.

1. Every lot (except cottage court lots) and every cottage court site must have frontage upon:
 - a. An existing public street, or
 - b. A new public street or private street built to standards of Section 2.3.3, or
 - c. A civic space meeting the standards of Section 3.2.4.B or an existing City of Alpharetta park. No more than 20% of the total lots in a site (except cottage court lots) may front on a civic space or existing City park.
2. Alleys may not be used to satisfy the lot frontage requirements of Section 3.2.2.A.1 above.
3. The minimum lot frontage is 20 feet or the minimum lot width identified in district regulations, whichever is greater.
4. Lots having frontage on a civic space or existing City park must still comply with fire lane access requirements, as applicable.

3.2.3. Residential Density

- A. **Defined.** The dwelling units per acre of land.
- B. The residential density of a site is expressed in dwelling units per acre of land and is calculated by dividing the total dwelling units on a site by the site's acreage. Residential density includes both a base and maximum density.
- C. The ability to achieve the permitted density may be further restricted by site conditions, district regulations, or conditions or rezoning.

3.2.4. Open Space

- A. **Defined.** Open space is the horizontal outdoor area of a site reserved to provide separation, resource protection, scenic enjoyment, recreation, or amenity. It includes two types: civic space and amenity space.

- B. **Civic space.** Civic space is the portion of open space for public use defined by the combination of certain physical constants including the relationships among their intended use, their size, their landscaping, and their adjacent buildings. Civic spaces are limited to the following types. Each civic space approved must be usable for civic purposes. Above-ground cistern design and appearance shall require approval by the Community Development Director.
1. **Park.** An open space available for structured or unstructured recreation. A park may be independent of surrounding buildings at its edges. Its landscape may consist of paths and trails, meadows and lawns, water bodies, runoff reduction measures such as bioretention areas, swales, cisterns, and woodlands. Recreation fields and courts may also be included. The minimum size for a park is one acre.
 2. **Square.** An open space available for unstructured recreation and civic purposes. A square is spatially defined by building or streets at its edges. Its landscape must consist of paths and trees, and may also include runoff reduction measures such as bioretention areas and cisterns, lawns and non-asphalt paved surfaces. The minimum size for a square is one-half acre.
 3. **Plaza.** An open space, available for civic purposes and commercial activities. A plaza must be spatially defined by building or streets at its edges. Its landscape must consist primarily of non-asphalt paved surfaces and trees, and may include runoff reduction measures such as bioretention areas and cisterns. The minimum size for a plaza is one-quarter acre.
 4. **Pocket Park.** An open space, available for unstructured recreation. A pocket park may be spatially defined by buildings or streets at its edges. Its landscape must consist of lawn and trees, and may include runoff reduction measures such as bioretention areas and cisterns. There is no minimum size for pockets parks.
 5. **Playground.** An open space designed and equipped for the recreation of children. A playground must be fenced and may include an open shelter. Playgrounds must be interspersed within residential areas, may be placed within a block, and may be included in parks and greens. There is no minimum size for playgrounds. Playgrounds may include runoff reduction measures such as bioretention and underground detention.
- C. **Amenity space.** Amenity space is the covered or uncovered, but unenclosed, outdoor areas of at least 100 square feet each for use by the occupants, invitees and guests of the development and specifically excluding Civic Spaces and required sidewalks. Amenity spaces may include, but are not limited to:
1. Rooftop decks;
 2. Balconies;
 3. Patios and porches;
 4. Outdoor dining areas;
 5. Pool areas;
 6. Tennis courts, basketball courts, and similar uses;
 7. Yards, lawns, and gardens;
 8. Hardscape areas improved for pedestrian enjoyment; and
 9. Wooded areas.

10. Runoff reduction measures such as bioretention areas and cisterns.

Each amenity area approved must function as an amenity area. Above-ground cistern design and appearance shall require approval by the Community Development Director.

- D. Open space may be privately or publically owned. Private open space is open space that is owned by a corporation, individual, or homeowners association. Public open space is open space owned by a governmental agency.
- E. Wetlands, lakes, ponds, streams, rivers, flood zones, and stream buffers may only be considered open space when located within one of the five types of civic spaces identified in Section 3.2.4.B, unless part of approved stormwater management plan for the site that includes runoff reduction measures.
- F. No required buffer, except for stream buffers, may be used to satisfy open space requirements.
- G. Stormwater management facilities for the site may be used to satisfy open space requirements if they meet this Chapter’s definition of open space. Open space credit may be given at the discretion of the Director of Community Development.
- H. No areas used for vehicles, except for incidental service, maintenance, or emergency actions, may be used to satisfy open space requirements.
- I. A site’s Open space requirements shall be considered completely satisfied when a development incorporates a historic building that complies with all of the following:

- 1. The building is at least 75 years old and is listed on the following table:

Original Building Address		
94 Academy Street	30 Milton Avenue	48 Old Roswell Street
375 Brady Place	35 Milton Avenue	37 Roswell Street
133 Canton Street	90 Milton Avenue	54 Roswell Street
193 Canton Street	242 Milton Avenue	61 Roswell Street
212 Canton Street	333 Milton Avenue	88 Roswell Street
36 Church Street	20 North Main Street	103 Roswell Street
37 Church Street	31 North Main Street	119 Roswell Street
10 Cumming Street	38 North Main Street	164 Roswell Street
18 Cumming Street	69 North Main Street	3 South Main Street
40 Cumming Street	101 North Main Street	9 South Main Street
112 Cumming Street	116 North Main Street	21 South Main Street
130 Cumming Street	126 North Main Street	23 South Main Street
122 Marietta Street	134 North Main Street	50 South Main Street
171 Marietta Street	1720 Old Milton Pkwy	531 South Main Street
24 Milton Avenue	1815 Old Milton Pkwy	86 School Drive
25 Milton Avenue	1835 Old Milton Pkwy	133 Cumming Street
11 Old Canton Street	20 Milton Ave	29 South Main Street

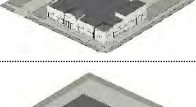
2.

- 3. The building is deemed fit for human habitation in accordance with Article III of Chapter 5 of The Code of the City of Alpharetta, Georgia; and
- 4. A binding legal agreement that established a program for guaranteeing maintenance of said building through a condominium association, a homeowner association, bonding, or other protective maintenance guarantees is signed by all property owners and/or their prospective successors in title and is submitted to the City of Alpharetta.

- J. When a historic building used to satisfy open space requirements in accordance with Section 3.2.4.I is subsequently completely destroyed, the applicable open space requirements of the zoning district must be satisfied within one year unless a variance is granted by the Board of Appeals.

Sec. 3.3. Building Types Allowed

Building types are allowed by Downtown Zoning District as shown below.

Building Type		DT-C	DT-MU	DT-LW	DT-R
	Detached House	■	■	■	■
	Carriage House	■	■	■	■
	Cottage Court	■	■	■	■
	Semi-Detached House	■	■	■	■
	Townhouse	■	■	■	■
	Walk-Up Flat	■	■	■	
	Stacked Flat	■	■		
	Commercial House	■	■	■	
	Shopfront	■	■	■	
	Mixed-Use Building	■	■	■	
	General Building	■	■	■	
	Civic Building	■	■	■	■

Sec. 3.4. Uses Allowed by District

3.4.1. Allowed Use Table

- A. In order to regulate a variety of similar uses, use categories have been established for principal uses. Use standards for both principal and accessory uses are specified in Section 2.3 and Section 2.7 of the Unified Development Code. Uses not listed may be interpreted by the Director of Community Development. When the Director of Community Development cannot determine placement, an application shall be made to the Board of Appeals for interpretation.
- B. Principal and accessory uses allowed by district are shown in the table below.

3.4.2. Use Table Key

- A. Permitted Use (X). Indicates a use is permitted in the respective district. The use is also subject to all other applicable requirements of the Unified Development Code.
- B. Conditional Use (O). Indicates a use may be permitted in the respective district only where approved by the City Council in accordance with Section 4.2 of the Unified Development Code. Conditional uses are subject to all other applicable requirements of the Unified Development Code, including any applicable use standards, except where the use standards are expressly modified by the City Council as part of the conditional use permit approval.
- C. Use Not Permitted. An empty cell indicates that a use is not permitted in the respective district.

Key: X = Permitted Use O = Conditional Use Empty Cell = Use Not Permitted				
Use Category	Downtown Zoning Districts			
Specific Use	DT-C	DT-MU	DT-LW	DT-R
Open Uses				
Community Garden	X	X	X	X
Equestrian Center				
Farmlands (including Livestock, poultry)				
Greenhouse, Nursery				
Residential Uses				
Household living (see district regulations for additional density and Conditional Use Permit requirements):				
Dwelling, 'For-Sale,' Attached	X	X	X	X
Dwelling, 'For-Sale,' Detached	X	X	X	X
Dwelling, 'For-Rent'	O	O		
Group living:				
Congregate Housing, Assisted Living Facility	O	O		
Home-Elderly, Children, Nursing	X	X		
Public/Institutional Uses				
Associations, (Clubs & Lodges)	X	X	O	O
Cemetery				
Church, Synagogue, Other Place of Worship	O	O	O	O
Country Club				
Fire Station	X	X		
Golf Course, Driving Range				
Museums & Libraries	X	X	O	

Key: X = Permitted Use O = Conditional Use Empty Cell = Use Not Permitted				
Use Category	Downtown Zoning Districts			
Specific Use	DT-C	DT-MU	DT-LW	DT-R
Park and Playground	X	X	X	X
Power Station				
Prison				
Public Building	X	X	O	
Sewage, Disposal Plant				
School, Academic	O	X	O	
School, Commercial (Beauty, Business)	X	X	O	
Utility Substation	O	O	O	O
Telecommunications				
Antenna Tower				
Broadcasting Studio (Radio & TV)	O	O	O	
Switching Station (Telecom)				
Commercial Uses				
Adult Entertainment Establishment				
Amphitheater	O	O	O	
Animal Hospital, Small Animal (Veterinarian)	O	O		
Animal Hospital, Large Animal		O		
Art Galleries	X	X	O	
Athletic Facilities/Fitness Studio	X	X	O	
Auditorium	O	O	O	
Auto Sales and Leasing (Trucks, Vans, Cars & Accessories)		O		
Automotive Parts	X	X		
Automotive Service		X		
Bakery (under 8,000 square feet in floor area)	X	X	O	
Bakery (8,000 square feet or more in floor area)		X		
Bank, Savings & Loan, Mortgage Company	X	X	O	
Barber Shop	X	X	O	
Beauty Shop	X	X	O	
Bed & Breakfast	X	X	O	O
Book Store or Stationery	X	X	O	
Boutique Hotel	O	O		
Brewery	O	O		
Car Wash				
Carpet and Rug Sales	O	O		
Check Cashing		O		
Clinic, Public/Private	X	X	O	
Contractor's Office (with no outside storage)	O	X	O	
Contractor's Office (with outside storage)		O		
Convenience Center (with gas pumps)		X	O	
Dance Studio	X	X	O	
Day Care Center	O	X	O	
Discount Store				
Distillery	O	O		
Drug Store, Pharmacy	X	X	O	
Dry Cleaning, Pick-Up Station	X	X		
Florist, Retail (with no greenhouse)	X	X	O	
Florist, Retail (with greenhouse)		O		

Key: X = Permitted Use O = Conditional Use Empty Cell = Use Not Permitted				
Use Category	Downtown Zoning Districts			
Specific Use	DT-C	DT-MU	DT-LW	DT-R
Funeral Home (with no cemetery or mausoleum)	O	O	O	
Golf, Miniature		O		
Grocery Store (under 2,000 square feet in floor area, located at a street corner, and limited to one per block)	X	X	O	
Grocery Store (2,000 square feet or more in floor area)	X	X		
Hardware & Garden Supply Store (under 8,000 square feet in floor area)	X	X		
Hardware & Garden Supply Store (8,000 square feet or more in floor area)		X		
Home Improvement Store		X		
Hospital		O		
Hotel	O	O		
Indoor Shooting Range				
Kennel				
Laundry, Self-Serve, Pick-Up		X		
Liquor Store	O	O		
Massage Therapy		O		
Nail Salon	X	X	O	
Office	X	X	X	
Outdoor Recreational Facilities (Commercial) (Playfields, etc.)	O	O	O	
Parking Lot, Commercial (under 30 spaces)	O	O	O	
Parking Lot, Commercial (30 spaces or more)	O	O		
Pawn Shop				
Pet Day Care (with no overnight boarding)	X	X	O	
Pet Grooming	X	X		
Print Shop	X	X	O	
Recreation Facilities, Indoor (Health Clubs, Bowling Alley, Skating Rink, Billiards, Children's event facilities, etc.)	O	O	O	
Rental Services Establishment with no outside storage	O	X		
Restaurant (see Accessory Uses for additional drive-through requirements)	X	X	O	
Retail Establishment (with no mixed-sales)	X	X	O	
Retail Establishment (with mixed-sales)	O	O		
Service Station, Automotive		X		
Shop or Studio, Craftsman/Artist	X	X	O	
Small Appliance Repair Shop	O	O		
Spa Services	O	O	O	
Tattoo Parlor & Body Piercing				
Theater, Cinema	O	O	O	
Industrial Uses				
Asphalt Plant				
Bottle Gas Storage & Distribution				
Builder's Equipment/Material				
Carpenter Shop, Woodworking (under 8,000 square feet in floor area)	O	O		

Key: X = Permitted Use O = Conditional Use Empty Cell = Use Not Permitted				
Use Category	Downtown Zoning Districts			
Specific Use	DT-C	DT-MU	DT-LW	DT-R
Carpenter Shop, Woodworking (8,000 square feet or more in floor area)				
Concrete Plant				
Dry Cleaning, Plant				
Glass Fabrication (under 8,000 square feet in floor area)				
Glass Fabrication (8,000 square feet or more in floor area)	O	O		
Junk Yard				
Laboratory, Research Commercial				
Laundry, Industrial				
Locker, Frozen Food or Cold Storage				
Machine Shop				
Manufacturing, Heavy, General				
Manufacturing, Light, Limited (under 8,000 square feet in floor area)	O	O	O	
Manufacturing, Light, Limited (8,000 square feet or more in floor area)				
Mini-warehouse Storage, Conditioned or Unconditioned Space				
Pest Control Business (with or without onsite chemical storage)		O		
Recycling Center				
Rental Services Establishment with outside storage (other than auto related)				
Salvage Yards				
Sawmill				
Septic Tank, Sales, Construction				
Storage, Inside				
Storage, Outside				
Taxidermist				
Tire Retreading				
Transfer Station				
Welding Shop				
Wholesale Storage and Distribution				
Transportation Uses				
Airport, Public/Private				
Heliport, Public/Private				
Limousine Service & Taxi (with or without outside vehicle storage)		O		
Accessory Uses				
Clubhouse, swimming pool, or community recreation facilities serving a development	X	X	X	X
Drive-Through Window		O	O	
Dwelling, 'For-Sale', Accessory	X	X	X	X
Family Day Care Home	X	X	X	X
Group Home				
Home Occupation	X	X	X	X
Live-Work	X	X	X	
Parking Garage	X	X	O	
Privacy and decorative fences and walls	X	X	X	X

Key: X = Permitted Use O = Conditional Use Empty Cell = Use Not Permitted				
Use Category	Downtown Zoning Districts			
Specific Use	DT-C	DT-MU	DT-LW	DT-R
Retail service uses up to 25% of the floor area of an office building for services incidental to the associated office use.	X	X	O	
Retaining walls and other site improvement structures approved as part of the development permit.	X	X	X	X
Signs, subject to all of the requirements regulating signage of the district.	X	X	X	X
Special Care Home	X	X	X	X
Swimming pool, tennis court, detached garage, play house, green house, storage shed, patio, gazebo and other private recreation facilities	X	X	X	X
Vehicle access, parking and loading areas	X	X	X	X

3.4.3. Specific Use Standards

The following principal and accessory uses must confirm with the indicated use standards.

A. **Dwelling, 'For-Sale' Accessory.** Where a Dwelling, 'For-Sale' Accessory is allowed, it is subject to the following:

1. The dwelling shall be accessory to a permitted commercial use and shall be located above or to the rear of such use to which it is accessory.
2. The dwelling shall be attached by a common wall with the commercial or office structure to which it is accessory.
3. The dwelling shall be occupied by a single family, a member of whom is the owner or tenant of the commercial structure to which it is accessory.
4. The square footage of the dwelling shall not exceed 40% of the combined square footage of the commercial structure and the dwelling.
5. The dwelling and the commercial structure to which it is accessory shall be in compliance with all applicable provisions of the life safety code, the building code, and other codes of the City.

B. **Live-Work.** Where Live-Work is allowed, it is subject to the following:

1. Live-work is only permitted on the first floor of a dwelling unit.
2. A minimum of one person must occupy the dwelling containing the live-work use as their primary place of residence.
3. The live-work use may employ no more than two persons not living on the premises at any one time.
4. No business storage or warehousing of material, supplies or equipment is permitted outside of the dwelling containing the live-work use.
5. The nonresidential use of the live-work use is limited to a permitted or conditional use in the zoning district.
6. No equipment or process may be used in connection with the live-work use that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses, off the premises.
7. No more than 5 customers are permitted on the premises at any one time.

Sec. 3.5. DT-C: Downtown Core

3.5.1. Purpose



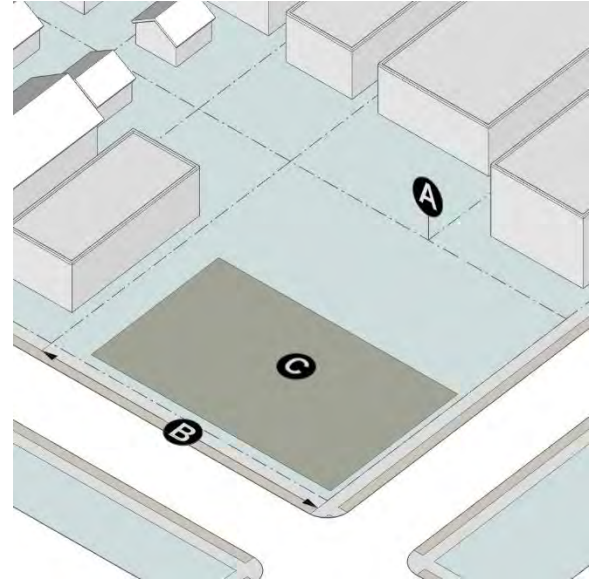
The purpose of this district is to provide for compact development in Alpharetta's core that is compatible with the area's historic character and includes a variety of commercial uses serving the entire city, civic uses, and residential uses.

3.5.2. Building Types Allowed

The following building types are allowed:

- A. Detached House
- B. Carriage House
- C. Semi-Detached House
- D. Townhouse
- E. Cottage Court
- F. Walk-Up Flat
- G. Stacked Flat
- H. Commercial House
- I. Shopfront
- J. Flex Building
- K. Mixed-Use Building
- L. General Building
- M. Civic Building

3.5.3. Dimensional Standards



Site Standards

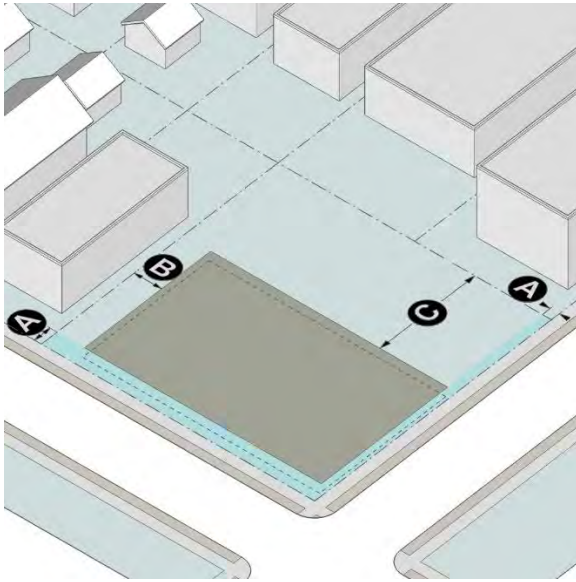
Residential Density:	No Limit
Min. Amenity Space Requirement:	5% of site (all sites)
Min. Civic Space Requirements:	10% of site (only sites over 5 acres)
The minimum required civic space and amenity space shall be proportionally increased for densities above 10 dwelling units per acre.	

Lot Standards	Ⓐ Area	Ⓑ Width
Detached House:	2,500 sf min.	25 ft min.
Carriage House:	Same as principal structure	
Semi-Detached House:	2,500 sf min.	25 ft min.
Townhouse:	900 sf min.	20 ft min.
Cottage Court:	1,200 sf min.	20 ft min.
All other Building Types:	No min.	20 ft min.

Lot Coverage

© All Building Types:	90% max.
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3.5.4. Building Placement

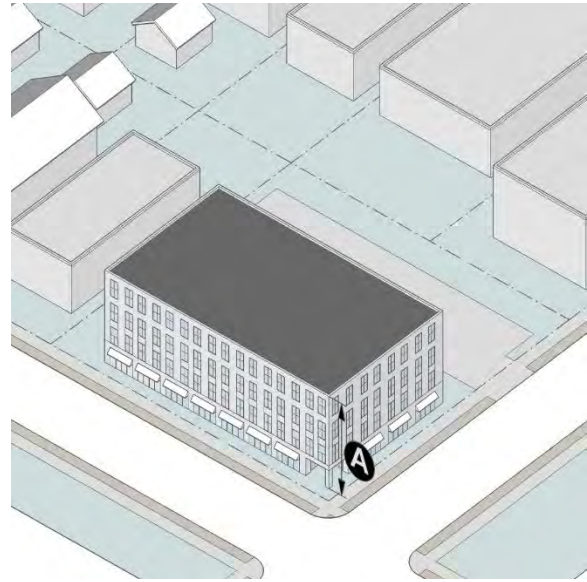


Principal and Accessory Structure Setbacks

(A) Front Yard:	0 ft. min., 10 ft max.
(B) Side Yard:	0 ft. min.
(C) Rear Yard (no alley):	6 ft. min.
(C) Rear Yard (alley):	3 ft. min.

Greater side setbacks, greater rear setbacks, and greater building separation may be required as established by the applicable building or fire codes. In order to optimize smart stormwater design, required setbacks may accommodate runoff reduction measures such as bioretention areas, cisterns, and greenwalls, provided such setbacks meet fire code standards. The runoff reduction measures may not compromise public safety such as the sight distance triangles required by the City and must include a long-term maintenance agreement. Above-ground cisterns or other vertical runoff reduction measures shall require approval by the Community Development Director.

3.5.5. Bulk and Mass



Building Height

(A) Min. Street-Facing Façade Height in Feet:	18 ft
(A) Max. Height in Stories:	4 stories
(A) Max. Height in Feet:	60 ft

The minimum permitted building height is wherever is more.

The maximum permitted building height is whichever is less.

Building Size

Max. Building Footprint:	20,000 sf
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Sec. 3.6. DT-MU: Downtown Mixed-Use

3.6.1. Purpose



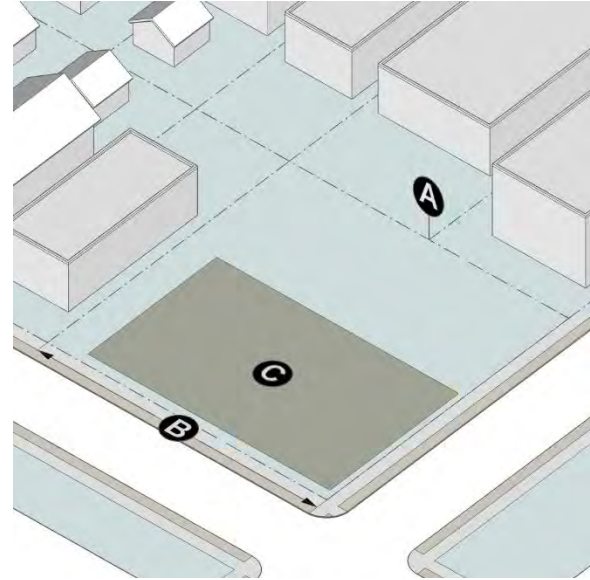
The purpose of this district is to provide for a variety of residential housing, commercial, and civic options along major corridors leading to the Downtown Core.

3.6.2. Building Types Allowed

The following building types are allowed:

- A. Detached House
- B. Carriage House
- C. Semi-Detached House
- D. Townhouse
- E. Cottage Court
- F. Walk-Up Flat
- G. Stacked Flat
- H. Commercial House
- I. Shopfront
- J. Flex Building
- K. Mixed-Use Building
- L. General Building
- M. Civic Building

3.6.3. Dimensional Standards



Site Standards for All Sites

Residential Density (no Conditional Use Permit):	10 u/a
Residential Density (with Conditional Use Permit):	As approved by City Council
Min. Amenity Space Requirement:	10% of site

Additional Standards for Sites Over 5 Acres

Min. Civic Space Requirements:	10% of site
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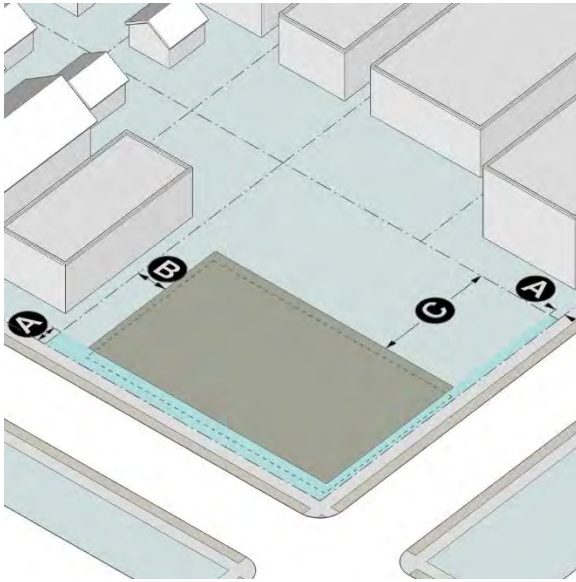
The minimum required civic space and amenity space shall be proportionally increased for densities above 10 dwelling units per acre.

Lot Standards	Ⓐ Area	Ⓑ Width
Detached House:	2,500 sf min.	25 ft min.
Carriage House:	Same as principal structure	
Semi-Detached House:	2,500 sf min.	25 ft min.
Townhouse:	900 sf min.	20 ft min.
Cottage Court:	1,200 sf min.	20 ft min.
All other Building Types:	No min.	20 ft min.

Lot Coverage

© All Building Types:	80% max.
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3.6.4. Building Placement

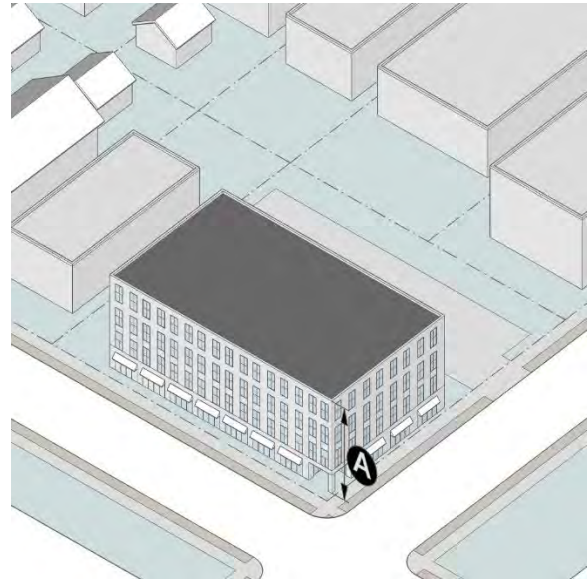


Principal and Accessory Structure Setbacks

Ⓐ Front Yard:	5 ft. min., 10 ft max.
Ⓑ Side Yard:	0 ft. min.
Ⓒ Rear Yard (no alley)	6 ft. min.
Ⓒ Rear Yard (alley):	3 ft. min.

Greater side setbacks, greater rear setbacks, and greater building separation may be required as established by the applicable building or fire codes. In order to optimize smart stormwater design, required setbacks may accommodate runoff reduction measures such as bioretention areas, cisterns, and greenwalls, provided such setbacks meet fire code standards. The runoff reduction measures may not compromise public safety such as the sight distance triangles required by the City and must include a long-term maintenance agreement. Above-ground cisterns or other vertical runoff reduction measures shall require approval by the Community Development Director.

3.6.5. Bulk and Mass



Building Height

Ⓐ Max. Height in Stories:	4 stories
Ⓐ Max. Height in Feet:	60 ft

The maximum permitted building height is whichever is less.

Building Size

Max. Building Footprint:	10,000 sf
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Sec. 3.7. DT-LW: Downtown Live-Work

3.7.1. Purpose



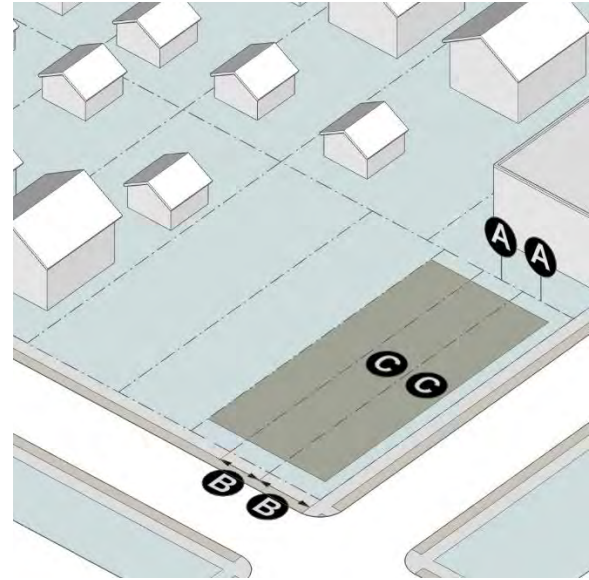
The purpose of this district is to provide for a variety of residential housing options, civic uses, and limited commercial uses and developments that are compatible with residential surroundings.

3.7.2. Building Types Allowed

The following building types are allowed:

- A. Detached House
- B. Carriage House
- C. Semi-Detached House
- D. Townhouse
- E. Cottage Court
- F. Walk-Up Flat
- G. Commercial House
- H. Shopfront
- I. Flex Building
- J. Mixed-Use Building
- K. General Building
- L. Civic Building

3.7.3. Dimensional Standards



Site Standards

Residential Density (without Conditional Use Permit):	8 u/a
Residential Density (with Conditional Use Permit):	As approved by City Council
Min. Amenity Space Requirement:	10% of site (all sites)
Min. Civic Space Requirements:	10% of site (only sites over 5 acres)

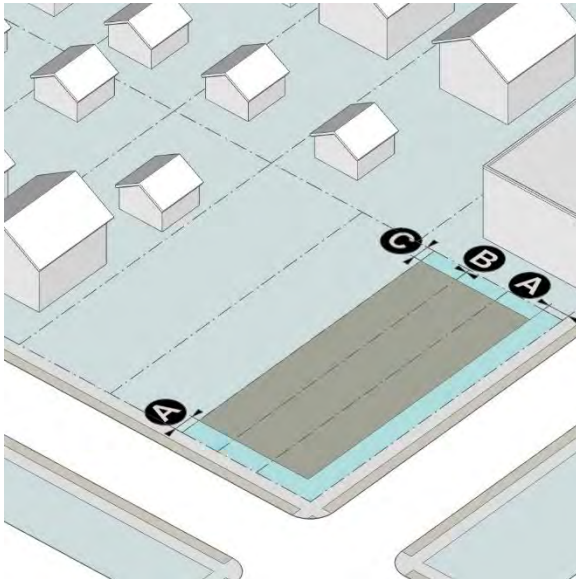
The minimum required civic space and amenity space shall be proportionally increased for densities above 8 dwelling units per acre.

Lot Standards	Ⓐ Area	Ⓑ Width
Detached House:	2,500 sf	25 ft
Carriage House:	Same as principal structure	
Semi-Detached House:	2,500 sf	25 ft
Townhouse:	900 sf	20 ft
Cottage Court:	1,200 sf	20 ft
All other Building Types:	2,500 sf	20 ft

Lot Coverage

© All Building Types:	70% max.
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3.7.4. Building Placement



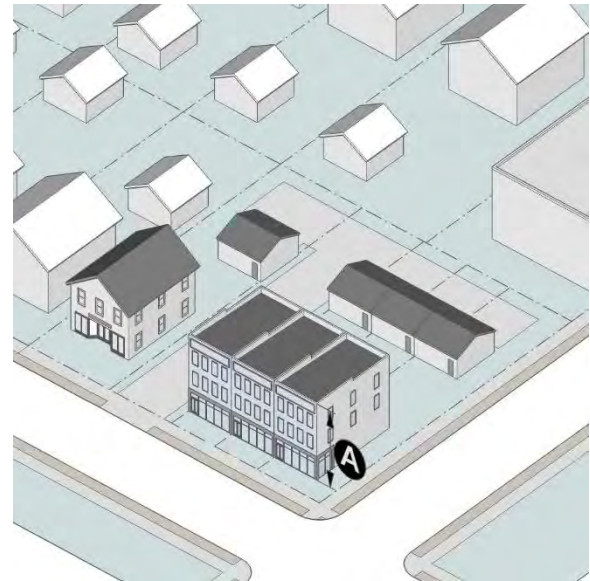
Principal and Accessory Structure Setbacks

Ⓐ Front Yard:	10 ft. min.
Ⓑ Side Yard:	0 ft. min. (10 ft. between structures)
Ⓒ Rear Yard (no alley)	3 ft. min.
Ⓒ Rear Yard (alley):	10 ft. min.

Greater side setbacks, greater rear setbacks, and greater building separation may be required as established by the applicable building or fire codes. In order to optimize smart stormwater design, required setbacks may accommodate runoff reduction measures such as bioretention areas, cisterns, and greenwalls, provided such setbacks meet fire code standards. The runoff reduction measures may not compromise public safety such as the sight distance triangles required by the City and must include a long-term maintenance agreement. Above-ground cisterns or other vertical runoff reduction measures

shall require approval by the Community Development Director.

3.7.5. Bulk and Mass



Building Height

Ⓐ Max. Height in Stories:	3 stories
Ⓐ Max. Height in Feet:	40 ft

The maximum permitted building height is whichever is less.

Building Size

Ⓢ Max. Building Footprint:	10,000 sf
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3.7.6. Commercial Parking Lot Requirements

- A. Commercial parking lots must provide a minimum 10 feet wide landscape strip between parking bays. Such strip shall be provided in addition to the requirements of Section 2.3.5 of the Unified Development Code.

- B. The required landscape strip must be planted with a minimum of one shade tree for each 30 feet of landscape strip length or portion thereof.

Sec. 3.8. DT-R: Downtown Residential

3.8.1. Purpose



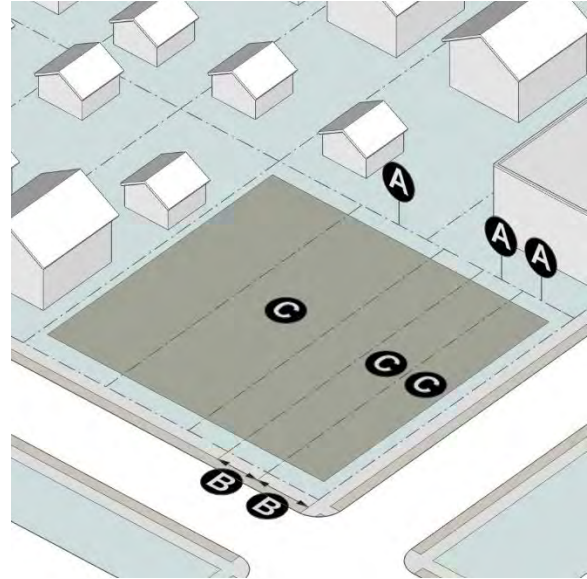
The purpose of this district is to provide for a variety of housing options in a residential setting.

3.8.2. Building Types Allowed

The following building types are allowed:

- A. Detached House
- B. Carriage House
- C. Semi-Detached House
- D. Townhouse
- E. Cottage Court
- F. Civic Building

3.8.3. Dimensional Standards



Site Standards

Residential Density (without Conditional Use Permit):	8 u/a
Residential Density (with Conditional Use Permit):	As approved by City Council
Min. Amenity Space Requirement:	10% of site (all sites)
Min. Civic Space Requirements:	10% of site (only sites over 5 acres)

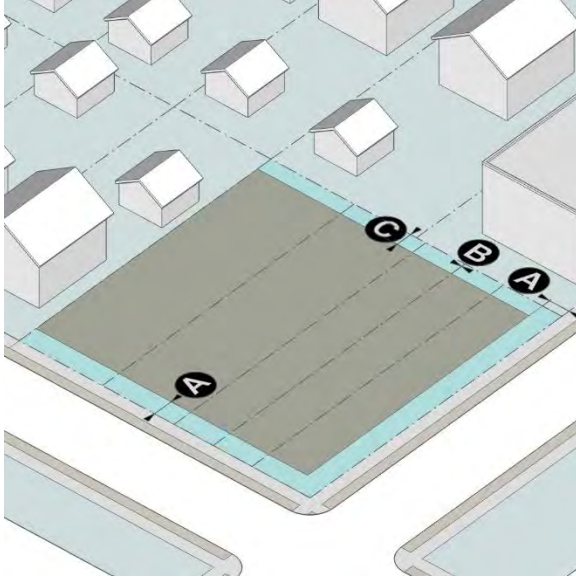
The minimum required civic space and amenity space shall be proportionally increased for densities above 8 dwelling units per acre.

Lot Standards	Ⓐ Area	Ⓑ Width
Detached House:	4,500 sf	25 ft
Carriage House:	Same as principal structure	
Semi-Detached House:	2,500 sf	25 ft
Townhouse:	900 sf	20 ft
Cottage Court:	1,200 sf	20 ft
Civic Building:	5,000 sf	50 ft

Lot Coverage

© All Building Types: 70% max.

3.8.4. Building Placement



Principal and Accessory Structure Setbacks

Ⓐ Front Yard:	10 ft. min.
Ⓑ Side Yard:	0 ft. min. (10 ft. between structures)
Ⓒ Rear Yard (no alley):	3 ft. min.
Ⓒ Rear Yard (alley):	10 ft. min.

Greater side setbacks, greater rear setbacks, and greater building separation may be required as established by the applicable building or fire codes. In order to optimize smart stormwater design, required setbacks may accommodate runoff reduction measures such as bioretention areas, cisterns, and greenwalls, provided such setbacks meet fire code standards. The runoff reduction measures may not compromise public safety such as the sight distance triangles required by the City and must include a long-term maintenance agreement. Above-ground cisterns or other vertical runoff reduction measures

shall require approval by the Community Development Director.

3.8.5. Bulk and Mass



Building Height

Ⓐ Max. Height in Stories:	3 stories
Ⓐ Max. Height in Feet:	35 ft

The maximum permitted building height is whichever is less.

Article 4. ~~Site~~ Definitions

Sec. 4.1. Defined Terms

Live-Work. Nonresidential activity conducted wholly within a residential dwelling that allows employees, customers, clients or patrons to visit.

Stub-out. A shortened thoroughfare which is intended to provide connectivity at some point in the future.

Wall Plate. A horizontal load-bearing member in a wall assembly. The top of the wall plate is the top most structural piece of the wall.

SECTION 2.5 - PARKING AND LOADING^[1]

([Ord. No. 718](#), § 17(Exh. C), 12-14-2015)

2.5.4 Locational criteria for parking.

- A. Location on Other Property. If the required parking cannot reasonably be provided on the same lot on which the principal use is conducted, such parking may be provided on other off-street property provided such property lies within 500 feet of the main entrance to the principal use. Such parking shall be associated with the principal use and shall not thereafter be reduced or encroached upon in any manner.
- B. Location of Required Parking in Residential Districts. Required parking spaces in residential districts shall be subject to applicable area regulations pertaining to setbacks (front, side and rear yard), lot coverage, and accessory and principal structures.

Required parking spaces in 'For-Sale' residential districts shall be contained within a carport, garage or completely enclosed building, ~~except that:~~ in addition:

Ordinary passenger vehicles and non-commercial pickup trucks may be parked on a paved driveway providing ingress and egress to the lot or on a paved parking space provided that the maximum width of the total paved area cannot exceed 40 (forty) feet.

One (1) business vehicle not prohibited by the provisions of this Ordinance from parking within a residential district and one or more recreational vehicles or boats, or boat trailers may be parked or stored in an area not visible from a street.

The regular parking or storage of any business vehicle, any vehicle used in connection with a home occupation, or any vehicle with a carrying capacity of more than one-and-one-half (1½) tons is prohibited in any residential district. Pickup or panel trucks, used to provide daily transportation to and from work, are allowed in all residential districts.

- C. Parking and Storage of Certain Vehicles. No automobile, truck, motorcycle, trailer or other vehicle of any kind or type without current license plates shall be parked or stored on any lot in a residential district except in a completely enclosed building.
 - 1. Any person who, as of the effective date of this Article (6/94), has established a long-standing practice of parking or storing boats or recreational vehicles which is not in compliance with the provisions of C(1), above, may continue such practice as a lawful nonconforming use, subject only to the provisions of any applicable district regulations.
 - 2. Any person may apply to the Director of Community Development for a variance to the provisions of C(1), above pertaining to the parking and storage of boats or recreational vehicles. Variances shall be granted only in the case of extreme hardship or unusual circumstance, as contrasted with merely granting an advantage or a convenience. The factors to be taken into consideration by the Director may include the following:
 - a. The ease with which the applicant can comply with the provisions of this ordinance;
 - b. Whether there are extraordinary and exceptional conditions pertaining to the particular lot because of its size, shape, topography or location of the improvements on the lot;
 - c. The economic hardship that would be imposed upon the applicant if the variance were denied; and
 - d. Whether relief, if granted, would cause substantial detriment to the public good or impair the purpose and intent of this ordinance.
 - 3. Where appropriate, the Director may attach reasonable conditions to the grant of a variance. The Director may also approve an alternative parking practice which, although not in strict compliance

with the literal provisions of this Article, is deemed by the Director to be in compliance with the spirit of the Ordinance. All variances are personal to the applicant and shall terminate upon the sale of the lot.

- D. Written variance applications shall be acted upon by the Director within thirty (30) days of receipt. Variance applications denied by the Director may be appealed by filing a written appeal with the Board of Appeals within fifteen (15) days of the date of denial. The Board shall act upon the appeal at its next available meeting following receipt of the appeal.
- E. No parking or loading area shall be used for the sale, repair, dismantling or servicing or storing of any vehicle, equipment, materials or supplies.



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT
SUBMITTED BY: KATHI COOK
DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: PH-18-02 UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS – DOWNTOWN CODE & DOWNTOWN DESIGN GUIDELINES

CITY COUNCIL: APRIL 30, 2018

This item was heard at the April 12, 2018 Planning Commission meeting. No one from the public spoke for or against the request. After discussion, the Planning Commission recommended to approve this item. Vote (7-0)

II. RECOMMENDATION:

Approve text amendments to the Unified Development Code and Alpharetta Downtown Design Guidelines to add four (4) new architectural styles in the Downtown.

III. REPORT IN BRIEF:

Consideration of amendments to the Unified Development Code (UDC) Appendix A: Alpharetta Downtown Code, Subsection 2.8.7 Architectural Style Requirements and Alpharetta Downtown Design Guidelines.

Architectural Style Requirements:

Staff proposes adding four (4) new architectural styles in the Downtown Overlay, including:

- French Colonial
- Beaux Arts
- French Eclectic
- French New Traditional

The City's Downtown Consultant recommends adding architectural styles in the Downtown that have a French influence and supports the four (4) architectural styles listed above.

IV. ATTACHMENTS:

- UDC Strike Through and Underline Edits

AN ORDINANCE TO AMEND APPENDIX A: ALPHARETTA DOWNTOWN CODE OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ALPHARETTA, GEORGIA AND THE ALPHARETTA DOWNTOWN DESIGN GUIDELINES; TO ADD ARCHITECTURAL STYLES IN THE DOWNTOWN; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, on or about May 21, 2001, the City of Alpharetta (the “City”) adopted a comprehensive zoning ordinance known and cited as the Unified Development Code of the City of Alpharetta, Georgia, which has subsequently been amended from time to time (the “Unified Development Code”); and

WHEREAS, the Mayor and Council of the City of Alpharetta (the “City Council” or “Council”) are charged with the protection of the public health, safety, and welfare of the citizens of the City of Alpharetta; and

WHEREAS, the Unified Development Code was designed to be amended from time to time when circumstances warrant that modifications be made in order to make the Unified Development Code more responsive to community needs; and

WHEREAS, the City Council finds that ordinances and regulations governing the uses of land and development of land within the City, as well as the City’s operations, should be continually improved from time to time and modified as necessary to better protect and promote the public health, safety and welfare of the residents and businesses of the City of Alpharetta; and

WHEREAS, the City Council desires to amend Appendix A: Alpharetta Downtown Code of the Unified Development Code and the Alpharetta Downtown Design Guidelines for the foregoing purposes; and

WHEREAS, the City Council finds that the following amendment to the Unified Development Code promotes the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the City of Alpharetta;

NOW THEREFORE, The Council of the City of Alpharetta hereby ordains, as follows:

Section 1: **Alpharetta Downtown Design Guidelines** are hereby amended by adding “Beaux Arts”, “French Colonial”, “French Eclectic” and “French New Traditional” as permitted architectural styles.

Section 2: **Subsection 2.8.7** [*Architectural Style Requirements*] of Appendix A: Alpharetta Downtown Code of the Unified Development Code is hereby amended by adding “Beaux Arts”, “French Colonial”, “French Eclectic” and “French New Traditional” as a permitted architectural style in the said subsection.

Section 3: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City

Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

Section 4: This Ordinance shall be effective immediately upon its adoption by the City Council and incorporated into The Unified Development Code of the City of Alpharetta, Georgia and the Alpharetta Downtown Design Guidelines. This Ordinance hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED this the _____ day of _____, 2018.

Approved:

Donald Mitchell, Mayor Pro-Tem

Attest:

COUNCILMEMBERS

Coty Thigpen, City Clerk
(Seal)

Approved as to Form:

C. Sam Thomas, City Attorney



Alpharetta Downtown Design Guidelines

March 22, 2018



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The Alpharetta Downtown Design Guidelines (The Design Guidelines) are an amendment to the Alpharetta Design Review Ordinance and Design Guidelines. These guidelines expand the area subject to the Alpharetta Design Review Ordinance and Design Guidelines to include the “Downtown Core” identified on page 70 of the adopted Alpharetta Downtown Master Plan (The Master Plan). These guidelines also provide additional standards that apply to all non-single family detached buildings, structures, sites and areas and the property on which they are located. Other applicable guidelines, regulations, and ordinances regulating development also apply. Where guidelines stated in this document are in conflict with other governing regulations, unless otherwise noted, the more restrictive shall control. Additionally, sculptures, art, and murals shall require review by the Art Commission.

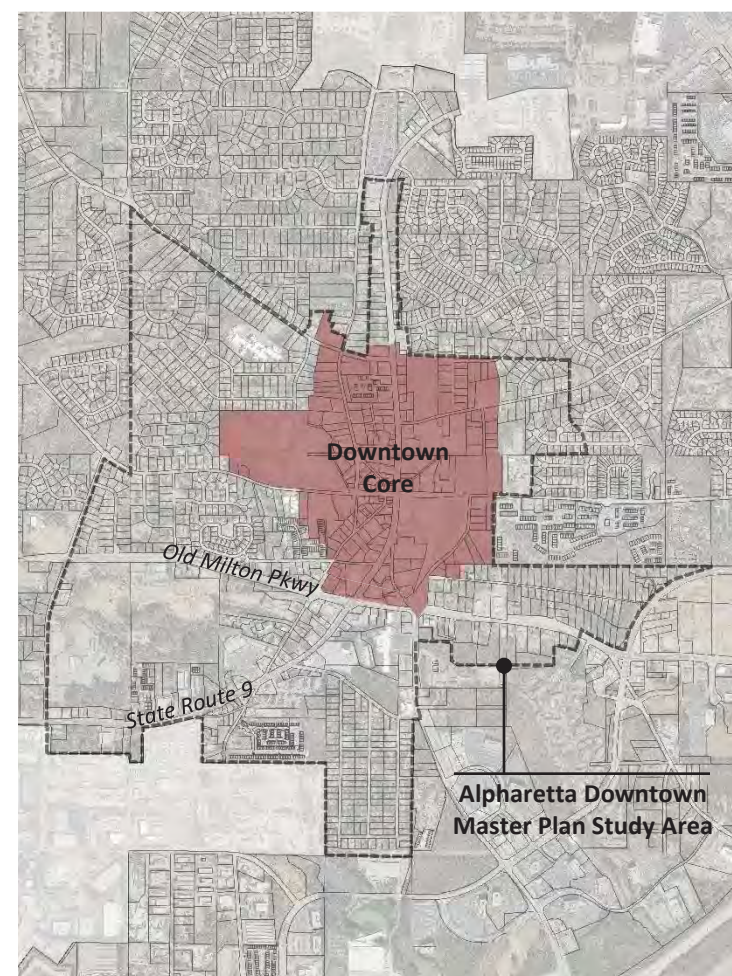
The Design Guidelines are intended to promote new development within Downtown Alpharetta that meets the goals of The Master Plan. These Guidelines include both standards (requirements that must be complied with) and recommendations (suggestions that are strongly encouraged to be complied with). Standards typically use the word “shall”, an active verb (i.e. “provide” or “install”) and/or a clear directive (“are not permitted”, or “are required”). Images and illustrations are provided of many of the issues discussed and are intended to aid developers and City Staff in the design and approval processes.

Finally, some guidelines only apply to specific building types. Definitions of these building types are established in the City of Alpharetta Downtown Overlay, which applies to the entire Downtown Core regulated by these Design Guidelines.

Master Plan Goals

Downtown Alpharetta is envisioned as a vibrant live-work-play district featuring shops and restaurants, walkable streets, a range of open spaces, civic uses, new mixed-use development, contextual housing, preserved historic resources, and much more. With its rich sense-of-place and small town scale, Downtown is intended to represent an authentic town center with programming and designs that differentiate it from other business centers in the Alpharetta area and make it a focal point for citizens of Alpharetta and nearby communities.

While the Design Guidelines are not intended to establish a single architectural design direction for Downtown Alpharetta, they do provide guidance and standards for site design, the design of buildings and streetscapes, material selections, exterior lighting, and signage design that are consistent with the design of the traditional Main Street as seen in small to medium sized towns throughout the United States, most of which were built during the 19th century up through the early part of the 20th century. The Design Guidelines are intended to be flexible and fluid in order to take advantage of future development trends, while maintaining a sense of visual cohesiveness within the downtown area.



These guidelines apply to all non-single family detached buildings, structures, sites and areas and the property on which they are located within the Downtown Core of the Alpharetta Downtown Master Plan Study Area.

Alpharetta's Downtown is intended to reinforce its established historic scale, character, and connectivity while embodying the architectural practices commonly found within the commercial centers of traditional towns built prior to World War II - commonly referred to as the traditional "Main Street". Overall planning and building arrangement should promote a compact pedestrian-scaled environment while individual buildings should be designed and detailed to reinforce the pedestrian-oriented character of Downtown.

Key Design Principles

The following Key Design Principles establish the foundation of these Design Guidelines whose purpose is to ensure the overall character of this unique environment.

- Buildings shall be located, designed, and programmed to activate open spaces, promote pedestrian activities, provide visual interest, and create an enjoyable, vibrant, and mixed- use environment.
- Building design shall utilize massing, materials, and architectural details and ornament to achieve compatibility with existing buildings within the Historic Business District and nearby areas.
- Compatibility is not meant to be achieved through uniformity or the replication of existing buildings, but through the use of variations in building elements to achieve individual building identity. Traditional Main Street buildings typically employ a variety of architectural styles, sometimes informed by the geographic location or the time period of construction.
- Avoid a pastiche of styles and competing architectural details. Traditional details, when used, should be appropriate to their style.
- Building facades should include appropriate architectural details and ornament to create variety and interest.
- Buildings shall be built to, or close to, the sidewalk with entrances oriented towards the street to promote a consistent and well-defined pedestrian environment.
- Open space that allows for community gatherings and more passive pedestrian activities is a vital component of any successful downtown environment. Rather than create smaller, disconnected spaces on a per development block basis, The Master Plan concentrates open space into larger locations with convenient public access.
- Create a sustainable environment that will be embraced by generations to come.



The historic Milton County Courthouse was built in 1877 and sat at the corner of Main and Academy Streets (razed in 1955).



Buildings and streetscape within Alpharetta's existing downtown.



An illustration of potential development.

Elements of Main Street Design

Prior to World War II, the traditional Main Street served not only as the community's primary commercial center, but also as an important part of its social life by providing a mix of uses and amenities which together activated streets and open spaces and helped define the towns' individual character. Streets, blocks, lots, and buildings were laid out and designed with both function and aesthetics in mind. Utilizing local materials and building techniques, communities were able to create a built environment that represented their individual character and future aspirations. Over time, as the community grew and evolved, additional streets and blocks were added while existing buildings and spaces were adapted or repurposed to meet current needs. The resultant is a Main Street that embodies the community not just at a single point in history, but as an authentic physical narrative of its evolution.

While one cannot ensure great buildings or places by simply copying the best historic ones, there are a number of common architectural attributes found along the traditional Main Street that, when arranged and properly utilized, will contribute to a well-proportioned, visually pleasing, and economically viable downtown neighborhood. These attributes include the size, scale, level of detail, location, and juxtaposition of buildings and individual facades and their associated architectural details. In order to establish and maintain a consistent character, it is important to be mindful of not only the design of a single building facade and its component parts but also understand how each fits into, and interacts with, neighboring buildings and spaces.

Pages 6-9 identify and illustrate key architectural attributes that characterize Main Street architecture. Alternatively, pages 10 and 11 identify and illustrate attributes of design that detract from the character of a traditional Main Street. Because Downtown Alpharetta includes both traditional Main Street areas and traditional residential streets, it is important to note that the following are intended to apply to the latter. Projects that include the preservation of historic residential buildings over 75 years old or completely consist of new residential buildings should be afforded some relief from the standards on pages 6-11.



King Street is both the commercial and social center of Old Town Alexandria, VA.



Town Green in Athens, GA.



A variety of building massings, styles and uses along with an appropriate amount of open space creates an inviting, human-scaled and viable environment.

Building Location & Orientation



- Mixed-use and shopfront buildings are built to, or close to, the back of the sidewalk and establish a well-defined street edge that contributes to a greater sense of enclosure and clearly defined path.
- Mixed-use and shopfront buildings are placed close to the sidewalk to increase visibility into ground floor commercial uses.
- Street-level uses and building entries are oriented towards the street.



Block Massing



- Individual blocks are broken down into a series of buildings each with distinct facade expressions.
- Above illustrates a street that is predominately three stories in height with different roof and parapet treatments on each building used to break up the blocks' mass and provide visual interest. Below illustrates a block with more varied building height.



Building Massing



- Larger buildings that occupy a greater percentage of the block, utilize massing changes and fenestration rhythms to break down their length and relate them to smaller buildings.
- Traditional Main Street buildings are characterized by simple massing and forms.



Corner Articulation



- Simple massing and small changes in plane or height are used to emphasize certain intersections and points of interest within Downtown. Variations in massing complement, and do not compete with, other nearby design elements.
- Not all corners require massing articulation and may be treated more simply.

Building Entrances



- Building entries for upper level uses and pedestrian pass throughs may be identified via a change in massing and architectural elements that distinguish them from storefronts, as shown above. Alternately, they may be more discreetly incorporated into the ground floor fenestration, as shown below.



- While most Main Street buildings were erected prior to World War II, the inclusion of more recent styles is typical of many downtowns and brings both authenticity and a sense that a place has evolved over time.
- Variation in style can be expressed either as an element within a facade or as a facade within a block. In the above, the ground floor storefront and upper floor windows vary in style from the rest of the traditional facade. Below, the circa 1930s center building is a counterpoint to its 19th century neighbors.



Facade Design



- Ground floors consist of a high percentage of glass in order to provide a high level of visibility into and out of the commercial establishment.
- Traditional Main Street facades are characterized by distinct base, middle, and top (parapet) zones that create an attractive and comfortable human scale to buildings and blocks.
- Ground floors can be expressed as a continuation of the building's upper stories' design expression extending down to the ground (lower left) or with applied storefront elements (lower right).

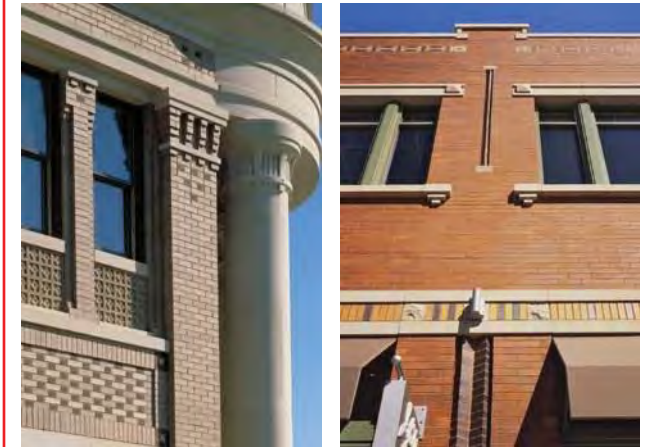
Detail & Fenestration



- Architectural styles can be varied or more similar. The level of detail often is dependent on the style with some buildings more ornate and others simpler.
- Upper level fenestration is typically characterized by simple rhythms of window openings.
- As shown, buildings of similar size and with similar levels of detail can be distinguished by different storefront designs, second floor fenestration and parapet design.



- Main Street buildings are characterized by the use of traditional materials that utilize details appropriate to those materials.
- Well-proportioned architectural elements that have an appropriate level of detail for the style of building they articulate provide a sense of scale and visual interest.
- Detail can be achieved through applied ornament, a change in material, building plane, color and texture.



Hierarchy of Detail & Materials



- Not all sides of Main Street buildings are treated the same. The highest level of detail and quality of materials are used on the street fronting facades. Facades at the rear of buildings (block interior) or along alleys favor durability and cost efficiency.
- The materials and level of detail of street-facing facades typically return at corners and sides before transitioning to ones that are less detailed and more cost efficient.

Streetscape



- The streetscape, located between the building face and the curb, is comprised of street trees, accent planting, and street furniture that further promote Main Street's pedestrian activities.
- Sidewalks are sized to an appropriate width to accommodate both pedestrian and commercial uses such as seating and signage.
- Sidewalks built of durable materials and simple patterns are characteristic of traditional Main Streets.

Signage



- Signage's prime role is to provide commercial identity and branding. Done properly it adds a level of detail and visual interest to the building and the streetscape.
- Below, two examples of signage that complement the style of each building well and are integrated into their architectural elements.



Building Setback & Materials



- Buildings set back far from the back of the sidewalk degrade the street edge and do not provide the sense of enclosure that traditional Main Streets provide.
- Street facing facades with limited glass area at the ground level detract from, rather than promote, pedestrian activities.
- Buildings that incorporate an excessive number of materials risk creating a streetscape that looks busy and disjointed and are uncharacteristic of traditional Main Streets.



Massing & Scale



- Building facades composed of architectural elements that are oversized or ill-proportioned disrupt the typically consistent rhythms and proportions found along most Main Streets.
- Overly busy massing in close proximity that compete with each other for attention are uncharacteristic of Main Street.



Massing & Ground Floor Height



- Contemporary interpretations of traditional architectural styles are best executed when the design maintains the basic principles of the referenced style. In the above, the two top floor balconies create oversized, horizontal openings that erode the facade and are out of character with the building's style.
- Excessively tall ground floor-to-floor heights risk creating buildings with proportions and excessive spandrel zone depths that are not indicative of Main Street buildings.



Appropriate Details & Articulation



- Overly blank and/or unarticulated walls do little to activate the streets and spaces which they front.
- Windows set flush with the face of the facade are uncharacteristic of traditional Main Street buildings.
- Changes in color without changes in material and/or plane have a cartoonish effect that detracts from the character of Main Street.



Architectural Style & Context



- Overly thematic designs, particularly when they reference a specific style(s) or time period(s) that is not compatible to the locale, are uncharacteristic of traditional Main Streets.
- Awkward combinations of materials, details and the improper use of architectural style and scale create an inauthentic environment.



Visibility & Signage



- Ground floors that lack visual connections to the street, either through the lack of glazing, as in the above example, or the covering up of storefront with excessive signage, shown below, is a detriment to the pedestrian nature of main streets.
- Signage that is oversized, over-scaled, or blocks visibility into and out of ground floor businesses clutters the facade and does little to activate the streetscape.



The preceding principles establish the foundation for the architectural design of the future development sites within Downtown. Building upon, and reinforcing these principles, the following standards and recommendations are intended to provide guidance in the design and development of buildings and sites that achieve the City of Alpharetta's vision for its heart.

The Standards & Recommendations are broken down into a series of topics, beginning at the larger scale of the block, and successively addressing design issues at the intermediate and finally the smallest scale. In addition to the design of blocks and buildings, streetscape, landscape, signage, and lighting design are addressed owing to their importance in contributing to the character of a place.

Though not specifically called out, sustainability is an overarching goal for new development within Downtown, aspects of which are implied throughout these standards and recommendations by promoting development that is to be built for longevity and embraced by the community. To the extent practical, sustainability should be a consideration in the design, construction and operation of all buildings and spaces within Downtown.

Block Design: Location & Orientation

A city block (or simply block) is defined as a parcel or site bounded by public streets. It provides the space within the city's fabric for the placement of buildings and their associated service and support areas. The buildings, through their location relative to the street, overall massing, and height, articulate the edges of the block within which they are arranged and set the tone for the character of the public realm.

In order to create a well defined, pedestrian-oriented environment that promotes street-level activity, buildings within a block shall:

- I) Be located at the back edge of the sidewalk.
 - A. Small setbacks from the building line are generally discouraged and should be reserved for special and limited instances where specific street level uses require additional width at the sidewalk. Setbacks should be limited in both their depth and length along the block so as to maintain a well-defined street edge. Minor setbacks may occur, but with limitations, at corners of a block. (See Figure 1)
 - B. Arcades that project over the sidewalk may be permitted along specific block faces with approval of the Design Review Board (The Board). Columns that support arcades may land within the sidewalk zone provided that a minimum five foot (5') continuous path of travel is maintained. (See Figures 2A-C.)

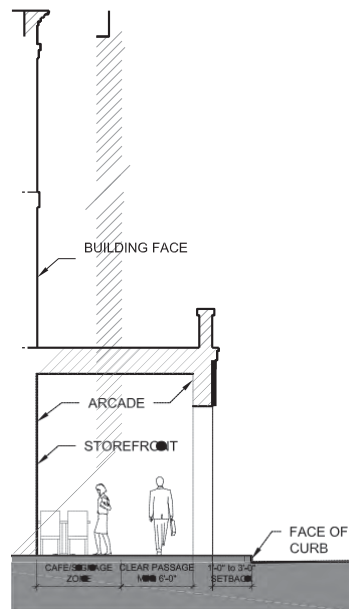


FIGURE 2A: Projecting arcades may be allowed.

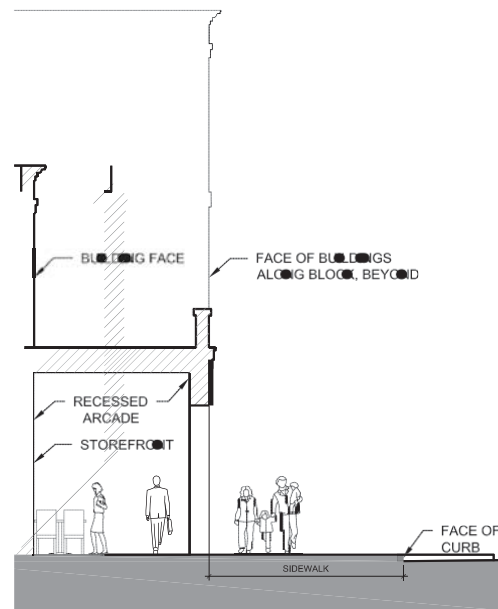


FIGURE 2B: Recessed arcades are generally discouraged.



Buildings built to the back of the sidewalk create a well-defined, pedestrian-oriented environment.

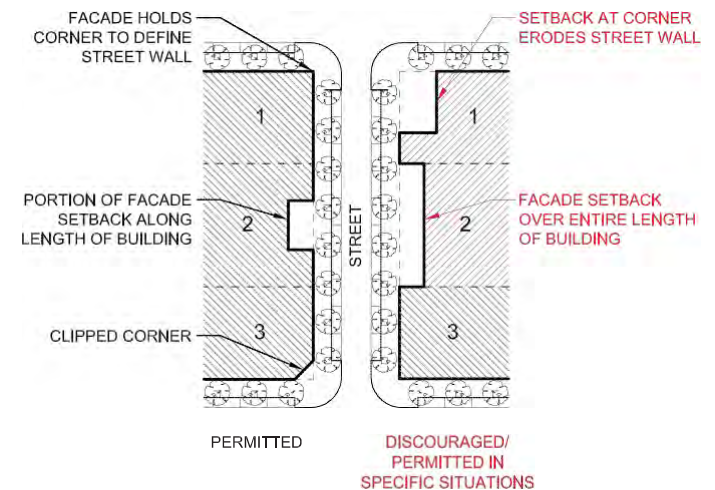


FIGURE 1: Setbacks are generally discouraged.



An arcade that projects over the sidewalk to create a covered seating area while maintaining a clear path for pedestrian travel.

Block Design: Location & Orientation

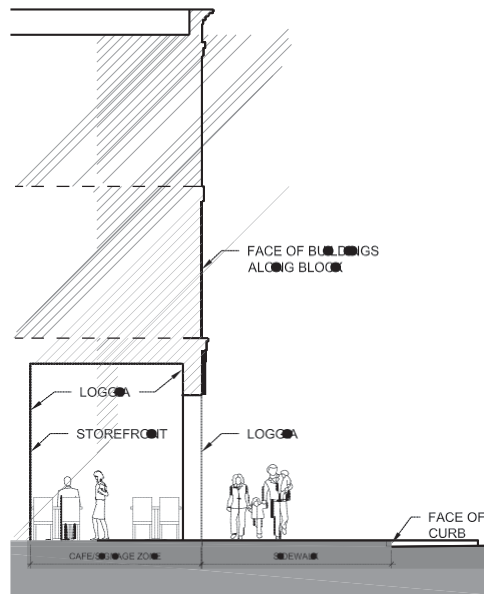


FIGURE 2C: Loggia that are recessed behind the sidewalk are allowed for dining uses only.

- C. Minor setbacks at the ground floor alone for entries, vestibules, commercial houses, or residential buildings types are permitted.
 - D. Parking is not permitted between building and the sidewalk.
 - E. Landscape or front yards between building and sidewalk is discouraged.
- II) Have primary facades and ground floor use entrances that are oriented towards the public street.
- A. Secondary entries may be located at the rear or sides of buildings provided they meet the requirements set forth within The Design Guidelines.
 - B. Entrances to upper floor uses may be located along the street front, side streets, off block breaks, or Block Interior areas.
 - C. Buildings that front multiple public streets or spaces, such as on corner or through lots, have more than one primary facade and should be designed with architectural emphasis placed on each; either hierarchically, with emphasis on the facade oriented towards the more prominent street or space, or equally with both elevations treated as primary facades.



Minor setbacks for building entrances are permitted.



Areas dedicated for dining along the sidewalk may be recessed within a loggia.



A setback from the building line for restaurant seating. Note, the above building extends back out to sidewalk at the ends of the seating area.

Block Design: Block Interior

The Block Interior consists of that portion of the block located behind buildings. It can consist of built areas, unbuilt areas, or a combination of both (See Figure 3). On smaller blocks, the building or buildings may occupy the entire block, thus eliminating the Block Interior.

- I) Uses that are appropriate to be provided for at the Block Interior include:
 - A. surface parking
 - B. service, loading and delivery areas
 - C. structured parking
 - D. open space
- II) Building facades fronting onto the Block Interior may be simpler in their design than those fronting onto public streets. Though not a requirement, their level of detail may be reduced and/or material palettes may be simplified in favor of durability over cost.

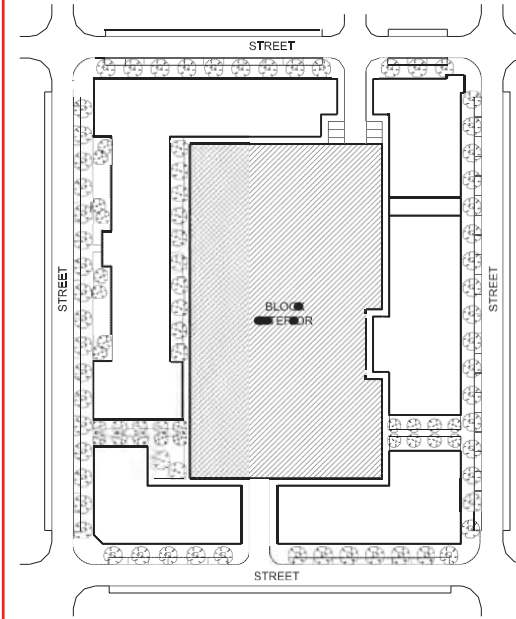


Figure 3: The Block Interior consists of the area located behind buildings.



Block Interiors serve primarily for functional uses such as parking and service. Facades fronting onto block interiors may be much simpler than their street fronting counterparts.

Block breaks provide connections, both pedestrian and vehicular, between the street and Block Interior and are particularly important in adding a level of porosity to longer blocks (See Figure 4). The number and width of these breaks should be minimized in order to screen views into the Block Interior from the street, maintain a defined street edge, and limit the number of vehicle curb cuts along the sidewalk.

- I) Vehicular block breaks:
 - A. shall be located to provide convenient access to parking and service areas within the Block Interior and facilitate efficient traffic movement across the site.
 - B. shall not occur along portions of blocks fronting the Town Green or along Street D.
 - C. should provide an appropriately sized sidewalk on at least one side of the vehicular roadway.
- II) Pedestrian block breaks:
 - A. should be located along key pedestrian routes.
 - B. are encouraged to have landscape plantings and street furniture.
 - C. may provide outdoor dining and seating areas for adjacent ground floor uses.
 - D. should, to the greatest extent possible, be activated by orienting street level openings and building entrances along their length.
- III) Portals are intermediate building breaks that occur at the first floor and allow for upper levels of the building to bridge over. Portals maintain the street edge of a block and provide opportunities for special architectural treatments.
 - A. Vehicular portals provide access for both vehicles and pedestrians to areas at the Block Interior including direct access to surface or structured parking.
 - i. The roadway and sidewalk zones are to be separated either by grade or with bollards or other physical barrier.
 - ii. A change in materials or material color between the vehicular and pedestrian path is encouraged.
 - B. Pedestrian portals provide pedestrian only access to the Block Interior.
 - i. Edges are encouraged to be activated with building entrances, dining/cafe seating, display windows, streetscape furniture, and accent planting.
 - C. Lighting of portals should be designed to provide for a safe and inviting path.
- IV) A block break used for a drive-up window is subject to Board approval.

Block Design: Block Breaks

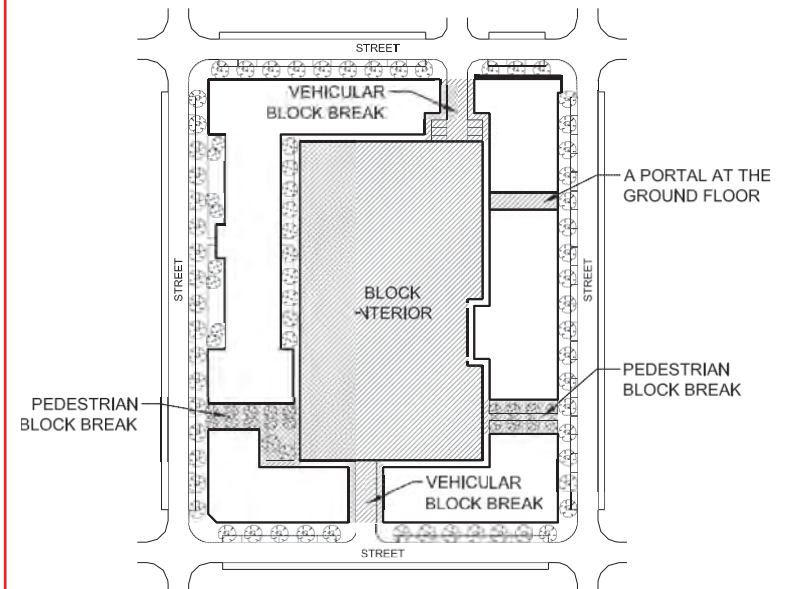
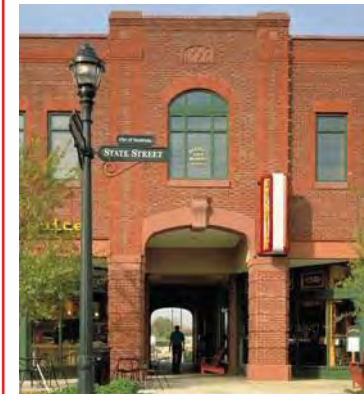
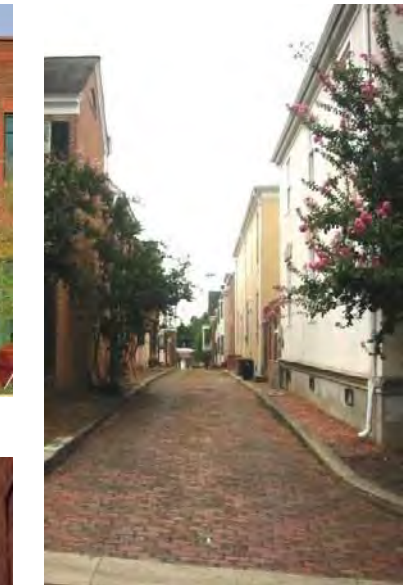


Figure 4 Identifies the access types to the Block Interior.



a Pedestrian Portal connects the street to block interior.



A Vehicular Block Break with an appropriately sized sidewalk.

A Pedestrian Block Break with a covered dining area.

Block Design: Block/Building Massing

Building massing generally refers to the shape of a building's volume. Traditional Main Street shopfront or mixed-use buildings usually have relatively simple massing; the street facades are relatively planar, have minor, if any, setbacks or projections, and are built straight up to the parapet. Setbacks, when they occur, are often reserved for the uppermost story or at the first floor at an entrance. Projections usually consist of minor facade articulations (e.g., balconies, pilasters, facade folds, and minor bays) except where more significant projections such as bays, oriel, and tower elements are used and are appropriate to the building's stylistic expression and location.

- I) A building's massing should relate to its site location, use, and architectural context.
 - A. Building massing should reinforce the massing patterns of other Downtown buildings.
 - B. Unique massing forms (e.g., towers, domes, and porticos) should be reserved for those buildings located at key points of interest or housing important civic functions.
- II) The massing of longer blocks are encouraged to be broken up by:
 - A. locating multiple buildings along any given block face. (See Figure 5)
 - B. utilizing a segmented facade treatment (see Glossary) on larger buildings. (See Figure 5)
 - i. Changes in segmented facade treatment should be planned to occur at the first floor tenant demising lines. Tenants may take up multiple, whole, segmented facade treatments.
 - ii. The widths of segmented facade treatments are encouraged to be based on a standard module similar to those found along traditional Main Streets.
 - C. breaking up of longer buildings with massing articulation.
 - D. a combination of A, B, and C above.
- III) Variations in the width, height, and rhythm of street-facing facades are encouraged along any block face.

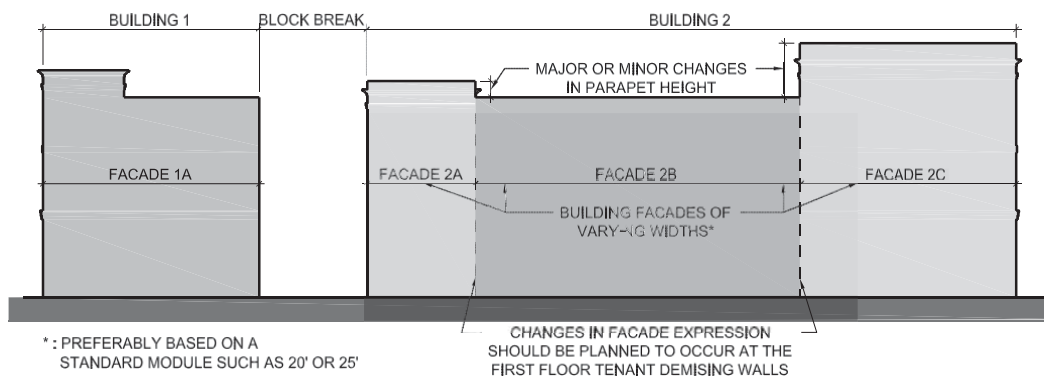


Fig. 5: Diagram of a block broken up by multiple buildings. Building 2's massing is further broken up by segmented facade treatments.



Examples of buildings that use simple massing articulations.



An example of a building that utilizes a segmented facade treatment of varying width facades to break down the perceived length of the block face.



Buildings that take up larger portions of a block, use massing articulations and fenestration rhythms that break down the scale of the block.

Block Design: Block/Building Massing

IV) Important elements such as building entrances or pedestrian portals may be reinforced with changes in massing or breaks in the predominant rhythm of the block.

V) If the opportunity exists, a building's massing should emphasize and frame or terminate important vistas. Building corners may be articulated in various ways (see Figure 6), but should not compete with other, adjacent massing articulations.

VI) Projections

Architectural elements such as balconies, bay projections, show windows, canopies, and awnings should be integrated into the design of street fronting facades to provide an added layer of variety, detail, and interest along the block face.

- A. Projections should be designed with regard to the individual building's design as well as the overall length of the block and street in terms of location, scale, rhythm, and relationship to one another.
- B. Visually unsupported and unresolved projecting architectural elements are discouraged.
- C. Projections at the ground level should be limited in their depth as to not obstruct sight lines into ground level uses. Where projections reduce the width of the sidewalk, a clear pedestrian path of five feet (5') must be maintained along the length of the building.
- D. Projections are only required in commercial house building types as appropriate to the style.

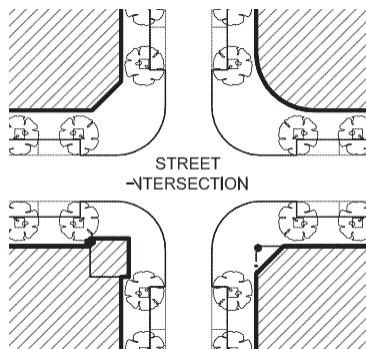


Figure 6: Diagram of building massings that emphasize corners.



Massing articulations at corners should complement plan relationships and not compete with other massing articulations.



Projections of massing or elements within traditional Main Street facades are typically minor.



More significant projections, such as balconies, bays or show windows, may be incorporated into the facade at select locations.

Block Design: Building Height

The Master Plan identifies recommended ranges for building heights (in floors) ranging in height from 1-4 stories.

- I) Buildings shall be designed to accommodate a minimum first floor finished ceiling height of twelve feet (12') to allow for retail commercial uses at the ground floor. Taller ceiling heights are allowed provided:
 - A. the height of the storefront is increased proportionately.
 - B. any increase in the height of the spandrel zone (the area between the head of openings on one floor and the sill of the openings on the above adjacent floor) between the ground and second floors is compensated through the use of architectural details that act to subdivide it into smaller areas.
 - C. a combination of A and B, above.
- II) It is encouraged, though not required, that the heights of buildings along the street vary along the length of a block.
- III) Adjoining buildings of the same story height should, where practical and not in conflict with their overall architectural expression, have offsets in their adjoining parapet or cornice heights.



A commercial main street with a large variation of facade and building heights along the block.



A street that is predominately three stories in height with different roof and parapet treatments on each building used to break up the blocks' mass and provide visual interest.

Facade Design: Facade Organization

Facade design addresses the organization, fenestration, detailing, and material composition of the exterior of a building.

I) In order to create an attractive and comfortable human scale for buildings and blocks, the designs for all building facades (except commercial houses) that front onto public streets and spaces should express a distinct base, middle, and top (parapet). (See Figure 7)

- A. The Base is the lowermost story of a building. It visually anchors the building to the ground. Areas of wall, piers, and pilasters, together with larger windowed areas, typically comprised of storefront and entrances makeup the majority of the Base. Though not a requirement, some type of horizontal band or belt course separates the building Base from the Middle.
- B. The Middle is the portion of the facade between the Base and Top and comprises the building's upper floors' openings, and, depending on the building's height and facade organization, may or may not encompass the uppermost floor. On most Main Street buildings, the middle zone of the facade is characterized by simple window rhythms. Depending upon the style, the detail and articulation of openings and wall area can range from simple to ornate.
- C. The Top of the facade, which, depending on the overall building height may or may not include the uppermost floor, visually completes the facade as it meets the sky. The Tops of Main Street facades typically consist of the building's cornice and/or parapet.

II) Fenestration is the design and detailing of the openings within a facade. Together with massing, it is one of the primary elements that defines the design character of a building's exterior.

- A. The fenestration at the first floor of commercial buildings should be composed of a high percentage of window area in order to promote visibility into retail and dining establishments. Upper stories, which are less likely to be occupied by retail tenants may have a smaller percentage of window opening area.
 - i. Buildings with first floor commercial uses should have ground floor openings (windows and doors inclusive of framing, dividing, and sub-dividing elements) along street-facing facades that are not less than **50%** of the first floor facade area. Facade area is measured from grade to finished floor at second level.
 - ii. Upper levels should have openings (windows and doors inclusive of framing, dividing, and sub-dividing elements) not less than **20%** of the upper level facade area. Facade area is measured from the finished floor at the second level to finished roof at the face of the facade.

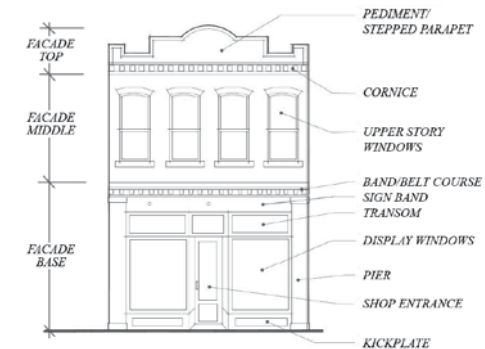


Figure 7: Illustration of a typical mixed-use building facade's organization.



Traditional Main Streets are characterized by a high percentage of glazing at the street with a smaller percentage at sides and upper floors.



An example of a facade that uses both simple fenestration rhythms and level of detail to compose an elegant facade.

- iii. Glass used to satisfy the above must be unpainted and have an external reflectance of less than 15%.
- B. Fenestration rhythm is the regular recurrence or pattern of upper level window openings along the length of a facade or block.
 - i. Facades should be composed of simple fenestration rhythms. Complex rhythms and misalignments, relative to other upper level openings as well as ground level fenestration, should be avoided.
 - ii. Variation in the fenestration rhythms within a block length are encouraged.
 - iii. For most Main Street architectural styles, upper level window openings should utilize vertical window proportions. Where horizontal proportioned openings are appropriate to the building's style, the use of divisions within the window opening to create more vertically proportioned sub-divisions of the window area are encouraged.
 - iv. To the extent practicable, the design of fenestration at upper floors should allow for the use of standardized office planning modules in order to provide the greatest flexibility for future tenant leasing.
- C. Larger window and door openings should be subdivided using both vertical and horizontal elements (e.g., pilasters, mullions, transoms) of varying dimension. Where appropriate to the building's architectural style, muntin bars may also be used to subdivide the glass area. Fenestrations that utilize large amounts of glass (e.g., continuous glazing systems, ribbon windows) may be permitted if appropriate to a building's architectural style and location within a block.
- D. Windows and doors should be recessed within their opening in the exterior wall in order to provide a sense of depth and wall mass.
 - i. Window and door frames should be recessed to the extent compatible with the building's architectural style, but not less than two and one-half inches (2 1/2") from the exterior wall plane.
 - ii. The recess depth identified in II.D.i., above, is measured from the predominant exterior wall plane and is exclusive of the depth of any applied trim or surround at the opening.
- E. Double hung and casement window types are encouraged within openings above the ground floor. Non-operable windows should have sight lines that resemble the appearance of double-hung or casement window types. Horizontal sliding type windows and doors are not permitted.



Variation in simple fenestration rhythms at the upper level along a block.



An example of two similarly sized facades which are distinguished by two different fenestration rhythm at both the ground and upper level.



Windows recessed from the face of the exterior wall provide a sense of depth to an opening and mass of the building.

- F. Storefronts allow visibility into a commercial establishment and allow businesses to display their merchandise to customers.
- i. Storefront windows should be predominantly open to the interior so that the interior of the commercial establishment is visible to customers and pedestrians from the outside.
 - ii. The design of a building's storefront areas can vary within a single building and along the length of the block, but should be consistent for any one tenant. Generally, storefront designs fall into two broad categories: integrated storefronts and applied storefronts.
 - a. Integrated storefronts are those that allow the architectural expression or style of the building to continue down to the first floor. The tenant's branding of their space is typically limited to the installation of signage and possibly awnings or canopies. The ground floor window and door openings are typically consistent with the design of the upper floor openings, though the tenant may make some modifications of the door and window framing elements within the openings.
 - b. Applied storefronts are those that apply a distinct architectural treatment at the first floor that is specific to a particular tenant space. In addition to signage, awnings or canopies, applied storefronts typically utilize architectural elements, such as pilasters, panels, frames, lintels and cornice elements that are applied to the building's ground floor façade and express the tenant's identity. Applied storefronts may interrupt or eliminate non-structural wall or pier elements in order to create larger door or window openings. Where a tenant's space ends at a mullion or pilaster "within" an opening, applied storefront is not permitted to be utilized at only the tenant's portion of the opening, and integrated storefront would need to be used at that opening.
 - iii. The design and detailing of storefront and its component parts are critical to creating attractive and pedestrian scaled ground floors.
 - a. The following attributes of storefront design are strongly encouraged.
 1. Storefronts whose design and details relate to the building's overall style.
 2. Storefront designs, when they differ in style from that of the overall building, that are well designed and detailed and do not detract from or compete with the building's design.
 3. Storefronts that introduce subdivisions into larger glass areas. These can be in the form of pilasters, mullions, horizontal divisions, and muntin bars. These elements, when appropriate to the building's style,



Variation in the treatment and architectural style of storefront along a block face provides for a visually diverse streetscape.



Integrated storefront expresses the building's overall design and architectural style as it continues down to the first floor.



The above illustrate storefront that is applied as a base element to the facade.

Facade Design: Entrances

should utilize recessed and/or raised profiles to further break down and articulate their surface areas.

4. Storefronts that introduce depth into the window framing and window subdivision elements. This can be achieved with trim elements that are added onto the window framing system, examples which include brick moulds, panning, and other applied trim at the face of the window frame.

- b. Further, the following attributes of storefront design are strongly discouraged.

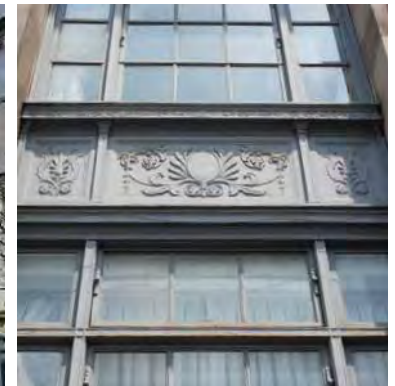
1. The use of dark or heavily tinted glass.
2. The use of translucent, frosted, or film-backed glass (unless in front of service areas that cannot be located to sides or rear of a building).
3. Aluminum storefront framing systems ("storefront systems") with unarticulated frame faces wider than one and one-half inches (1-1/2"). Systems with frame members whose outer face is wider than one and one-half inches (1-1/2") should employ applied trims and panning extrusions to articulate the face of the frame.

- G. The location and design of entrances to both street level and upper floor tenants are important to pedestrian wayfinding and supporting a viable retail environment.

- i. All entrances shall be easily identifiable as primary points of access.
- ii. To the extent practicable, the design of the building's facade at the ground floor should allow for the flexible location of commercial tenant entrances.
- iii. Building entrances for upper floor tenants should be integrated into the design of the overall building facade and should be distinguished from tenant entrances.
- iv. Building entrances for upper floor tenants may be defined by an articulation of the building's massing and/or the use of architectural elements that provide emphasis to the entrance (e.g., lintels, pediments, pilasters, columns, porticos, porches, and canopies). The details should be compatible with the building's overall architectural style in terms of scale, materials, colors, signage, and lighting.
- v. The number of secondary access doors (e.g., egress, service, etc.) located within a public street-facing facade should be minimized. If their location requires their placement within a public street-facing facade, the design of such entrances should be incorporated into that facade's design.



Examples of storefront that are composed of well-proportioned and detailed pilasters, mullions, and cornice trim.



Larger glass areas are subdivided using elements of various width and amount of projection to provide a level of hierarchy within the opening.



Building entries may be identified via a change in massing and architectural details that distinguish them from tenant entrances as shown at left. Alternatively they may be incorporated into the ground floor treatment as illustrated above.

Building facades fronting onto public streets and open spaces should utilize architectural details and ornament that are consistent in their design and scale with each building's style and scale in order to provide visual interest and help to create a human scale. Architectural details include, but are not limited to, such elements as base courses, water tables, pilasters, sills, lintels, band courses, spandrel panels, cornices, and parapets and can be applied to a facade or achieved through a change in materials, plane, color, and texture.

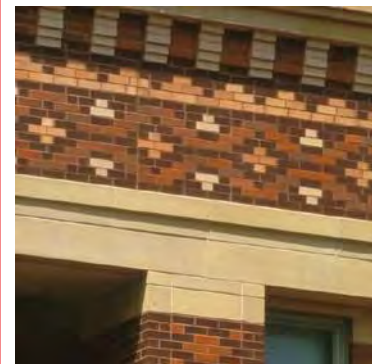
- I) Architectural details should be designed to the appropriate scale, proportions, and complexity of detail of a building's architectural style.
- II) Architectural details should further articulate a building's massing to provide a sense of scale, texture, and visual interest along the street that is appropriate to each building's architectural style.
- III) Architectural details that reinforce the retail character of the ground floor and help to define the pedestrian environment, such as canopies, awnings, overhangs, and well-detailed storefronts, are encouraged and should be integrated into the architecture of the building.
- IV) Oversized architectural details should be avoided.
- V) All buildings are not required to have the same level of detail. Traditional Main Streets are characterized with buildings of varying levels of detail.
- VI) Details that take advantage of the inherent properties of a material are encouraged.



Architectural details that are consistent in their design and scale with the overall facade and adjacent buildings promote a cohesive environment.



Variation in the architectural style and level of detail of facades along a block adds visual interest and provides the sense a place has evolved over time.



Details such as polychrome (left) or corbelled (right) brick patterns take advantage of the inherent properties of brick to cost efficiently add interest and texture.

Exterior building materials should consist of those that have been traditionally used in Main Street architecture. In addition, certain non-traditional materials that emulate traditional materials and provide advantages relative to maintenance, durability, and cost will be permitted as indicated below.

- I) Materials should be selected based on their visual characteristics, quality, and durability.
- II) The sustainability of a material should be considered in the selection and specification of exterior building materials and finishes.
- III) Exterior building materials visible from a street or public open space should be selected from the following:

Brick

Manufactured stone,

Natural stone

Cement-based siding

Hard coat stucco

Fiber reinforced plastic (FRP) – used for exterior details and architectural elements, including but not limited to: cornice and entablature elements, decorative columns and pilasters, storefront trim, railings and balustrades, spandrel panels, and similar elements.

Painted steel and aluminum, cast iron, brass, bronze, copper.

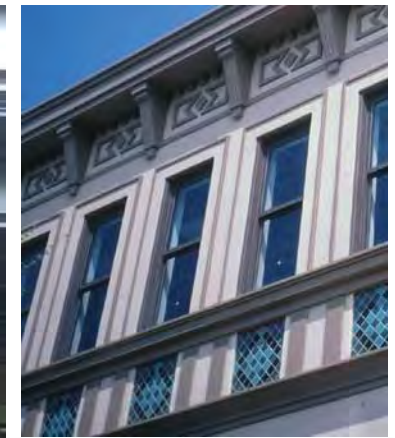
Wood when used as part of a storefront finish or on a residential building or commercial house only. Must be a species recommended for exterior exposure by AWWPA (American Wood Protection Association) or equivalent standards.

Roofing materials (visible from any public right of way): copper, factory finished painted metal, slate, synthetic slate, terra cotta, cement tile, glass fiber shingles.

Materials other than those discussed above may be appropriate for architectural trim and accent applications including but not limited to: cornices and decorative brackets, frieze panels, decorative lintels, shutters, and porch or balcony railings.



Materials should be selected with consideration of durability and aesthetics.



The scale of materials should be appropriate to their location on the facade.



Materials of varying color, texture and size can be used to create visual contrast.

IV) Including the materials listed on the previous page, the following additional materials may be used on facades that are not visible from the street or public open space:

Split face concrete masonry units

Exterior insulation finishing systems (EIFS) with Board approval.

V) Building facades should be constructed of a minimum number of primary materials. Additional materials may be used as trim or accent materials, however, the use of an excessive number of materials risks creating a building that is inconsistent with the intended character for Downtown.

VI) Building materials are permitted to vary from the primary facades not fronting onto a public street, right-of-way, or public open space. On secondary and rear-facing facades (i.e., those facades not fronting onto a public street, right-of-way or public open space) the building materials are permitted to vary from the primary facades.

- A. Facades fronting onto alleys, block breaks, and the Block Interior may be designed with additional materials noted above and a reduced level of detail, reflecting the reduced level of importance of the areas they front.
- B. Street facing facade materials and details should return at least one architectural bay along an alley or block break before transitioning to additional materials and details.



Street facing facades use the highest level of detail and quality materials.



Facades fronting onto a block interior, parking and service area employing a simplified level of detail.



Street facing facade materials and details return one bay along an alley or block break.

While the preceding standards and recommendations are style-neutral and apply to all buildings, architectural styles are still critical to establishing a strong sense of place in Downtown Alpharetta. The community takes pride in its historic buildings and recognizes the importance of traditional architecture in reinforcing the local identity and civic pride. The new City Hall and Library are but one demonstration of this and seek to set the standard for new private development in the greater Downtown area.

At its simplest, “architectural style” refers to the way that doors, windows, and building details are designed and organization on a façade. It is different from “building type” and can, in fact, be applied to almost any building.

In order to ensure a cohesive and orderly townscape in Alpharetta, all new buildings should be designed in one of the following architectural styles:

- Georgian
- Neoclassical
- Stick
- Shingle
- Romanesque
- Federal/Adam
- Greek Revival
- Queen Anne
- Folk Victorian
- Italianate
- Tudor Eclectic
- Beaux Arts
- French Colonial
- French Eclectic
- French New Traditional
- Mercantile/Mill

Specific features of these styles are summarized on the following pages. More detail can be found on the in *A Field Guide to American Houses* by Virginia Savage McAlester or *Residential Architectural Styles in Georgia* by the Historic Preservation Division of the Georgia Department of Natural Resources.

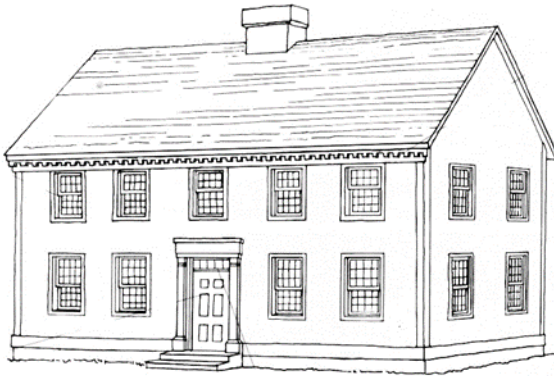
The following pages also identify appropriate building types for each style. The application of these styles to individual buildings can and should vary by building type. Smaller residential buildings should reflect the most “pure” interpretation of the style, while shopfront or mixed-use buildings may incorporate the style through the application of architectural details to simple building forms as described on [page 34](#).



On larger buildings, such as shopfront and mixed-use buildings, architectural styles should be achieved through the application of architectural details to simple building masses.



Georgian



Source: *A Field Guide to American Houses* by Virginia Savage McAlester

Elements of the Georgian style are as follows:

- Front facades are always symmetrical and usually five windows wide. Narrower buildings are sometimes three windows wide and larger buildings are sometimes seven windows wide. There is never an even number of windows across the front façade.
- Front doors are paneled, centered, and topped with a decorative crown support by decorative pilasters. There is also usually a row of small rectangular glass panes beneath the crown, either within the door or in a transom.
- Windows have double-hung sashes, typically with nine or twelve small panes per sash. Windows are never in adjacent pairs.
- The cornice is usually emphasized with tooth-like dentils or other decorative molding.

Appropriate building types:

- All building types

Federal/Adam



Source: *A Field Guide to American Houses* by Virginia Savage McAlester

Elements of the Federal/Adam style are as follows:

- Front facades are always symmetrical and usually five windows wide. Narrower buildings are sometimes three windows wide and larger buildings are sometimes seven windows wide. There is never an even number of windows across the front façade.
- Front doors are paneled, centered, and topped with a semi-circular or elliptical fanlight. There are also usually sidelights, an elaborate crown and surround, and/or an extended small entry porch.
- Windows have double-hung sashes, typically with six panes per sash. Windows are never in adjacent pairs.
- The cornice is usually emphasized with tooth-like dentils or other decorative molding.

Appropriate building types:

- All building types



Source: *A Field Guide to American Houses* by Virginia Savage McAlester

Elements of the Greek Revival style are as follows:

- Front facades of the principal building mass are usually symmetrical. Exceptions to this are limited to off-centered doors, which may be located at one side of the structure, especially in narrower townhouse or mixed-use building types.
- Front doors include a narrow line of transom and sidelight windows, usually incorporated into an elaborate door surround.
- Front entry porches or full-width porches are usually provided. Porch roofs are always supported by square or rounded columns of one of the Classical Orders.
- The cornice is emphasized with a wide, divided band of trim.
- The roof is usually gabled or hipped with a low pitch.

Appropriate building types:

- All building types

Neoclassical



Source: *A Field Guide to American Houses* by Virginia Savage McAlester

Elements of the Neoclassical style are as follows:

- Front facades are always symmetrical and usually five windows wide. Narrower buildings are sometimes three windows wide and larger buildings are sometimes seven windows wide. There is never an even number of windows across the front façade.
- Front facades are usually dominated by a full-height entry porch with a triangular gable above supported by four columns with shallow square bases.
- Front doors are paneled, centered, and topped with a semi-circular or elliptical fanlight.
- Windows have double-hung sashes.

Appropriate building types:

- All building types

Stick



Source: *A Field Guide to American Houses* by Virginia Savage McAlester

Elements of the Stick style are as follows, although it's rare for one building to have all elements:

- Front facades are usually asymmetrical and include horizontal and vertical bands raised from the wall surface for emphasis.
- Front porches or stoops are always provided and include diagonal or curving support braces.
- Roofs are usually steeply pitched, but may be hidden behind a parapet wall on townhouse or mixed-use building types.
- When roof gables are provided they include decorative trusses. Cross gables are common.

Appropriate building types:

- Semi-detached house
- Townhouse
- Walk-up flat and stacked flat
- Commercial house

Queen Anne



Source: *A Field Guide to American Houses* by Virginia Savage McAlester

Elements of the Queen Anne style are as follows:

- Front facades of the principal building mass are usually asymmetrical. Exceptions to this are when the Queen Anne style is used on a shopfront or mixed-use building types.
- All facades often include textured shingles or other devices to avoid a smooth-walled appearance.
- Front facades include a partial- or full-width porch and extend along one or both side walls.
- Roofs are usually steeply pitched, but may be hidden behind a parapet wall on townhouse or mixed-use building types.

Appropriate building types:

- All building types

Shingle



Source: *A Field Guide to American Houses* by Virginia Savage McAlester

Elements of the Shingle style are as follows:

- Front facades are always asymmetrical.
- Front porches are almost always present.
- Irregular, steeply pitched roof line, usually with cross gables and multi-level eaves.
- Wall cladding and roof of continuous wood shingles.
- Shingled walls without interruption at corners.

Appropriate building types:

- Semi-detached house
- Walk-up flat and stacked flat
- Commercial house

Folk Victorian



Source: *A Field Guide to American Houses* by Virginia Savage McAlester

Elements of the Folk Victorian style are as follows:

- Front facades are always symmetrical except when a front gable or wing is provided.
- Front porches with spindlework detailing.
- Roofs are usually gabled and with very simple massing.
- Brackets under roof eaves.

Appropriate building types:

- Semi-detached house
- Commercial house



Source: *A Field Guide to American Houses* by Virginia Savage McAlester

Elements of the Romanesque style are as follows:

- Front facades of the principal building mass are usually asymmetrical. Exceptions to this are when the style is used on shopfront or mixed-use building types.
- Masonry walls.
- Round top arches over windows or entrances.
- Conical roofs on towers, when such are provided.

Appropriate building types:

- Walk-up flat and stacked flat
- Shopfront
- Mixed-use building
- General building
- Civic building

Italianate



Source: *A Field Guide to American Houses* by Virginia Savage McAlester

Elements of the Italianate style are as follows:

- Front facades of the principal building mass are usually asymmetrical. Exceptions to this are when the style is used on shopfront or mixed-use building types.
- Masonry walls.
- Round top arches over windows or entrances.
- Conical roofs on towers, when such are provided.

Appropriate building types:

- Walk-up flat and stacked flat
- Shopfront
- Mixed-use building
- General building
- Civic building

Tudor Eclectic



Source: *A Field Guide to American Houses* by Virginia Savage McAlester

Elements of the Tudor Eclectic Style are as follows:

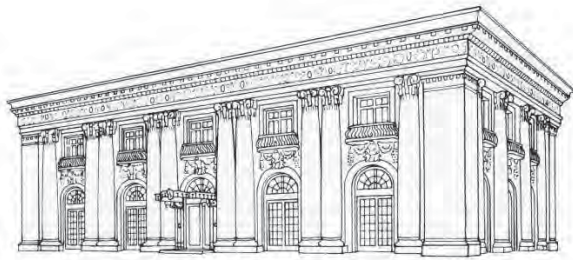
- Steeply pitched roof, usually side-gabled
- Façade dominated by one or more prominent front-facing gables, usually steep pitched
- Tall, narrow windows, usually in multiple groups, with multi-pane glazing
- Massive and prominent chimneys, usually capped with decorative clay pots
- Front door and/or entry porch with round or Tudor arch
- Decorative half-timbering, but not present on all examples

Appropriate building types:

- Semi-detached house
- Walk-up flat and stacked flat
- Commercial house



Beaux Arts



Source: *A Field Guide to American Houses* by Virginia Savage McAlester

Elements of the Beaux Arts style are as follows:

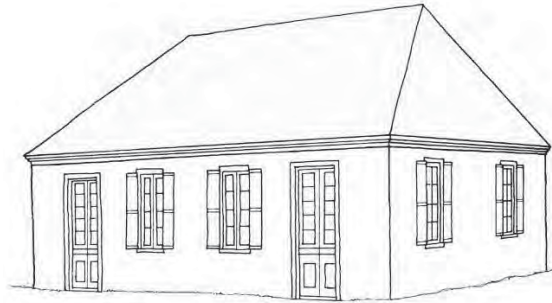
- Front facades are usually symmetrical.
- Masonry walls, usually of light colored stone, with heavy bases of large, rusticated stone blocks.
- Use of Classical columns, cornices, quoins, and pilasters.
- Windows are usually tall and topped with decorative garland, floral patterns, or shield details.
- Flat or symmetrical roof forms.

Appropriate building types:

- All building types

Images of representative Beaux Arts style buildings are shown at top right and middle right.

French Colonial



Source: *A Field Guide to American Houses* by Virginia Savage McAlester

Elements of the French Colonial Style are as follows:

- Front facades are usually symmetrical.
- Walls are typically faced in true stucco.
- Tall, narrow door and windows openings.
- Door and window sashes are typically divided vertically into pains.
- Steeply pitched roof, either hipped or side gabled.

Appropriate building types:

- Semi-detached house
- Commercial house

An images of a representative French Colonial style building is shown at bottom right.



All images courtesy Wikipedia Commons

French Eclectic



Source: *A Field Guide to American Houses* by Virginia Savage McAlester

Elements of the French Eclectic style are as follows:

- Front facades are usually symmetrical.
- Segmented arches are commonly found in doors, windows, and dormers.
- Brick, stone, or stucco wall cladding, sometimes with false half timbering.
- Window sashes are typically divided into pains.
- Tall, steeply pitched roofs (occasionally gabled) with no dominant front-facing cross gable.
- Roof eaves that often flair upwards at roof-wall junctions.

Appropriate building types:

- All building types

Images of representative French Eclectic style buildings are shown at top right and middle right.

French New Traditional



Source: *A Field Guide to American Houses* by Virginia Savage McAlester

The French New Traditional style draws upon the three French styles identified earlier in these guidelines, but is a unique styles due to the way it blends elements from the various French styles. Elements of the French New Traditional Style are as follows:

- Front facades may be symmetrical or asymmetrical.
- Brick, stone, or stucco wall cladding.
- Architectural details that reflect historic precedents but are less intricate and generally mass-produced.
- Tall door and windows openings.
- Moderate to steeply pitched roof.

Appropriate building types:

- All building types.

An images of a representative French New Traditional style building is shown at bottom right.



Top and middle images courtesy Wikipedia Commons. Bottom image courtesy TSW.

Styles on Shopfront and Mixed-Use Buildings

Several of the architectural styles identified are appropriate for shopfront or mixed-use building types. Traditionally, such buildings were simple and relatively small rectangular or box forms which, when placed side by side, created a “Main Street.” As new “Main Street” style shopfront and mixed-use buildings are constructed in Downtown Alpharetta, architectural styles should be applied to them in a manner consistent with these traditional patterns.

Elements of the appropriate application of architectural styles to shopfront and mixed-use buildings are as follows:

- Front facades of large buildings should be broken up into smaller façade units to create the appearance of several smaller buildings (as established in other parts these guidelines).
- No more than one architectural style may be applied per building, although large facades broken up into several smaller units may incorporate different styles on different units to create the appearance of adjacent buildings.
- Architectural style shall be achieved through the addition of key elements of the style to the building façade. This may include architectural details, cornice treatments, roof shapes, window designs, and similar features.

Shopfront and mixed-use buildings may also incorporate sculpture, murals, and additional public art that are not specifically associated or consistent with the building’s architectural style. Traditionally, such features were usually found on the sides and rears of buildings, but not always. These features require review by the Art Commission.



This image shows the application of the Romanesque style to a shopfront building (at left) and the application of the Queen Anne style to a mixed-use building at right.

Mercantile/Mill
(For specific building types)

To further spawn creativity by developers and architects within the downtown fabric, an additional style is allowed for commercial mixed-use or mercantile type buildings. Nineteenth and early 20th century urban mills and/or warehouses are included in this “style” which is characterized by primarily brick/masonry construction and minimal ornamentation with flat (but not always) roofs. Windows were usually metal and varied in size, depending on the historic use of the facility; and many featured large, storefront window elements at street level. Brick surfaces should vary in color and texture to demonstrate age. Indigenous & vernacular stone details are encouraged and would be appropriate if historic precedent details are presented to DRB.

Although remaining historic (agrarian based) structures of this type may not remain in the area, this “Mercantile” aesthetic is charming, appropriate and desired especially when such structures are redeveloped into modern uses. Elevations are usually multi-storied with stairs/elevators pronounced in tower elements, and former “loading dock” areas are apparent. Overall facades should comply with other restrictions in these Guidelines, and minimize large city block masses...and instead, feature smaller elevation blocks that appear to have been built over longer periods of time by different architects and developers.



The streetscape is comprised of the public space located between opposing blocks and encompasses all portions of the street including pedestrian and vehicular areas. Landscape elements such as street trees, accent planting, and street furniture provide scale, texture, and color to the pedestrian environment. Design and detailing of the streetscape shall accommodate the following elements:

I) Sidewalks

Sidewalks will be the predominant element with which pedestrians will be continuously in contact; they should be well constructed of durable materials to provide a practical and long-lasting surface.

- A. Sidewalks along streets are to be provided per the City of Alpharetta Downtown Overlay requirements.
- B. Walkways extending along block breaks and at the Block Interior should be built of durable materials that are attractive, maintainable, and comply with all regulatory requirements.
- C. Special paving applications should be reserved for seating or landscaped areas located off the primary pedestrian zone or in parks.
- D. Elaborate paving patterns should be avoided except where they may be warranted by location (e.g., an interior courtyard, the area surrounding a public fountain)
- E. Pedestrian crosswalks shall be clearly designated and provided at all key street intersections.

II) Street Trees

Street trees are to be provided as per the City of Alpharetta Downtown Overlay and any other applicable regulations, ordinances or guidelines.

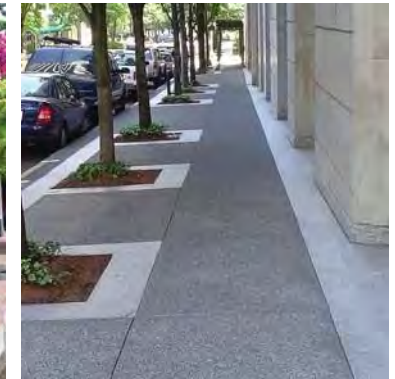
- A. To add to the sense of a cohesive environment, trees should have similar characteristics on both sides of the street.
- B. Utilities and street furnishings should be located so as to not interfere with the placement and growth of street trees.

III) Accent Planting

Accent planting should be located in such areas as tree wells (if ungrated) or beds near intersections where additional sidewalk area may be available. Decorative pots or more formal raised planters may be appropriate in specific locations (i.e., to facilitate grade differences). A consistent application of accent planting can be used



An example of a well detailed streetscape incorporating durable materials, landscape elements and street furniture.



Durable materials (brick within the left image, brushed and smooth concrete on the right) of simple patterns are characteristic of Main Streets.



Street trees and accent planting provide shade and soften the edges of the streetscape.

to distinguish specific areas, such as important streets, the area surrounding a park or square, or an entire neighborhood.

- A. Retail and restaurant tenants may provide supplemental accent planting in the form of planters located within thirty inches (30") of their storefront.
 - i. Planters may be made of terra cotta, cast materials (GFRC, cast stone), metal, or plastics.
 - ii. Planters located adjacent to storefront should not exceed a height of twenty-four inches (24").
- B. Along deeper sidewalks, where an outdoor dining cafe is provided, planters may be utilized as part of an outdoor cafe railing, provided the planter(s) does not restrict pedestrian movements along traveled portion of sidewalk.

IV) Street Furniture

Street furniture which includes street lamps, benches, and trash receptacles should be provided for both safety and convenience.

- A. Street furnishings shall be located to maintain a continuous minimum 5-foot walking path along the sidewalk and no closer than 30 inches to the curb.
- B. Outdoor dining furniture on public sidewalks shall be of quality design and workmanship and made of metal in black or a color approved by the DRB. Decorative items on public sidewalks such as planters or sculpture shall be made of metal, concrete, terra cotta, or other material approved by the DRB. Menu boards may be made of wood; however, all plastic, fiberglass, or resin-type products are prohibited on public sidewalks. All street furnishing designs must complement the surrounding architecture.
- C. With the exception of outdoor dining areas, street furnishings should be permanently secured to the paved surface for safety and to avoid vandalism.
- D. Bicycle racks are to be provided at various locations along sidewalks or within parking areas behind buildings in order to provide convenient and safe parking for cyclists yet maintain safe separation between pedestrian and cyclist. Locations shall not interfere with pedestrian circulation.
- E. Trash receptacles should be provided only at key points or intersections along paths and streets that are easily accessible for both pedestrian use and trash collection. Trash receptacles shall be in accordance the specifications established by the City of Alpharetta.
- F. Street lights must be provided as per the City of Alpharetta Downtown Overlay and other applicable regulations, ordinances, or guidelines.



Planters with accent plantings may be used to define a sidewalk dining area.



Accent planting and street furniture, both along streets and within open spaces, contribute to providing a pedestrian-oriented environment.



Street furniture such as benches, trash receptacles and bike racks are located at convenient points outside of the pedestrian path of travel.

G. Benches are encouraged to be provided at locations along the sidewalk and paths and oriented towards interesting features such as storefronts or pedestrians paths. Benches shall be made of painted metal, weather and rot resistant wood species (e.g., redwood, teak) or synthetic wood materials.

H. Seating/Cafes

- i. Outdoor dining and seating may occur on any portion of the paved sidewalk provided a minimum path of travel of five feet (5') is maintained.
- ii. Table and chairs shall be made of attractive, yet durable materials that are intended for continuous, year-long, outdoor use.
- iii. Cafe railings and planters shall be made of attractive, yet durable materials with a weather resistant finish.

V) Open Space

Open space within Downtown should provide a number of amenities for the community and visitors alike.

A. Open green space, when provided, at the Block Interior shall be designed to complement and not compete with the open space provided along the streets or within the public spaces of Downtown. It shall consist of:

- i. plantings, including trees, ground cover, lawn area and accent planting, provided at-grade, within wells or raised planters or a combination of each. Plantings that screen or provide a buffer between public and more private uses that are at similar grades are encouraged.
- ii. hardscape areas, including paths and walkways, made of durable materials and connect seating and amenity areas to building access points. Access to the public street, if provided, should be via a block break or portal.
- iii. seating areas with furniture that is made of attractive, yet durable materials that are intended for continuous, year-long, outdoor use.
- iv. lighting with intensities and orientations that avoid excess light spillage and glare directed into buildings and areas that front the open space.

B. Structures, railings, and furniture associated with open space provided at the roof of buildings shall be located or screened to minimize or eliminate their visibility from the adjacent streets or public spaces, or integrated into the building design if visible. (See *Screening - Section I*)



Benches along the pedestrian path provide convenient seating.



The sidewalk may accommodate both pedestrian and dining seating without additional setback of the building face along the block.



The streetscape extends the open space provided within dedicated park areas.

The appropriate location of, and access to, parking and service areas are critical components in creating a successful environment for pedestrians and vehicles alike (See Figure 8). Where feasible access to parking and service areas should be through shared circulation routes.

I) On-street parking

As established by The Master Plan, on-street parking provides convenience, enhanced viability for street-level businesses, and a physical buffer between pedestrians and moving vehicles. Parallel and diagonal, on-street parking shall be permitted within Downtown as specified in The Master Plan.

II) Off-street parking

- A. Off-street parking shall be located behind buildings, within the Block Interior, and accessed via intermediate block breaks at key points.
- B. Structured parking garages shall:
 - i. respect the build-to line.
 - ii. have visible facades designed to be compatible with adjacent buildings where parking garage facades abut or portions are visible from a street or public right-of-way. (See Figure 9)
 - iii. not exceed a height of adjacent buildings.



Example of a parking garage facade that fronts a street that is not permitted.



Garages at rear of buildings, but with portions of facade visible from the street are upgraded in detail and material.

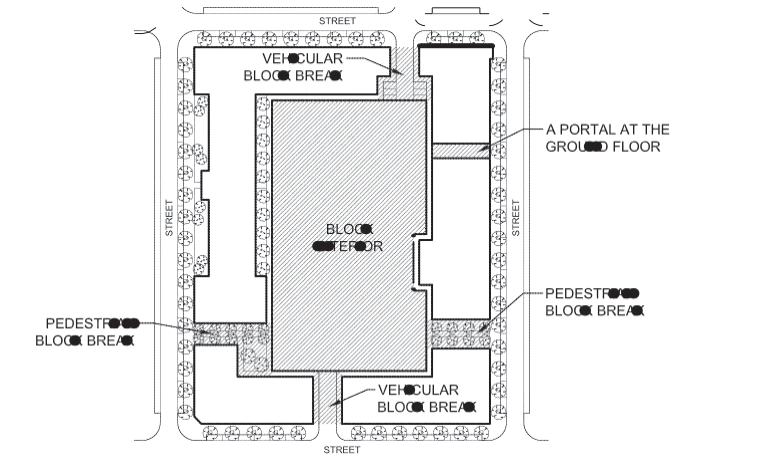


Figure 8: Diagram of permitted access types to the block interior.

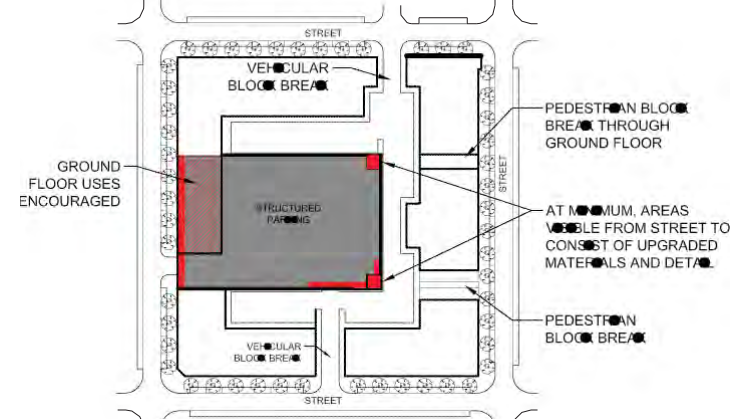


Figure 9: Diagram of structured parking garage with visibility from/on the street.



An example of a well-detailed parking structure exposed to the street.

- C. Areas of surface parking within the Block Interior should incorporate landscaping in order to provide visual relief from large expanses of pavement.
- D. When project phasing requires surface parking lots to be exposed to the street, interim surface lots (See Figure 10) may be allowed provided that:
 - i. wheel stops behind a minimum five feet (5') wide, planted landscape buffer with minimum thirty inch (30") high (at maturity) plantings are provided between the sidewalk and interim parking areas, in order to shield pedestrians from bumpers and glare from headlights.
 - ii. they do not front onto an open space.

III) Drop-off areas shall be provided either within the off-street parking areas or within the on-street parking lane.

IV) Service & Loading

Service and loading areas, including but not limited to electrical transformers, mechanical equipment, trash collection, and storage and staging areas, are necessary functions for the viability of any development, yet their aesthetics and uses typically do not contribute positively to the pedestrian-oriented nature of the street.

- A. Service and loading areas shall be located behind buildings, such that they are not visible from the street, and accessed via block breaks at key points. Access that is shared with those provided for parking areas is strongly encouraged.
- B. Where block and building configurations necessitate the location of loading docks with access directly from the street, they may be permitted provided they:
 - i. are not located along those portions of streets bordering an open space.
 - ii. may be completely closed off from the pedestrian sidewalk via a door(s) that is compatible in design and color with the facade in which it is located.

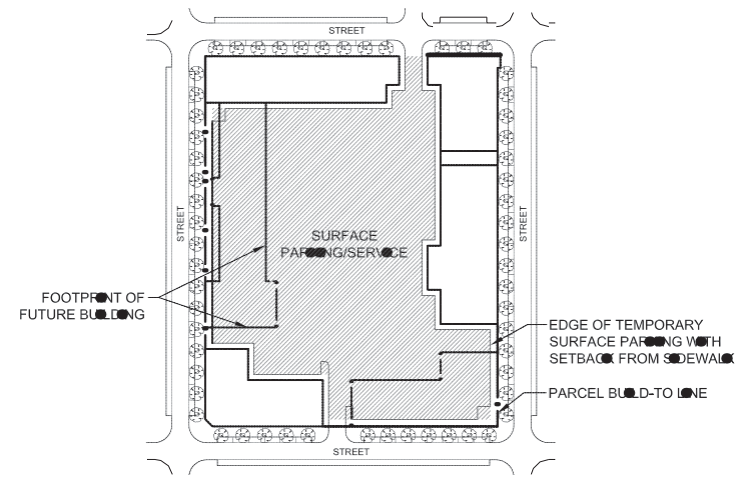


Figure 10: Diagram of permitted interim surfaced parking for phased blocks.



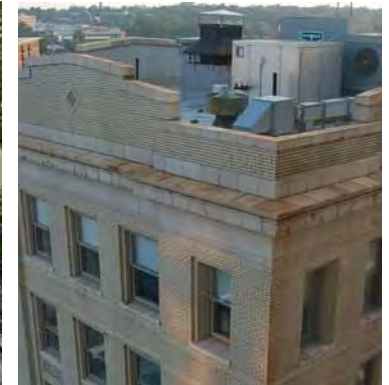
Interim parking along a street is separated from the pedestrian sidewalk by a landscaped buffer of low plantings and trees.



The block interior provides uses for parking, service and loading.

While building systems such as HVAC, generators, transformers or solar panels are necessary for the functional viability of a building, their associated service and equipment areas typically do not contribute positively to the aesthetics of the built environment. As such, screening of these types of elements should adhere to the following in order to limit adverse sight lines.

- I) Electrical transformers, mechanical equipment, and other building service equipment shall be located on roofs or at the rear of buildings.
 - A. When located on roofs, equipment should be setback sufficiently from the street face of the facade in order to eliminate visibility from the adjacent streets or public spaces.
 - B. In cases where the size or placement of rooftop equipment requires they are visible from adjacent streets or public space, screen walls or equipment screening panels should be provided to a height necessary to shield views of equipment.
 - C. Where roofs are visible from adjacent developments, roof top equipment should be as unobtrusive as possible. Screening and/or painting to match other roof materials is encouraged.
- II) Building service areas located within the Block Interior shall be screened from public view through the use of landscaping elements, fencing or a combination of the two.
- III) The use of vegetation in combination with screen walls is encouraged in shielding ground mounted equipment from public view.



A detailed wall, setback from the sidewalk, screens a loading area and encloses a landscaped seating zone (Right). Rooftop equipment is set back from the parapet to screen its visibility from the public street (Left).



A tower element is incorporated into the above facade at the building entrance in order to screen the elevator penthouse.



Landscaping along a pedestrian block break is used to screen utilities and soften the less architecturally detailed sides of a building.

Exterior lighting that serves the street and pedestrian or accents a building, facade element, or landscaping feature contributes significantly to the night time character and perception of safety within the downtown environment. Done well, lighting reinforces the architecture of a building or space creating an inviting streetscape.

- I) The size, design, and lumen output of outdoor lighting fixtures shall be appropriate to its location.
- II) Along public streets, street lights should be located toward the curb side of the pedestrian clear path and spaced in coordination with street trees to provide a minimum ambient level of lighting at the sidewalk. The style of street light shall be as specified in the Alpharetta Design Review Board Ordinance and Design Guidelines. Future, additional street lights shall match the style and size of these specified fixtures.
- III) Lighting intensities and orientation shall be controlled to ensure that excessive light spillage and glare are not directed toward neighboring areas, motorists or into the night sky. Light levels shall be designed to avoid extreme contrasts between light and shadow.
- IV) Supplemental lighting at entrances to lobbies serving upper floor tenants is encouraged.
- V) Illumination of a building's architectural features is permitted, however, such building accent lighting should only be used where such illumination does not distract from the overall character of the Downtown.
- VI) The design and scale of exterior building lighting fixtures shall be appropriate to the building's architectural style, material, and color.



Lighting that is integrated in the building's architectural style and use.



Pedestrian street lighting provides a minimal ambient level of lighting at the sidewalk as to not overwhelm the light spilling out from shop fronts.



Building accent lighting is used to accentuate the steps within the parapet and the major pilaster divisions along the facade.

Signage's prime role is commercial identity and branding. Well-designed signage will enhance the pedestrian-oriented character of Downtown and contribute to the activity and vitality of the area. The following signage guidelines are intended to compliment regulations set forth within Alpharetta's Unified Development Code (Section 2.6) for development within Downtown. Where the below standards conflict with those stated within the UDC, the following shall prevail.

I) Other than building address or building name identification signage, signs are limited to the portions of buildings containing commercial uses.

- A. Commercial tenant signage shall be located no higher on the building than the spandrel zone between the first and second floor openings and shall not be located any closer than eight inches (8") of the window sill at the second floor, except for:
 - i. the horizontal arm supporting a banner sign may extend above the above described height.
 - ii. a blade sign may extend above this height.
- B. Second floor office tenants may have a stenciled window sign (black, silver, or gold lettering) with a maximum font size of four inches (4") and a maximum area of 15% of the area of glass pane in which it is located.
- C. A tenant with awnings above all of their storefront may have additional wall signage mounted below the awning (not a window sign) within the transom area of their storefront, not in excess of a total of 0.4 square feet per lineal foot of tenant frontage.

II) The size of signage shall be appropriate to the downtown location where buildings are close to the street and signs are viewed from shorter distances. The maximum letter height on a sign is eighteen inches (18").

III) Signage should not obscure or conflict with significant architectural details on a building.

IV) Signage should complement the architectural character of the building or façade and not detract from it or the overall character of Downtown.

V) Variety in signage type that is also compatible with the building's architectural style is encouraged including blade signs, wall, awning, window, neon (or similar-looking), and banner signage. Businesses are encouraged to provide individually designed signage that is unique to their establishment.

VI) The following signage is prohibited:

- A. Internally lit signs
- B. Internally illuminated lettering



Signs should not conflict with, but enhance the architectural details of buildings.



Signage provides both wayfinding and visual interest for day and night use.



Variety in signage that is compatible with a building's architectural style.

Glossary of Terms

The following terms are used throughout The Design Guidelines and should be construed thus:

Block: A parcel or site surrounded by public streets or right-of-ways.

Block Break: A separation between two adjacent buildings on the same block that allows for pedestrian or vehicular access to the interior of a block.

Block Face: The building facades fronting the street along one side of a Block.

Block Interior: The center or middle of a block at the rear of buildings.

Building Massing: The exterior volume of a building.

Facade: An exterior side of a building.

Facade Height: The vertical distance measured from the point of average grade along the face of the facade to the upper most point of its parapet or roof element.

Fenestration: Design and detailing of the openings within a building's facade.

Portals: Intermediate building breaks that occur only at the ground floor and allow for upper level uses to bridge over.

Rhythm: Pattern created by the regular recurrence or alternation of an architectural element (e.g., bays, windows, pilasters, columns, etc.).

Scale: The relationship of a building's overall size and architectural elements with adjacent buildings, spaces and people.

Segmented Facade Treatment: The breaking up of a building's facade, along any given side of the building, such that it appears as several different buildings.

Spandrel Zone: The area between the head of openings on one floor and the sill of the openings of the above, adjacent floor.

Streetscape: The public space located between opposing blocks and includes the roadway, sidewalk, street trees, street furniture, and open space.

3. No more than three different exterior finish materials, textures, colors, or combinations thereof may be used on a single building, excluding materials used on windows, doors, porches, balconies, foundations, or architectural details.
4. Foundations must be constructed as a distinct building element that is finished in a different material or color than the exterior wall. Exposed above-ground foundations must be coated or faced in cement, hard coat stucco, brick, manufactured stone, or natural stone to contrast with façade materials.

C. Building Facades

1. The following apply to all street-facing facades.
2. Windows and Doors
 - a. Where used, shutters must match one half the width and shape of the window opening to which they are adjacent.
 - b. Doors and windows that operate as sliders are prohibited
 - c. All windows must be vertically shaped with a height greater than width, except for windows that are part of a door or otherwise appropriate for a required architectural style. The top of said windows must generally be in alignment with the top of the adjacent door frame.
 - d. Windows must have true or simulated divided lights or be one-over-one lights.
 - e. Windows must include sills of wood, masonry, stone, cast stone, or terra cotta.
 - f. Window frames must be recessed a minimum of 1.5 inches from the exterior façade.
3. A stoop or front porch is required.
4. Awnings are not allowed.

D. Building Massing

1. Pitched roofs, if provided, must be symmetrically sloped no less than 5:12, except that roofs for front porches and attached sheds may be no less than 2:12.
2. Flat roofs must be enclosed by parapets a minimum of 42 inches high, or as required to conceal mechanical equipment by Section 2.6.4.
3. All roofs must have a minimum 25-year roof life and no visible roll roofing.
4. Chimneys, where provided, must extend to the ground and must be faced in brick or stacked stone.

2.8.7. Architectural Style Requirements

A. Applicability

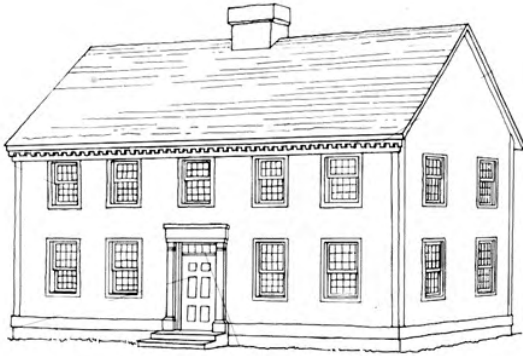
1. This section only applies to detached houses, cottage courts, and carriage houses that are accessory to a detached house or cottage court. All other building types must comply with the requirements and procedures found in the Downtown Alpharetta Design Guidelines amendment to the Alpharetta Design Review Ordinance and Design Guidelines.
2. This section is further limited to not apply to parcels zoned R-12 or R-15 when such parcels are located within a recorded subdivision that existed on the date of adoption of this ordinance.

3. This section is further limited to only apply to new construction, modification, addition, alteration, moving, destruction or demolition which would affect the exterior appearance of any structure, building, land, site or other object, as follows:
 - a. The demolition of any building, structure or object.
 - b. The moving or relocation of any building, structure or object.
 - c. Except housecleaning, any material work on the exterior appearance of existing buildings by additions, reconstruction, rehabilitation, alteration or any maintenance (including exterior color), or any exterior material changes.
 - d. Any new construction of a principal building or accessory building or structure subject to view from a street or public way.
- B. Administration
1. Conformance with this section is determined by the Director of Community Development. The Director of Community Development may grant relief from one or more requirement when:
 - a. The requirement is unique to this section and is not otherwise required by the Unified Development Ordinance, another section of the Downtown Overlay, a Downtown District, or any other applicable local, State, or Federal regulation; and
 - b. The relief does not cause substantial detriment to the public good or impair the purpose and intent of this Overlay.
 2. Appeals of a decision by the Director of Community Development shall be made to the Board of Appeals for interpretation.
- C. General Requirements
1. All buildings must be designed in one of the following architectural styles:

a. Georgian	i. Romanesque
b. Federal/Adam	j. Italianate
c. Greek Revival	<u>k. Tudor eclectic</u>
d. Neoclassical	<u>l. Beaux Arts</u>
e. Stick	<u>m. French Colonial</u>
f. Queen Anne	<u>n. French Eclectic</u>
g. Shingle	<u>o. French New Traditional</u>
h. Folk Victorian	
 2. Specific elements of the required styles are identified in Section 2.9.7.D through M. More information on each style can be found in A Field Guide to American Houses by Virginia Savage McAlester, Residential Architectural Styles in Georgia by the Historic Preservation Division of the Georgia Department of Natural Resources, or other architectural resources.

D. Georgian

Elements of the Georgian style are as follows:



Source: *A Field Guide to American Houses* by Virginia Savage McAlester

Façade Composition

Front facades are always symmetrical and usually five windows wide. Narrower houses are sometimes three windows wide and larger houses are sometimes seven windows wide. There is never an even number of windows across the front façade.

Front Doors

Front doors are paneled, centered, and topped with a decorative crown support by decorative pilasters. There is also usually a row of small rectangular glass panes beneath the crown, either within the door or in a transom.

Windows (visible from a street or civic space only)

Windows have double-hung sashes, typically with nine or twelve small panes per sash.

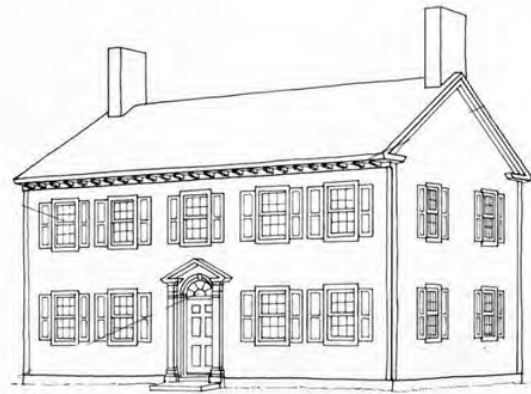
Windows are never in adjacent pairs.

Cornices

The cornice is usually emphasized with tooth-like dentils or other decorative molding.

E. Federal/Adam

Elements of the Federal/Adam style are as follows:



Source: *A Field Guide to American Houses* by Virginia Savage McAlester

Façade Composition

Front facades are always symmetrical and usually five windows wide. Narrower houses are sometimes three windows wide and larger houses are sometimes seven windows wide. There is never an even number of windows across the front façade.

Front Doors

Front doors are paneled, centered, and topped with a semi-circular or elliptical fanlight. There are also usually sidelights, an elaborate crown and surround, and/or an extended small entry porch.

Windows (visible from a street or civic space only)

Windows have double-hung sashes, typically with six panes per sash.

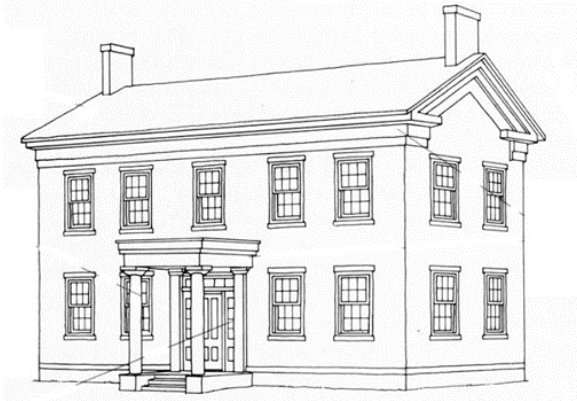
Windows are never in adjacent pairs.

Cornices

The cornice is usually emphasized with tooth-like dentils or other decorative molding.

F. Greek Revival

Elements of the Greek Revival style are as follows:



Source: *A Field Guide to American Houses* by Virginia Savage McAlester

Façade Composition

Front facades of the principal building mass are usually symmetrical. Exceptions to this are limited to off-centered doors, which may be located at one side of the structure, especially in narrower detached houses.

Front Doors

Front doors include a narrow line of transom and sidelight windows, usually incorporated into an elaborate door surround.

Front entry porches or full-width porches are usually provided. Porch roofs are always supported by square or rounded columns of one of the Classical Orders.

Cornices

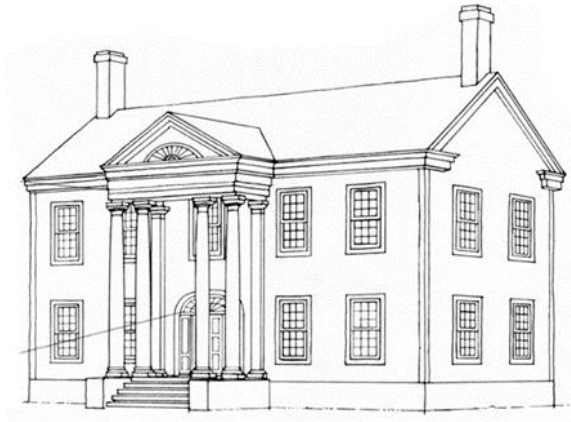
The cornice is emphasized with a wide, divided band of trim.

Roof

The roof is usually gabled or hipped with a low pitch.

G. Neoclassical

Elements of the Neoclassical style are as follows:



Source: *A Field Guide to American Houses* by Virginia Savage McAlester

Façade Composition

Front facades are always symmetrical and usually five windows wide. Narrower houses are sometimes three windows wide and larger houses are sometimes seven windows wide. There is never an even number of windows across the front façade.

Front facades are usually dominated by a full-height entry porch with a triangular gable above supported by four columns with shallow square bases.

Front Doors

Front doors are paneled, centered, and topped with a semi-circular or elliptical fanlight.

Windows

Windows have double-hung sashes.

H. Stick

Elements of the Stick style are as follows, although it's rare for one building to have all elements:



Source: *A Field Guide to American Houses* by Virginia Savage McAlester

Façade Composition

Front facades are usually asymmetrical and include horizontal and vertical bands raised from the wall surface for emphasis.

Front porches or stoops are always provided and include diagonal or curving support braces.

Roofs

Roofs are steeply pitched.

When roof gables are provided they include decorative trusses. Cross gables are common.

I. Queen Anne

Elements of the Queen Anne style are as follows:



Source: *A Field Guide to American Houses* by Virginia Savage McAlester

Façade Composition

Front facades of the principal building mass are usually asymmetrical.

Front facades include a partial- or full-width porch and extend along one or both side walls.

All facades often include textured shingles or other devices to avoid a smooth-walled appearance.

Roofs

Roofs are steeply pitched.

J. Shingle

Elements of the Shingle style are as follows:



Source: *A Field Guide to American Houses* by Virginia Savage McAlester

Façade Composition
Front facades are always asymmetrical.
Front porches are almost always present.
Wall cladding and roofs are of continuous wood shingles.
Shingled walls turn corners without interruption.
Roofs
Roofs have irregular, steeply pitched roof lines, usually with cross gables and multi-level eaves.

K. Folk Victorian

Elements of the Folk Victorian style are as follows:



Source: *A Field Guide to American Houses* by Virginia Savage McAlester

Façade Composition
Front facades are always symmetrical, except when a front gable or wing is provided.
Front porches are provided and have spindlework detailing.
Roofs
Roofs are usually gabled and with very simple massing.
Roofs include brackets under eaves.

L. Romanesque

Elements of the Romanesque style are as follows:



Source: *A Field Guide to American Houses* by Virginia Savage McAlester

Façade Composition

Front facades of the principal building mass are usually asymmetrical.

Walls are of masonry.

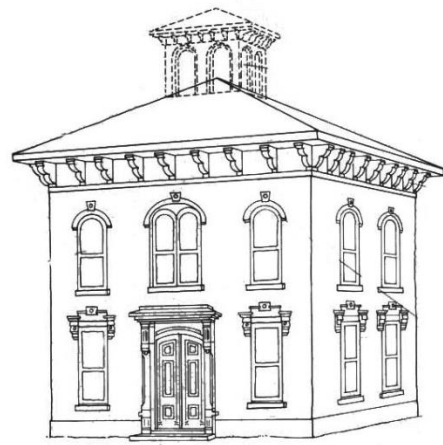
Round top arches are provided over windows or entrances.

Roofs

Roofs shapes vary, but there are conical roofs on towers, when such are provided.

M. Italianate

Elements of the Italianate style are as follows:



Source: *A Field Guide to American Houses* by Virginia Savage McAlester

Façade Composition

Facades are usually two or three stories.

Windows

Windows often have elaborate crowns, usually of an inverted U-shape.

Windows are tall, narrow, and often arched above.

Roofs

Roofs are low pitched with widely overhanging eaves supported by decorative brackets.

Roofs often include a square cupola or tower.

N. Tudor Eclectic

Elements of the Tudor Eclectic style are as follows:



Source: A Field Guide to American Houses by Virginia Savage McAlester

Facade Composition

Facades dominated by one or more prominent front-facing gables, usually steeply pitched.

Front door and/or entry porch with round or Tudor arch.

Decorative half-timbering, but not present on all examples.

Windows

Tall, narrow windows, usually in multiple groups, with multi-pane glazing

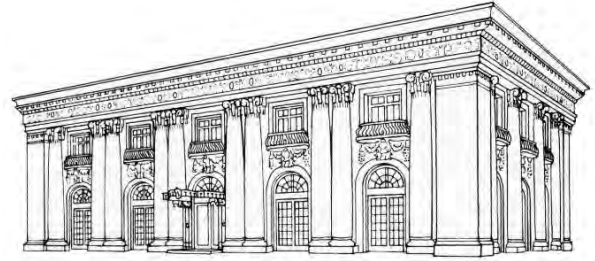
Roofs

Steeply pitched roof, usually side-gabled

Massive and prominent chimneys, usually capped with decorative clay pots.

O. Beaux Arts

Elements of the Beaux Arts style are as follows:



Source: A Field Guide to American Houses by Virginia Savage McAlester

Facade Composition

Front facades are usually symmetrical.

Masonry walls, usually of light colored stone, with heavy bases of large, rusticated stone blocks.

Use of Classical columns, cornices, quoins, and pilasters.

Windows

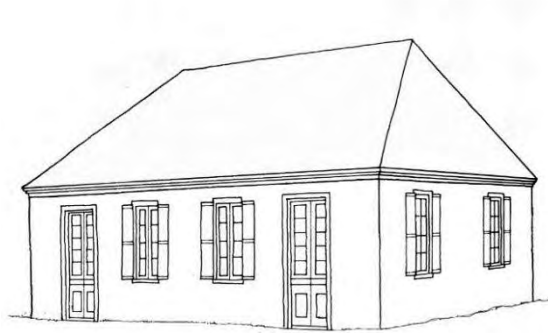
Windows are usually tall and topped with decorative garland, floral patterns, or shield details.

Roofs

Flat or symmetrical roof forms.

P. French Colonial

Elements of the French Colonial style are as follows:



Source: A Field Guide to American Houses by Virginia Savage McAlester

Facade Composition

Front facades are usually symmetrical.

Walls are typically faced in true stucco.

Doors and Windows

Tall, narrow door and windows openings.

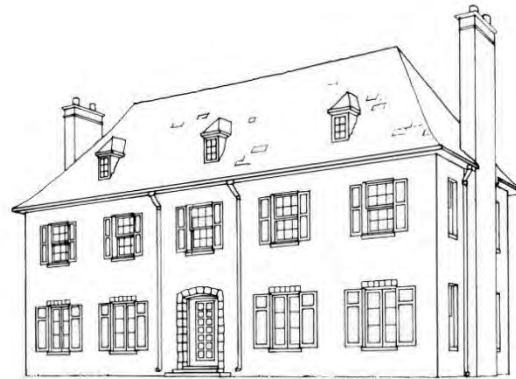
Door and window sashes are typically divided vertically into pains.

Roofs

Steeply pitched roof, either hipped or side gabled.

Q. French Eclectic

Elements of the French Eclectic style are as follows:



Source: A Field Guide to American Houses by Virginia Savage McAlester

Facade Composition

Front facades are usually symmetrical.

Segmented arches are commonly found in doors, windows, and dormers.

Brick, stone, or stucco wall cladding, sometimes with false half timbering.

Windows

Window sashes are typically divided into pains.

Roofs

Tall, steeply pitched roofs (occasionally gabled) with no dominant front-facing cross gable.

Roof eaves that often flair upwards at roof-wall junctions.

R. French New Traditional

The French New Traditional style draws upon the three French styles identified earlier in this section, but is a unique style due to the way it blends elements from the various French styles. Elements of the French New Traditional Style are as follows:



Source: A Field Guide to American Houses by Virginia Savage McAlester

Facade Composition

Front facades may be symmetrical or asymmetrical.

Brick, stone, or stucco wall cladding.

Architectural details that reflect historic precedents but are less intricate and generally mass-produced.

Windows

Tall door and window openings.

Roofs

Moderate to steeply pitched roof.



City Council Meeting STAFF REPORT

Submitting Department: Administration

Submitted By: Bob Regus

Meeting Date: May 7, 2018

I. AGENDA ITEM TITLE: CONSIDERATION OF ENGAGEMENT: COMPREHENSIVE ANALYSIS OF PUBLIC SAFETY SERVICES

II. RECOMMENDATION:

Approve the engagement of the Center for Public Safety Management for conduct of a comprehensive analysis of the City of Alpharetta's public safety services, as more thoroughly defined in a proposal dated March 20, 2018, at a total cost not to exceed \$115,000 and authorize the Mayor to execute all necessary documents.

III. BUDGET IMPLICATIONS:

BUDGETED ITEM: NO

FISCAL IMPACT: YES

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY OPRT.
BUDGET: NO

TOTAL PROJECT COST: THE TOTAL FISCAL IMPACT OF THIS
ENGAGEMENT WILL NOT EXCEED \$115,000.

APPROPRIATIONS:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>

EXTERNAL FUNDING SOURCES:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>

IV. REPORT IN BRIEF:

Please reference the attached memorandum to City Council from the City Administrator.

V. ALTERNATIVES:

VI. ATTACHMENTS:

Memo From City Administrator - Comprehensive Analysis of Public Safety Services, Proposal -
Comprehensive Analysis Of Public Safety Services



2 PARK PLAZA
ALPHARETTA, GA 30009
PHONE: 678.297.6000
WWW.ALPHARETTA.GA.US

May 1, 2018

Mayor and Council,

Back when I was recruiting for the Director of Public Safety part of my recruiting efforts connected me with Leonard Matarese who is the Director for Research and Project Management at the Center for Public Safety Management. The Center for Public Safety Management is connected to the International City / County Management Association, an organization I have belonged to and benefited from for thirty years.

Since that time I have followed Mr. Matarese and have viewed a couple of webcasts he has presented concerning making good data driven decisions and asking our police and fire chiefs the right questions.

In my many years of recommending budgets across all departments not enough recommendations have been made based on hard data, rather they were based on population or other growth factors. Population and growth factors fail to incorporate the capacity of a department at any given time. We must always ask ourselves for both existing and new personnel are we filling that persons day with truly essential functions of our City. Many times non-essential functions creep into our daily routine and they become "essential" without the knowledge of Directors or the Mayor and Council and soon we are left with another personnel shortage.

Mr. Matarese consults with Cities and Counties analyzing operations and staffing. He has completed studies for both Sandy Springs and Johns Creek. My counterpart in Sandy Springs said the study was very helpful for him, his Police Chief and the Mayor and Council in making staffing decisions. He felt like the study was well worth the money spent. I have not asked my counterpart in Johns Creek.

You can check out the approach the group will take beginning on page 18 of the attached. The study will take at least four months. The cost of the study is \$103,500, plus travel. Travel can be capped.

Director Robison supports this effort and looks forward to having an outside group look at how he operates the department.

A study like this can certainly help all of us understand the operation of our largest department that makes up one half of the City budget. I know it can also help you who must make the hard budget decisions feel that you are making the right budget decisions.

Mayor Mitchell supports this and after discussing with him Director Robison and I will bring this forward for Council approval at our May 7th Council meeting.

Thanks,


Bob Regus

MAYOR PRO TEM
DONALD F. MITCHELL

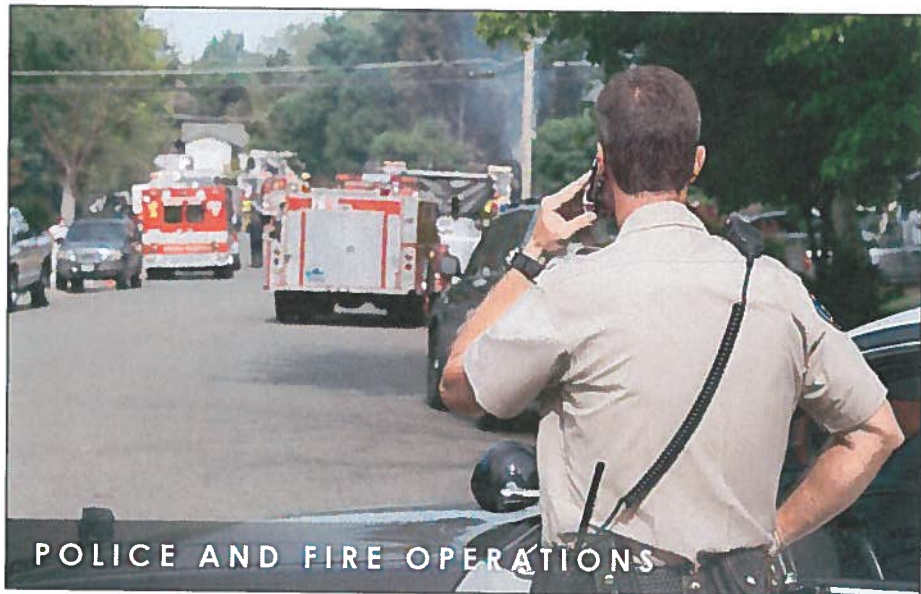
COUNCIL MEMBERS
JASON BINDER
BEN BURNETT
DAN MERKEL

CITY ADMINISTRATOR
ROBERT J. REGUS

PROPOSAL FOR

COMPREHENSIVE ANALYSIS OF PUBLIC SAFETY SERVICES

ALPHRETTA, GA



CPSM[®]

CENTER FOR PUBLIC SAFETY MANAGEMENT, LLC
475 K STREET NW STE 702 • WASHINGTON, DC 20001
WWW.CPSM.US • 716-969-1360

ICMA

Exclusive Provider of Public Safety Technical Services for
International City/County Management Association



Center for Public Safety Management, LLC

March 20, 2018

Mr. Bob Regus
City Manager
City of Alpharetta
2 Park Plaza
Alpharetta, GA

Dear Mr. Regus:

The *Center for Public Safety Management, LLC, (CPSM)* as the exclusive provider of public safety technical assistance for the International City/County Management Association, is pleased to submit this proposal for an analysis of Police and Fire services for Alpharetta. The CPSM approach is unique and more comprehensive than ordinary accreditation or competitor studies. In general, our analysis involves the following major outcomes:

- Conduct a data-driven forensic analysis to identify actual workload;
- Identify and recommend appropriate staffing and deployment levels for every discrete operational and support function in the departments.
- Examine the department's organizational structure and culture;
- Perform gap analysis, comparing the "as is" state of the department to the best practices of industry standards;
- Recommend a management framework to ensure accountability, increased efficiency, and improved performance;

This proposal is specifically designed to provide the local government with a thorough and unbiased analysis of emergency services in your community. We have developed a unique approach by combining the experience of dozens of subject matter experts in the areas of emergency services. The team assigned to the project will have hundreds of years of practical experience managing emergency service agencies, a record of research, academic, teaching and training, and professional publications, and extensive consulting experience completing hundreds of projects nation-wide. The team assembled for you will be true "subject matter experts" not research assistants or interns.

ICMA has provided direct services to local governments worldwide for almost 100 years, which has helped to improve the quality of life for millions of residents in the United States and abroad. I, along with my colleagues at CPSM, greatly appreciate this opportunity and would be pleased to address any comments you may have. You may contact me at 716.969.1360 or via email at lmatarese@cpsm.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Leonard A. Matarese", with a stylized flourish at the end.

Leonard A. Matarese, ICMA-CM, IPMA-HR
Director, Research and Project Development
Center for Public Safety Management, LLC

THE ASSOCIATION & THE COMPANY

The [International City/County Management Association \(ICMA\)](#) is a 103-year old, non-profit professional association of local government administrators and managers, with approximately 13,000 members located in 32 countries.

Since its inception in 1914, ICMA has been dedicated to assisting local governments and their managers in providing services to its citizens in an efficient and effective manner. ICMA advances the knowledge of local government best practices with its [website](#), www.icma.org publications, research, professional development, and membership. The ICMA Center for Public Safety Management (ICMA/CPSM) was launched by ICMA to provide support to local governments in the areas of police, fire, and Emergency Medical Services.

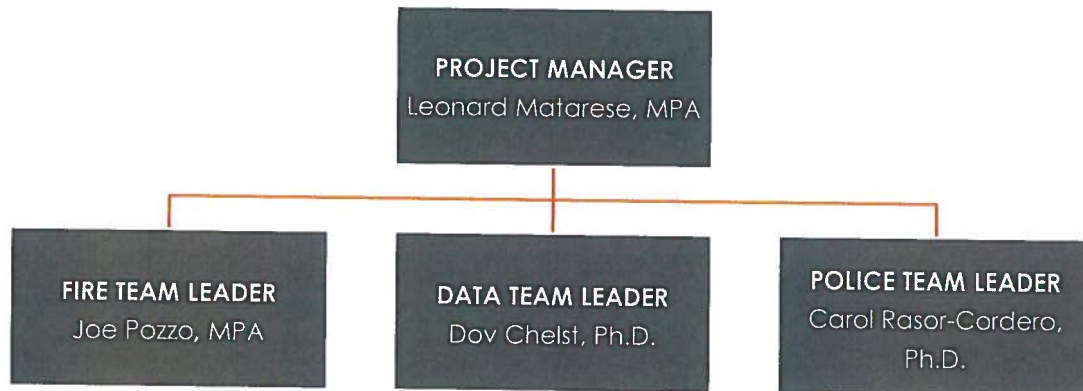
The Center also represents local governments at the federal level and has been involved in numerous projects with the Department of Justice and the Department of Homeland Security. In 2014 as part of a restructuring at ICMA the Center for Public Safety Management, (CPSM) spun out as a separate company and is now the exclusive provider of public safety technical assistance for ICMA. CPSM provides training and research for the Association's members and represents ICMA in its dealings with the federal government and other public safety professional associations such as [CALEA](#), [PERF](#), [IACP](#), [IFCA](#), [IPMA-HR](#), DOJ, BJA, COPS, NFPA, etc.

The Center for Public Safety Management, LLC maintains the same team of individuals performing the same level of service that it had for ICMA. CPSM's local government technical assistance experience includes workload and deployment analysis, using our unique methodology and subject matter experts to examine department organizational structure and culture, identify workload and staffing needs as well as industry best practices. We have conducted over 300 such studies in 41 states and provinces and 210 communities ranging in size from 8,000 population Boone, IA to 800,000 population Indianapolis, IN.

PROJECT STAFFING

The proposal will look at the police and fire services of Norristown. For this project, the CPSM has assembled a premier team of experts from a variety of disciplines and from across the United States. The goal is to develop recommendations that will enable it to produce the outcomes necessary to provide critical emergency services consistent with the community's financial capabilities. The team will consist of a project team leader, two Operations Leaders and several senior public safety Subject Matter Experts selected from our team specifically to meet the needs of the community.

The management organizational chart for the project includes the following Key Team Members



PROJECT MANAGER

LEONARD A. MATARESE, MPA, ICMA-CM, IPMA-SCP

Director of Research and Project Development, Center for Public Safety Management, LLC

BACKGROUND

Mr. Matarese is a specialist in public sector administration with particular expertise in public safety issues. He has conducted or managed over 240 public safety studies. He has 45 years' experience as a law enforcement officer, police chief, public safety director, city manager and major city Human Resources Commissioner. He was one of the original advisory board members and trainer for the first NIJ/ICMA Community Oriented Policing Project which has subsequently trained thousands of municipal practitioners on the techniques of the community policing philosophy over the past 18 years. He has managed several hundred studies of emergency services agencies with attention to matching staffing issues with calls for service workload.

Recognized as an innovator by his law enforcement colleagues he served as the Chairman of the SE Quadrant, Florida, Blue Lighting Strike Force, a 71 agency, U.S. Customs Service anti-terrorist and narcotics task force and as president of the Miami-Dade County Police Chief's Association – one of America's largest regional police associations. He represents ICMA on national projects involving the United States Department of Homeland Security, The Department of Justice, Office of Community Policing and the Department of Justice, Office Bureau of Justice Assistance. He has also served as a project reviewer for the National Institute of Justice and is the subject matter expert on several ICMA / USAID police projects in Central America. As a public safety director, he has managed fire / EMS systems including ALS transport. He was an early proponent of public access and police response with AEDs.

Mr. Matarese has presented before most major public administration organizations annual conferences on numerous occasions and was a keynote speaker at the 2011 annual PERF conference. He was a plenary speaker at the 2011 TAMSEC Homeland security conference in Linköping, Sweden and at the 2010 UN Habitat PPUD Conference in Barcelona, Spain.

He has a Master's degree in Public Administration and a Bachelor's degree in Political Science. He is a member of two national honor societies and has served as an adjunct faculty member for several universities. He holds the ICMA Credentialed Manager designation, as well as Certified Professional designation from the International Public Management Association-Human Resources. He also has extensive experience in labor management issues, particularly in police and fire departments. Mr. Matarese is a life member of the Internal Association of Chiefs of Police.

DATA ASSESSMENT TEAM

DOV CHELST, PH.D.

Director of Quantitative Analysis

BACKGROUND

Dr. Chelst is an expert in analyzing public safety department's workload and deployment. He manages the analysis of all public safety data for the Center. He is involved in all phases of The Center's studies from initial data collection, on-site review, large-scale dataset processing, statistical analysis, and designing data reports. To date, he has managed over 140 data analysis projects for city and county agencies ranging in population size from 8,000 to 800,000.

Dr. Chelst has a Ph.D. Mathematics from Rutgers University and a B.A. Magna Cum Laude in Mathematics and Physics from Yeshiva University. He has taught mathematics, physics, and statistics, at the university level for 9 years. He has conducted research in complex analysis, mathematical physics, and wireless communication networks and has presented his academic research at local, national, and international conferences, and participated in workshops across the country.

SENIOR PUBLIC SAFETY SUBJECT MATTER EXPERT

DAVID MARTIN, PH.D.

Senior Researcher in the Center for Urban Studies, Wayne State University

BACKGROUND

Dr. David Martin is Director of the Center for Urban Studies' Urban Safety Unit. He specializes in criminal justice research and program evaluation. He has had a close working relationship with the Detroit Police Department since 1993 and is currently working with Wayne State's police department on Midtown COMPSTAT, a collaborative policing and crime prevention initiative. He has developed real-time crime mapping and analysis tools to track crime, arrests and offender recidivism in Detroit and other communities. Dr. Martin has also conducted evaluations of innovative policing projects, including evaluations of Detroit Empowerment Zone Community Policing Initiative and federally-supported Weed and Seed Initiatives in the City of Detroit, City of Inkster and City of Highland Park, Michigan. He has also conducted several recidivism studies that examine the impact of offender rehabilitation programs in Wayne County.

PUBLIC SAFETY DATA ANALYST

SHAN ZHOU, PH.D.

BACKGROUND

Dr. Shan Zhou specializes in the analysis of police data. Shan brings extensive experience in scientific and clinical data analysis. Prior to CPSM, she worked as an associate scientist at Yale School of Medicine. Shan has a MS in Business Analytics and Project Management from University of Connecticut and a PhD in Cell biology, Genetics, and Development from University of Minnesota.

SENIOR PUBLIC SAFETY DATA ANALYST

PRISCILA MONACHESI, M.S., B.A.

BACKGROUND

Priscila Monachesi is a Senior Data Analyst with CPSM and has worked on over 40 data analysis projects for city and county public safety agencies. She has over ten years' experience as a Project Leader/Senior System Analyst in auto manufacturing and financial systems.

She has a M.S in Statistics from Montclair State University, a B.A. in Economics from Montclair State University, and a Technical Degree in Data Processing from Pontificia Universidade Católica in Brazil.

SENIOR PUBLIC SAFETY DATA ANALYST

SARAH WEADON, B.A.

BACKGROUND

Sarah Weadon has over 15 years' experience consulting with local, state, and federal government agencies in the areas of data and geospatial analysis, database and application development, and project management. She has worked with over 40 public safety agencies across the U.S. and Canada, providing data and geospatial analysis of response times, call trends, and station locations. Her skill in understanding the results of the analyses in the broader context of each client's budget, political, and overall reality, supports the development of practical, actionable recommendations. Ms. Weadon holds a Bachelor's degree in Classical Languages.

PUBLIC SAFETY DATA ANALYST

RYAN JOHNSON, B.A.

BACKGROUND

Ryan Johnson is a new addition to the CPSM data analyst team, specializing in the analysis of fire data. He has helped complete fire analysis projects for several cities and has handled ad hoc requests for modeling optimum staffing levels for police departments. Ryan brings experience in financial data analysis from the telecom expense industry, where he was the lead analyst for four clients; 3 Fortune 500 companies and the Top Architectural Engineering Firm in the country. He also brings experience in spatial analytics from his time with Homeland Security. Ryan has a B.S. in Economics from Georgia State University and he is completing his M.A. in Economics from Rutgers University.

OPERATIONS ASSESSMENT TEAM – FIRE UNIT

SENIOR MANAGER

CHIEF JOSEPH POZZO (RET.), MPA, CFO, SHRM-SCP

Currently the Assistant Director of Human Resources for Volusia County, Florida; Former Deputy Director, Volusia County Department of Public Protection; former Director and Fire Chief, Volusia County, Florida, former Fire Chief, Loudon County, Virginia, former Fire Chief Portsmouth, Virginia.

BACKGROUND

Joe has a thirty-eight (38) year career in public service. Since 2015, Joe has served as the Assistant Director of Human Resources for Volusia County, Florida (3,200 employees), where he manages the employee relations, benefits administration, and occupational health services functions and teams, as well as assist the Human Resources director with the management and negotiation of six collective bargaining agreements/units. Joe is also deeply involved in developing and implementing the County's Diversity and Inclusion initiative.

Joe took a leave of absence in 2014 from the Center for Public Safety Management to assist the City of Port Orange, FL transition the fire department from the city's public safety administrative model. While in Port Orange, Chief Pozzo was responsible for the reformation of the fire department to include the operations and management of this career department that delivers fire, EMS first response, and emergency management services to over 56,000 citizens living within 27 square miles.

Joe has served as the Deputy Director of the Department of Public Protection Volusia County, Florida, where he was responsible for the day-to-day operations of Fire, EMS, Emergency Management, Medical Examiner, Beach Safety, Corrections, and Animal Services. He was formerly Fire Chief of Volusia County Fire Services, where he developed and implemented a service model designed to introduce EMS transport into the agency, incorporate fleet efficiencies, and enhance the wild land/urban interface efforts.

Prior to Chief Pozzo's appointment in 2010 in Volusia County, he served as the Chief of the Loudoun County Department of Fire and Rescue. This agency is a combination fire and rescue system providing fire, rescue, and emergency management services in one of the fastest growing counties in the nation. The fire and rescue system during Chief Pozzo's tenure provided these services to over 275,000 permanent residents living in 520 square miles of diverse suburban and rural area located within the National Capital Region. Fire, Rescue and Emergency Management services were executed through 450+ career staff and over 1400 volunteer members operating out of nineteen stations.

Prior to his appointment with Loudoun County, Chief Pozzo served as Chief of the Portsmouth Fire, Rescue and Emergency Services Department. This agency is one of the oldest professional departments on the eastern seaboard and served over 95,000 residents during Chief Pozzo's tenure. Chief Pozzo also served in the City of Virginia Beach, Va. Fire Department for 19 years reaching the level of Battalion Chief prior to embarking on his career as a Fire Chief/Director.

Joe holds a Master of Public Administration degree from Troy University where he graduated with honors, a B.A. in Public Administration from Saint Leo University and several associate degrees

including an AAS in Fire Science and Protective Services and numerous technical certifications. He holds the **Chief Fire Officer Designation** from the Center for Public Safety Excellence and is a **Senior Certified Professional in Human Resources** through the Society of Human Resource Management.

SENIOR ASSOCIATE

CHIEF JOHN (JACK) BROWN (RET.), BA, MS, EFO

Retired Director, Arlington County Office of Emergency Management, Retired Assistant Chief Fairfax County Fire & Rescue Department

BACKGROUND

Jack Brown's 40-year public safety career includes 29 years with the Fairfax County, Virginia Fire & Rescue Department, where he retired as Assistant Fire Chief of Operations. He served in a number of operational and staff positions, including the Office of the Fire Marshal where he attained NFPA certification as a Fire Inspector II and Fire Investigator. As an investigator, he conducted post fire and post blast investigations, assisting in the prosecution of offences involving arson and illegal explosives. He served as a Planning Section Chief and Task Force Leader for the Fairfax County Urban Search and Rescue Task Force (VA TF-1). He deployed to Nairobi, Kenya as Plans Chief in response to the 1998 embassy bombing and as Task Force Leader on a deployment to Taiwan in response to an earthquake in 1999.

Upon his retirement from Fairfax County in 2000, he became the Assistant Chief for the Loudoun County Department of Fire, Rescue and Emergency Management, where he led a team of firefighters to the Pentagon on 9/11 and assisted the Arlington County Fire Department as the initial Planning Section Chief for the incident. Jack served as Planning Section Chief on a Northern Virginia multi-jurisdictional emergency management task force that reestablished the New Orleans Emergency Operations Center just after Hurricane Katrina. He retired from Loudoun County in 2006 to pursue a career in emergency management.

Brown retired from the Coast Guard Reserve as a Chief Warrant Officer 4, specializing in port safety and security, with 33 years of combined Army and Coast Guard Reserve service. After 9/11, he served on active duty for 47 months, including 15 months in the Middle East. He received the Bronze Star Medal for actions in Baghdad, Iraq while supporting combat operations during Operation Iraqi Freedom.

Brown holds a bachelor's degree in Fire Science Administration from the University of Maryland and a master's degree in Quality Systems Management from the National Graduate School, Falmouth, Massachusetts. He is a 1997 graduate of the National Fire Academy's Executive Fire Officer Program at the National Emergency Training Center, Emmitsburg, Maryland. He has been an adjunct professor at the Northern Virginia Community College and the University of the District of Columbia in the Fire Science curriculums. He is a graduate of the Executive Leadership Program in the Center for Homeland Defense and Security at the Naval Postgraduate School, Monterey, California.

SENIOR ASSOCIATE

GERARD J. HOETMER, MPA

Retired Executive Director of Public Entity Risk Institute, Fairfax, Virginia

BACKGROUND

Gerry Hoetmer is an expert in fire services, emergency management, and risk management. He served as the founding executive director of the Public Entity Risk Institute, a nonprofit organization that provided training, technical assistance, and research on risk management issues for local government and other public and quasi-public organizations. During his tenure as, executive director he was a member of the National Academy of Sciences Disaster Roundtable. Prior to his position as executive director at PERI, Mr. Hoetmer worked at ICMA for 19 years, most recently as the director of research and development. He has written extensively on local government emergency management, the fire service, code enforcement, and risk management issues.

Seminal works include the first report to Congress on fire master planning and the first edition of *Emergency Management: Principles and Practices for Local Government*. In addition to providing expert testimony before Congress and local arbitration boards on fire staffing and scheduling issues, Mr. Hoetmer represented ICMA on the NFPA 1500 Standard on Occupational Safety and Health; NFPA 1201, the Standard for Providing Emergency services to the Public; and the NFPA 1710, Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments. Mr. Hoetmer has developed and conducted training programs and seminars at FEMA's Emergency Management Institute and the National Fire Academy in Emmitsburg, Maryland.

He holds a Bachelors from the State University of New York, New Paltz and the Master of Public Administration degree from the University of Colorado at Denver.

SENIOR ASSOCIATE

CHIEF PETER J. FINLEY, JR. (RET.), BA, EFO

Retired Chief of Department City of Vineland Fire Department and Winslow Township Fire Department. Past President NJ Career Fire Chiefs Association.

BACKGROUND

Pete Finley's 36-year career in the fire and emergency services includes 28 in a career capacity with several different fire departments. He has served as Chief of Department for two New Jersey Fire Departments, most recently the Winslow Township Fire Department where, significant among other accomplishments, he was responsible for the planning, establishment, and initial deployment of the career component of the department as it transitioned from fully volunteer to combination status. Prior to that he served for more than 20 years with the City of Vineland Fire Department holding every operational rank (Firefighter, Fire Prevention Specialist, Captain, Deputy Chief, Fire Chief) including 4 ½ years as Chief of Department. In this position, he initiated significant changes within the department including implementing numerous improved operational and safety initiatives, updating, and modernizing equipment, providing the department's first ever formal officer training and development program, and, significantly increasing the capabilities of the regional hazardous materials and special operations response team. During his tenure, the department received more than one million dollars in various grants. He formerly commanded the Vineland Rescue Squad gaining significant EMS operations and command experience, and, completing a complete overhaul of that organization's operations.

Chief Finley currently serves as an Adjunct Professor in the Fire Science Program at Camden County College. In addition, since his retirement, he has been involved in conducting

numerous fire department operational readiness and organizational evaluations including several under the auspices of the United State Coast Guard related to domestic port security assessments. He has also been involved in the development and administration of several fire service promotional examinations and assessment processes.

Chief Finley received his Associate in Applied Science degree from Atlantic Community College in New Jersey, and, earned his Bachelor of Science degree in Fire Science/ Administration from the University of Maryland. He is a 2003 graduate of the National Fire Academy's Executive Fire Officer Program earning an Outstanding Research Award for his 2002 paper titled, "Residential Fire Alarm Systems: The Verification and Response Dilemma". He has earned more than two dozen state and national fire service certifications, most of them the highest level attainable. Chief Finley has been a member of several fire service organizations and served on numerous committees throughout his career. In 2008 and 2009 he served as President of the New Jersey Career Fire Chiefs Association, a professional association that represents and advocates for the interests of the state's full time professional fire chiefs and the fire service in general. From 2003–2005 he was a member of the Training and Education Committee of the Governor's Fire Service and Safety Task Force.

ASSOCIATE

CHIEF MARK I. PILAND, MPH, EFO

Fire Chief, City of Frisco, Texas

BACKGROUND

Mark I. Piland is the Fire Chief and Emergency Management Coordinator for the City of Frisco, Texas, one of the fastest growing cities in the United States. Previously, Piland served as the Fire Chief for Volusia County Fire Services in Volusia County, Florida and as Shift Commander in Operations for the Virginia Beach Fire Department in Virginia Beach, VA

Chief Piland has over 35 years in the Fire-Rescue service, beginning as a volunteer, amassing experience in the areas of Fire Administration, Fire Prevention, Fire Operations, Emergency Management and CERT, Training, Special Operations, Fire Accreditation, emergency response with local, state, and federal governments, and executive level management, and budget. Chief Piland has strong expertise in the areas of executive leadership and community disaster preparedness response and outreach programs.

Chief Piland has served with the Federal Emergency Management Agency (FEMA) as a Task Force Leader with Virginia Task Force 2 (VATF-2) a FEMA Urban Search and Rescue Team as well as the East Coast Task Force Divisional Representative for the FEMA US&R System. Piland also served as a FEMA Working Group Member for Command and General Staff, and Incident Support Team Leader. Chief Piland served as The Plans Chief for the Pentagon incident during the 911 terrorism attack and deployed as the Task Force Leader for VATF-2 (Type I 80 persons) for Hurricane Katrina (2005) New Orleans, and the Earthquake in Port Au Prince, Haiti, 2010.

Piland has served as a Principal Member on NFPA Technical Committee 1981 *Standard on Open Circuit Self Contained Breathing Apparatus* for seven years. Piland was recently selected to represent the International Association of Fire Chiefs (IAFC) at the NFPA Forum, a think tank of fire service leaders brought together to discuss and make recommendations for the protection of the fire service as well as the life and safety protection needs of society.

Piland possess a Master of Public Health from Eastern Virginia Medical School, and a Bachelors of Psychology from Old Dominion University and is a graduate of the National Fire Academy's

Executive Fire Officer Program, The Executive Leaders Program at the Post Naval Graduate School, Center for Homeland Defense, and Senior Executives in State and Local Government from The Kennedy School at Harvard.

ASSOCIATE

DEPUTY CHIEF JAMES L. MAUNEY, (RET.)

Former Deputy Fire Chief, Volusia County, Florida; Former Deputy Operations Supervisor, Volusia County Emergency Management; Former Fire Chief, Lake County Fire & Rescue, Former Director of the Emergency Services Institute; Volusia County Fire Services.

BACKGROUND

Jim has a thirty (30) year career in public safety, beginning as a State Trooper with the Florida Highway Patrol. Since his retirement from Volusia County, Jim has embarked on a post-retirement career where he develops and conducts specialized training that includes incident command and management; wild land/urban interface suppression and defensible communities; design, development, implementation, and evaluation of emergency response exercises; firefighter principles and practices; fire company officer leadership, continuity of operations planning, and hazardous materials. Jim is certified in the Homeland Security Exercise Evaluator Program (HSEEP), and conducts training supported by the Department of Justice, State of Florida, National Wildfire Coordinating Group, FEMA, NIMS.

As an Assistant Chief with Volusia County, FL, Jim trained Florida's first wildland fire crew in 1994; the Volusia County Fire Service Firewalkers. These 30 certified firefighters were trained in wildland firefighting tactics, Florida fuels topography, and weather. In 1998 the team was instrumental in saving lives, businesses, and homes in Volusia County during what is still recognized as *"the most complex fire in America's history"*. During this incident, Jim served as the Area Commander for the 6 weeks, managing resources for 968 individual wildland fires totaling 147,000 acres.

Jim is a subject matter expert in the concepts for determining the risks associated with the wild land/urban interface and Firewise Community development, as well as Community Risk Analysis. Jim also has extensive experience in the principles and practices of Emergency Management. During Jim's career in Emergency Management, he coordinated operations with sixteen (16) municipalities to incidents within the County during fifty (50) plus federally declared disasters. Jim maintains his Florida Department of Law Enforcement certifications and serves as a law enforcement Reserve Sergeant in Lake Helen, Florida.

Jim has completed coursework at the National Emergency Training Center in Emmitsburg, MD, and holds numerous technical and instructor certifications in fire, emergency medical services, law enforcement, emergency management, incident command, Homeland Security, and firearms.

OPERATIONS ASSESSMENT TEAM – POLICE UNIT

SENIOR ASSOCIATE

CAPTAIN CAROL E. RASOR-CORDERO, PH.D. (RET).

Retired Captain, Pinellas County, Florida Sheriff's Office, Associate Professor Public Safety Administration, St. Petersburg College

BACKGROUND

Dr. Rasor-Cordero is a retired Captain from the Pinellas County Sheriff's Office in Florida. During her 25-year career in law enforcement, she served in various divisions to include: Patrol Operations, Crimes Against Children, Economic Crimes, Training, Community Services, and Court Security. While serving as the Commander of the Community Services Division, she established the Domestic Violence Unit, the Sexual Predator and Offender Unit, and the Citizen's Community Policing Institute. She served as the agency's training advisor and played a significant role in transforming the Pinellas County Police Academy from a vocational program to a progressive program that offers college credit at St. Petersburg College. She served as team leader for the agency's Hostage Negotiation Team and implemented the agency's Critical Incident Stress Management Team.

Dr. Rasor - Cordero has conducted research examining the relationship between personality preferences of executive level and mid-level law enforcement/corrections leaders and exemplary leadership practices. She has an extensive background as an educator and trainer. As a program director for St. Petersburg College, Carol established the first and only academic on-line gang-related investigations track in the nation. She developed the course Evolving Leaders in a Changing World for the Southeastern Public Safety Leadership Institute at St. Petersburg College which is a six-part series and approved for college credit. She designed a three-part series for implementing, managing, and evaluating community policing for the Florida Regional Community Policing Institute and delivered the training throughout Florida to mid-level and executive level leaders. Carol has developed and delivered training in the high liability areas of firearms, defensive tactics and driving. She has served as an evaluator for the project "An Evaluation of the National Justice Based After School Pilot Program" for the Office of Community Oriented Policing Services and a consultant for the Bureau of Justice Assistance evaluating the training needs of the Atlanta Police Department's Narcotics Unit. She has authored articles and presented at numerous conferences.

Dr. Rasor - Cordero is currently an associate professor for the College of Public Safety Administration, St. Petersburg College. She holds a Ph.D. in Education, Master, and Bachelor Degrees in Criminal Justice from the University of South Florida. She is a graduate of the Police Executive Research Forum Senior Management Institute for Police.

SENIOR ASSOCIATE

CHIEF JACKIE GOMEZ-WHITELEY (RET.), B.A., M.A.

Retired Orange County, California Police Department, Program Director for California Police Chiefs Executive Leadership Institute

BACKGROUND

Chief Jackie Gomez-Whiteley is a 31-year law enforcement professional serving with distinction in both Orange and Los Angeles County. In 1986, she began her sworn career at the Orange Police Department where she served in all three divisions: Patrol, Investigations, and Administration. She was the department's first woman motor officer, as well as sergeant and lieutenant. In 1989, Jackie was involved in an officer-involved shooting of a kidnap and attempted murder suspect. Because of her actions, she was awarded the Medal of Valor.

After 23 years at Orange PD, she accepted a position as Captain at the Cypress Police Department where she oversaw both divisions: Operations and Support Services. In 2011, she was appointed Chief of Police and the first woman to serve as Police Chief of a municipal agency in Orange County. She retired in 2015 and shortly thereafter, served as Interim Police Chief for the Alhambra Police Department.

Chief Gomez-Whiteley obtained her Master of Arts degree from Chapman University in Organizational Leadership with a certificate in Public and Non-Profit Leadership. She has a Bachelor of Arts degree from Loyola Marymount University in Psychology with a minor in Alcohol and Drug Studies. In 2007, Jackie graduated from the P.O.S.T. Command College, where she published an article in Police and Security News Magazine titled: Dirty Bombs: Calculating the Threat.

Chief Gomez-Whiteley has been an adjunct instructor at various law enforcement training centers throughout the state for 29 years and is Program Director for the prestigious California Police Chiefs Executive Leadership Institute (CPCELI) at Drucker.

Chief Gomez-Whiteley is a volunteer and President of Officers Give Hope, a non-profit organization dedicated to hosting marrow donor drives in the public safety community throughout the State of California. She is a member of the California Police Chiefs' Association, California Peace Officers' Association, and International Association of Chiefs of Police. Chief Gomez-Whiteley continues to serve on many boards, including Orange County Exploring Learning for Life.

SENIOR ASSOCIATE

DEPUTY CHIEF WAYNE HILTZ (RET)

Former Interim Chief of Police at Pasadena and Irwindale Police Departments

BACKGROUND

Wayne has 33 years of experience in municipal law enforcement. This includes a broad range of experience in nearly every facet of policing from patrol, gang enforcement, and undercover narcotics to internal affairs investigations and community relations. The last 13 years were spent at command and executive levels. In his capacity as Deputy Police Chief, he served as the chief operating officer of the Pasadena Police Department, responsible for all day to day operations including internal audits and inspections. As well, he was responsible for operations related to the Tournament of Roses Parade and Rose Bowl events to include World Cup Soccer and BCS Championship games. For a period of nearly two years, he served in the capacity of Interim Chief of Police at both the Pasadena and Irwindale Police Departments.

He has extensive experience in managing budgets and has served as a budget instructor for the California Commission on Peace Officer Standards and Training. The Los Angeles County Police Chiefs Association selected him to represent the 45-member agencies in negotiations for Homeland Security Grants for a three-year period. He also served as President of the San

Gabriel Peace Officers Association. He has served on the boards of community-based organizations with focus on addressing homeless issues, substance abuse, and juvenile violence. Wayne holds a Bachelor of Science degree in Police Science and Administration from California State University at Los Angeles. Executive training includes the FBI Southwest Command College and the Senior Management Institute for Police.

SENIOR ASSOCIATE

INSPECTOR JAMES E. MCCABE, (RET.) PH.D., M. PHIL., M.A., B.A.

Professor of Criminal Justice, Sacred Heart University, Retired NYPD Inspector

BACKGROUND

Dr. McCabe retired as an Inspector with the New York City Police Department after 20 years of service. As Inspector his assignments included Commanding Officer of the NYPD Office of Labor Relations and Commanding Officer of the Training Bureau. As a Deputy Inspector he was the Commanding Officer of the Police Academy with direct supervision of over 750 staff officers and 2,000 recruits. As Executive Officer, Police Commissioner's Office. His field experience includes, Commanding Officer, 110th Precinct, Executive Officer, 113th Precinct, assignment to the Operations Division/Office of Emergency Management and uniform patrol as an officer and Sergeant in Manhattan. He has published extensively and presented to numerous conference including Academy of Criminal Justice Sciences:

He holds a Ph.D. and M. Phil. in Criminal Justice, from CUNY Graduate Center, an M.A. in Criminal Justice, from John Jay College, an M.A. in Labor and Policy Studies, SUNY Empire State College, and B.A. in Psychology, CUNY Queens College, June 1989. He is a graduate of the Executive Management Program, Harvard University's John F. Kennedy School of Government, and the FBI National Academy.

SENIOR ASSOCIATE

PROFESSOR PAUL E. O'CONNELL, PH.D., J.D.

Chair of Criminal Justice Department, Iona College, New Rochelle, New York, former NYPD Training Officer.

BACKGROUND

Dr. O'Connell is a leading expert on the application of Compstat model Police Management principles to public administration organizations. He has been a full-time member of the Criminal Justice faculty at Iona College in New Rochelle since 1994. He received his Ph.D. from CUNY where his doctoral thesis was the history and development of the Compstat model of Police Management. Dr. O'Connell began his professional career in criminal justice in 1981, serving the New York City Police Department first as a police officer, and then as a Police Academy instructor, in-service trainer, and curriculum developer. After receiving an MPA in 1984 and J.D. in 1989, he worked as a trial attorney with the firm of Cummings & Lockwood in Stamford, CT. Presently, he is the chair of Iona College's Criminal Justice department, where he also conducts funded research, publishes scholarly papers and lectures widely on the topics of police performance measurement, integrity management and law enforcement training systems.

Dr. O'Connell has provided consulting services to a variety of government agencies, including assessment of existing policing policies and practices and development of proactive

management strategies. Over the years, he has collaborated with the Center for Technology in Government (Albany, NY), Giuliani Partners (New York, NY) and the Center for Society, Law, and Justice (University of New Orleans). Dr. O'Connell recently was awarded a Fulbright Grant working with the Turkish National Police.

SENIOR ASSOCIATE

CHIEF MARILYN DIAZ (RET.), B.S., M.S.

Retired Chief of Police, Sierra Madre, and Retired Commander, Pasadena, California Police Department.

BACKGROUND

In 1974 Marilyn Diaz began her career when she was hired as the first woman to be directly assigned as a patrol officer in the Pasadena Police Department. She promoted through the ranks, and in 2006 Marilyn retired as a Commander, where she led the Administrative Services and Field Operations Divisions.

In March of 2006 Marilyn was appointed as Sierra Madre's Chief of Police. Chief Diaz was the first woman in Los Angeles County to become chief of a municipal police department. Marilyn retired from the Sierra Madre Police Department in December 2011.

Ms. Diaz has a Master's degree in Education from the University of Southern California, and earned her Bachelor's degree in Police Science at California State University, Los Angeles.

Marilyn Diaz has served on the boards of Women at Work, Boy Scouts of America, Pacific Clinics, and the Caltech Women's Club. Marilyn also serves as a docent for the Caltech Architectural Tour Service and is on the Caltech Women's Club Board. Marilyn is President of the Rotary Club of Sierra Madre for 2013-2014. She also teaches Youth Protection at the Rotary District level.

SENIOR ASSOCIATE

CHIEF DEMOSTHENES M. LONG (RET.) ED.D. JD, MA

Former Assistant Chief of NYPD, Commanding Officer NYPD Police Academy, Former Deputy Commissioner / Undersheriff Westchester County Public Safety Department

BACKGROUND

Chief Long has 30 years law enforcement experience, including 21 years with The New York City Police Department where he retired as Assistant Chief. His assignments included Commanding Officer, School Safety Division, where he managed 4,600 police officers and school safety agents and administered an operating budget of \$133 million. He served as Commanding Officer, Office of Deputy Commissioner Community Affairs where he was responsible for developing, implementing and assessing programs to strengthen police/community relations; Commanding Officer, Police Academy, responsible for providing entry-level, in-service, promotional and executive level training for 53,000 uniform and civilian members of the Department; Executive Officer, Office of the First Deputy Commissioner and Executive Officer, 47th Precinct and also assignment as Supervisor of Patrol for 17 Bronx Precincts, Transit Districts and Housing Police Service Areas.

After retiring from the NYPD, he was appointed as First Deputy Commissioner / Undersheriff for the Westchester County Department of Public Safety. Responsibilities include the administrative

planning, organization, coordination, execution, and control of the fiscal, administrative, support and training functions of the 325-member police department.

He holds a Doctor of Education Degree in Executive Leadership from St. John Fisher College, a Juris Doctor Degree from New York Law School, and Master of Arts and Bachelor of Science degrees from John Jay College of Criminal Justice.

ASSOCIATE

CHIEF CRAIG JUNGINGER, BS, MPA

Chief of Police, Gresham, Oregon

BACKGROUND

Chief Junginger has 26 years' experience as a law enforcement professional. He has served as the Chief of the Gresham, Oregon Police since December 2008, a community of 110,000 population just to the east of Portland. He currently leads a department of 160 personnel both sworn and civilian with a budget of \$29 million.

Chief Junginger began his career at the Bell-Cudahy Police department in 1979. He worked as a K-9 Officer, Detective, and Patrol Officer. In 1985 he transferred to the Huntington Beach Police Department where he remained until his retirement in November 2008. While at Huntington Beach, he was a Patrol Officer, Beach Detail Officer, Field Training Officer, SWAT Officer, Traffic Motor Officers, Community Policing Officer, and Narcotics Detective. In 1999 he promoted to Sergeant where he worked Patrol, Downtown Foot Beat, Support Services, Vice and Intelligence and Internal Affairs. He promoted to Lieutenant in 2003 and worked as the Community Policing Commander responsible for all major event planning, Watch Commander and as the Chief's Executive Officer. In 2007 he promoted to the rank of Captain and was assigned to Administrative Operations consisting of Communications, Budget, Personnel, and Property and Evidence.

He holds a Master's Degree from California State University, Long Beach, a Bachelor's Degree from University of La Verne and an Associate's Degree from Rio Hondo Community College.

He attended the FBI National Academy Class 224 in Quantico Virginia, California Post Command College, West Point Leadership Program, POST Executive Development Program and the POST Supervisory Leadership Institute. While in Command College he was published for his article "How will we train police recruits of the millennial generation in the year 2012."

He was awarded the Medal of Valor in 1989 for his encounter with an armed bank robber.

ASSOCIATE

CAPTAIN JOHN CLARK (RET.), B.A.

Los Angeles County Sheriff's Department

BACKGROUND

John Clark served with the Los Angeles County Sheriff's Department for over thirty-three years. His broad experience includes command, administrative, operational, and tactical assignments in Patrol, Detective, Custody, Court, and Administrative divisions. The last eight years were spent at command level posts.

As Captain, he was in command of various units including internal investigations, financial and cybercrimes, custody operations and inmate transportation, responsible for the administrative and operational management of each. John also managed the Southern California High Tech Taskforce comprised of Federal, State, and local agencies as part of his command duties.

Throughout his career, John was a command and operations level member of a county-wide team responsible for managing all department resources during natural disasters, civil disturbances, and other high-profile events such as political conventions and sporting events.

John was a member of the International Association of Financial Crimes Investigators, the Southern California Jail Managers Association, the Los Angeles Superior Court Management Group, and the San Gabriel Valley Peace Officers Association. He also served as an adjunct faculty member for a local community college.

John holds a Bachelor of Arts in Criminal Justice from the California State University, Fullerton.

PROJECT SCHEDULE

Milestone 1 – Full execution of the agreement

Agreement will identify Project Launch date.

Milestone 2 – Project Launch

We will conduct an interactive telephone conference with local government contacts. Our project leads will launch the project by clarifying and confirming expectations, identifying agency point of contacts, detailing study parameters, and commencing information gathering.

Milestone 3a – Information Gathering and Data Extraction – 30 Days

Immediately following project launch, the operations leads will deliver an information request to the departments. This is an extensive request which provides us with a detailed understanding of the department's operations. Our experience is that it typically takes an agency several weeks to accumulate and digitize the information. We will provide instructions concerning uploading materials to our website. When necessary, the lead will hold a telephone conference to discuss items contained in the request. The team lead will review this material prior to an on-site visit.

Milestone 3b – Data Extraction and Analysis – 14 Days

Also, immediately following the project launch the Data Lead will submit a preliminary data request, which will evaluate the quality of the Computer Aided Dispatch (CAD) system data. This will be followed by a comprehensive request for data from the CAD system to conduct the response and workload analysis. This request requires a concerted effort and focused response from your department to ensure the timely production of required for analysis. Delays in this process will likely extend the entire project and impact the delivery of final report. The data team will extract one year's worth of Calls for Service (CFS) from the CAD system. Once the Data Team is confident the data are accurate, they will certify that they have all the data necessary to complete the analysis.

Milestone 3c – Data Certification – 14 days

Milestone 4a – Data Analysis and Delivery of Draft Data Report – 30 days

Within thirty days of data certification, the analysis will be completed and a draft, unedited data report will be delivered to each of the departments for their review and comment. After the data draft report is delivered, an on-site visit by the operations team will be scheduled.

Milestone 4b – Departmental Review of Draft Data Report – 14 days

The department will have 10 days to review and comment on the draft unedited data analysis. During this time, our Data team will be available to discuss the draft report. The Department must specify all concerns with the draft report at one time.

Milestone 4c – Final Data Report – 10 days

After receipt of the department's comments, the data report will be finalized within 10 days.

Milestone 5 – Conduct On-Site Visit – 30 days

Subject matter experts will perform a site visit within 30 days of the delivery of the draft data report.

Milestone 6 – Draft Operations Report – 30 days

Within 30 days of the last on-site visit, the operations team will provide a draft operations report to each department. Again, the departments will have 10 days to review and comment.

Milestone 7 – Final Report 15 days

Once the Department's comments and concerns are received by CPSM the combined final report will be delivered to the city within 15 days.

TOTAL ELAPSED TIME: 105 – 135 days

THE CPSM APPROACH - POLICE

CPSM team developed a standardized approach to conducting analyses of police and fire departments by combining the experience sets of dozens of subject matter experts.

We begin projects with a request for data, documents, and worksheets.

Next, we extract raw data on calls for service from an agency's computer aided dispatch system. The data are sorted and analyzed to identify performance indicators (i.e., response times, workload by time, multiple unit dispatching, etc.) for comparison to industry benchmarks. Performance indicators are valuable measures of agency efficiency and effectiveness. The findings are shown in tabular as well as graphic form and follow a standard format for presentation of the analyzed data. While the format will be similar from community to community, the data reported are unique to the specific agency.

CPSM also conducts an on-site operational review. Here the performance indicators serve as the basis for the operational reviews. Prior to any on-site arrival of an CPSM team, agencies are asked to compile a number of key operational documents (i.e., policies and procedures, assets lists, etc.). Most on-site reviews consist of interviews with management and supervisors, as well as rank and file officers; attendance at roll calls and ride-alongs with officers. We review case files with investigators and observe dispatch operations to assess compliance with the provided written documentation.

As a result of on-site visits and data assessments, our subject matter experts produce a SWOT analysis (strengths, weaknesses, opportunities, and threats of the department). We have found that this standardized approach ensures that we measure and observe all the critical components of agencies.

Additionally, this methodology can be integrated with ongoing support customized to the unique needs of your community. Strategic planning, risk assessment, and training services are also available to assist with the implementation of CPSM recommendations and developing new processes and programs that may arise as implementation evolves.

The following information describes the CPSM approach to studying, understanding, evaluating, and reporting on police departments around the country. Although no two police departments are the same, a standardized approach to department evaluation ensures a rigorous and methodological process that permits benchmarking, comparing, and assessing within the context of the best practices of American law enforcement. However, each locality has unique characteristics that present policing challenges. Integrating a standardized approach within the context of local variability permits an accurate assessment of the organization in its political environment, and further permits CPSM to offer recommendations that comport with the best practices in policing, yet tailor-made for the client community.

I. Benchmark the community

It is essential to understand the service levels, protection needs, community dynamics, and overall environment within which the police department operates. If necessary the CPSM study may involve interviews and surveys directed at stakeholders in the community such as elected officials, community groups (civic, business, religious, labor, etc.), community leaders, and employee labor representatives who could be contacted to solicit their opinions about the department, the public safety needs of their constituency, and the perceived gaps in service levels currently provided. CPSM will work with the agency to identify community members that can provide this important information. Additionally, the department will be compared to organizations of similar size with respect to crime, demographics, and cost-efficiency.

II. Patrol Operations

Police agencies routinely speak about "recommended officers per 1,000 population" or a "National Standard" for staffing or comparisons to other municipalities. There are no such standards, nor are there "recommended numbers of "officer per thousand". The International Association of Chiefs of Police (IACP) states; "Ready-made, universally applicable patrol staffing standards do not exist. Ratios, such as officers-per-thousand population, are totally inappropriate as a basis for staffing decisions."

Staffing decisions, particularly in patrol, must be made based upon actual workload and very few police agencies have the capability of conducting that analysis. Once an analysis of the actual workload is made, then a determination can be made as to the amount of discretionary patrol time that should exist, consistent with the local government's ability to fund.

CPSM's team of doctoral level experts in Operations Research in Public Safety have created in **The CPSM Patrol Workload & Deployment Analysis System®** the ability to produce detailed information on workload even in those agencies without sophisticated management information systems. Using the raw data extracted from the police department's CAD system our team converts calls for service into police services workload and then effectively graphs workload reflecting seasonally, weekday / weekend and time of day variables. Using this information, the police department can contrast actual workload with deployment and identify the amount of discretionary patrol time available (as well as time commitments to other police activities).

Police service workload differentiates from calls for service in that calls for service are a number reflecting the incidents recorded. Workload is a time measurement recording the actual amount of police time required to handle calls for service from inception to completion. Various types of police service calls require differing amounts of time (and thus affect staffing requirements). As such, call volume (number of calls) as a percentage of total number of calls could be significantly different than workload in a specific area as a percentage of total workload. The graph below demonstrates this difference in units.

CPSM has found that the most effective way to manage operations, including policing, is to make decisions based upon the interpretation and analysis of data and information.

To achieve this, a data analysis of police department workload, staffing and deployment will be conducted. By objectively looking at the availability of deployed hours and comparing those to the hours necessary to conduct operations, staffing expansion and/or reductions can be determined and projected. Additionally, the time necessary to conduct proactive police activities (such as team-led enforcement, directed patrol, community policing and selected traffic enforcement) will be reviewed to provide the city with a meaningful methodology to determine appropriate costing allocation models.

Workload vs. deployment analysis sample

This is one of the ways we show the amount of available, non-committed patrol time compared to workload. As you can see we break out the various activities, convert them to time and then compare to available manpower. The deployment is based upon actual hours worked.

So, in this example, at noon there are approximately 17 hours of work (including citizen initiated & officer-initiated calls for services, including traffic) and administrative activities (meals, vehicle, reports, etc.). There are approximately 30-man hours of available resources meaning that at that hour, on average, of the 30 officers on duty 16 are busy on activities.

The area shown in green and brown is uncommitted time. This is the area where staffing decisions impact – it becomes a policy issue as to how much uncommitted time a city wants and is willing to pay for.

Figure 7: Insert title here

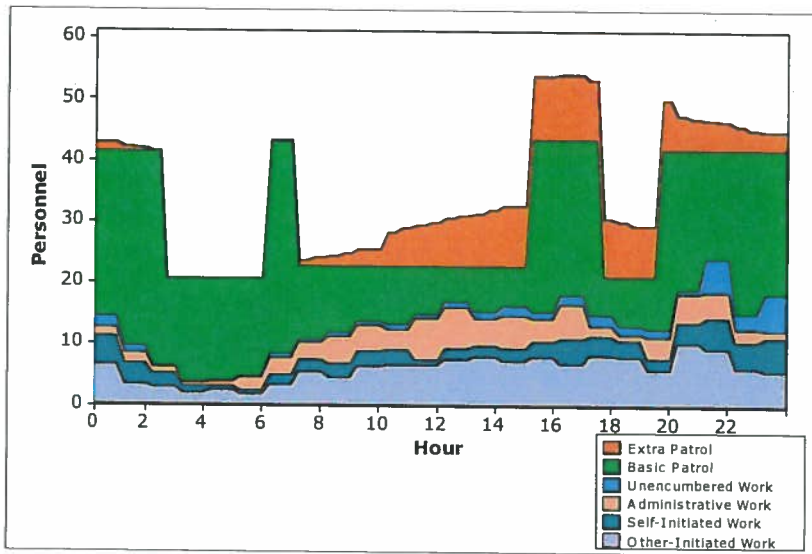
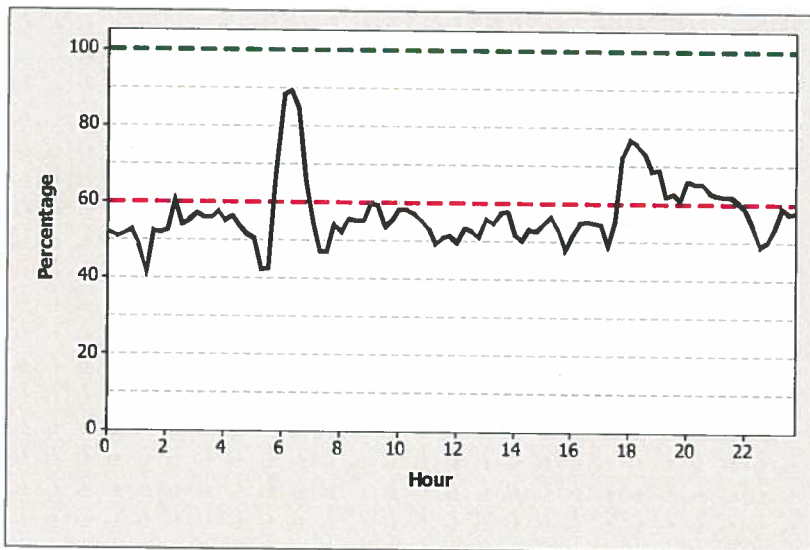


Figure 8: Workload Percentage by Hour, Weekdays, Summer



Workload vs. Deployment – Weekdays, Summer

Avg. Workload:	6.5 officers per hour
Avg. % Deployed (SI):	57 percent
Peak SI:	89 percent
Peak SI Time:	6:15 a.m.

The CPSM study will result in the calculation of service demands placed on the department, workload levels, service times for calls for service, and response times. This information is developed by first extracting data from the departments CAD system. The extracted information is then processed, and workload is calculated. This workload is then compared to deployment levels. The product of this analysis is the variance between service demands and available personnel, and appropriate recommendations made for staffing levels and an optimal deployment schedule to meet these service demands. This permits exploration of the following questions:

- What are the service demands made by the public as measured through the CAD system?
- What is the workload?
- Based on this workload is the alignment of Districts and Divisions appropriate?
- Based on the workload is the shift schedule aligned appropriately and what alternatives to the current shift plan are most efficient?
- How many police officers and supervisors are need to staff the patrol function to meet the workload demands placed on the agency?
- How long does it take to respond to calls for service (both response time and total time) and what ways are there to reduce these times?
- How many officers are assigned to each call and what are the ways to minimize these assignments?
- What categories of call, and in what frequency, does the agency handle and what measures can be adopted to minimize unnecessary responses?
- How much time is spent on administrative duties?
- How much time is spent on directed patrol activities and specialized enforcement?

The study will determine the gaps in patrol coverage and recommendations for modifying temporal and spatial deployment. With the appropriate "best fit" of patrol coverage identified, a determination can be made about the exact number of officers required to meet service demands, and in what shift/district/division combinations to maximize resources.

In addition to the analysis of patrol operations from the CAD system and workload, the CPSM study will focus on the qualitative aspects of patrol. The study will observe officers on patrol through ride-alongs, interviews, and general observations. We will amass all available documents, plans, and data available to understand the patrol approach in the department. We will observe the special operations teams, the problem/nuisance unit, etc. to evaluate their role within the overall mission of the department and patrol operations. We will evaluate the performance of the units, identify improvement opportunities, and justify and recommend appropriate staffing levels

The CPSM study will also evaluate the implementation of technology on patrol, weapons available, and equipment used with opportunities for improvement.

CPSM advocates community policing as its operational philosophy. The CPSM study would evaluate the implementation of community policing, in quantifiable and anecdotal terms, and identify improvement opportunities where appropriate.

Similarly, the CPSM study would evaluate the relationship of patrol operations with the rest of the department. To what extent does this bureau work, coordinate, and communicate with the other operational and support functions of the department? How should it? What are the strategic, management, and planning functions of the department with regards to the patrol function and how does patrol operations respond to the mission of the organization? How are crime, traffic, disorder, and quality of life problems handled?

III. Investigations

The CPSM study will assess investigations – both reactive and proactive. The CPSM team will explore the following questions:

- Staffing – Are there sufficient investigators available to handle the workload?
- Workload – What is the workload; how many cases do investigators handle; is the specialization appropriate?
- Case management – Is there an effective case management system in place?
- Effectiveness & Efficiency – How much time does it take to investigate cases? Are victims kept informed? Are cases cleared and offenders held accountable? How much overtime is spent?
- Intelligence – How is intelligence gathered and disseminated (inside and outside the department)? Does the investigations function make use of intelligence?
- Civilianization opportunities – What are the potential areas for civilianization?
- Technological opportunities – Is technology being leveraged to improve investigations?
- Crime scene – Are crime scenes being processed efficiently, and are appropriate follow-up investigations being conducted?
- Proactive Investigations – the same approach and inquires found in sections above are applied to each specialized investigative unit in the department.
 - Narcotics
 - Violent Offenders
 - Warrants and Fugitives
 - Bombings and Arson
 - Fraud/Cyber crimes
 - All other specialized investigations units

CPSM will essentially evaluate each investigative unit operating in the agency. This evaluation will assess the performance of the unit, how the unit operates within the overall mission of the department, compare operations to best practices in law enforcement, identify improvement opportunities, and identify appropriate staffing levels.

IV. Administration and Support

Once again, CPSM will evaluate every administrative and support unit in the police department. This evaluation will involve:

- Staffing;
- Workload;
- Civilianization possibilities;
- Cost saving opportunities;
- Out-sourcing opportunities;
- Best practice comparisons and opportunities for improvement.

The CPSM team has subject matter experts in police management and administration and will explore administration and support activities in the area of professional standards (Internal investigations, hiring and recruitment, disciplinary system, promotional system), training (both academy and in-service), records management, evaluating the critical, frequent, and high liability policies, facility, fleet, equipment, information technology, property management system, laboratory, planning and research, sick-time management, overtime, communications and dispatch, etc.

In general, we look at every unit identified as a discrete operational/support entity for the following:

- Describe the functions of the unit;
- Evaluate the performance of the unit. In most cases this is a quantitative; evaluation, but in units not appropriate for quantification, a qualitative evaluation is provided;
- Identification of improvement opportunities
- An evaluation and justification, and recommendation for appropriate staffing levels.

V. Organizational Culture

During the operational evaluation described above, organizational “themes” emerge. What does the department “think” about providing police service to the community and how does this thinking align with the stated mission and department policies? How does the department interact with the community and internally with its own members? In general, what is the culture of the organization?

The culture of a police organization reflects its members and the community it serves. Through focus groups, interviews, and observations, the CPSM team will evaluate operational readiness and need. In addition, every member of the department will be given the opportunity to participate in an anonymous survey. This survey is designed to understand the culture of the department, assess internal and external communications, and determine what it “thinks” about various elements of organizational life. This part of the CPSM study is critical to the overall success of the project as it provides a better understanding of the police department and how the workload, staffing, and community dynamics shape the mission, goals, operations, and needs of the organization.

VI. Organizational Structure and Administration

Based on the above, we can analyze current management structure and practice and make recommendations to improve organizational administration. The product of this analysis is a proposed staffing mode. The product of this analysis also generally ends up with a leaner, flatter, and more efficient organizational design.

VII. Performance Management

The overarching philosophy of the CPSM approach is to evaluate the police department in terms of performance management. Identifying workload, staffing, and best practices is just the beginning. It is also important to assess the organization 's ability to carry out its mission. Essentially, does the police department know its goals, and how does it know they are being met. It is very difficult for an organization to succeed at any given level of staffing unless it has a clear picture of success. How does the department “think” about its mission, how does it identify and measure what's important to the community, how does it communicate internally and externally, how does it hold managers accountable, and how does it know the job is getting done? The CPSM team will evaluate the department and make recommendations to assist with improving capacity in this area, if necessary. In addition, CPSM can offer performance management training and mentoring services to support organizational success.

THE CPSM APPROACH – FIRE OPERATIONS

Operations Review

Using information analyzed by the data team, an operational assessment by CPSM technical experts will be conducted to evaluate the deployment of emergency resources.

The CPSM team will evaluate equipment, maintenance, records, policies, procedures, mapping, implemented technology and innovations, facilities, training, and staff to create recommendations for future service delivery.

The team may meet with elected and appointed officials as well as identified community leaders to determine the outcome they are seeking from deployment of resources.

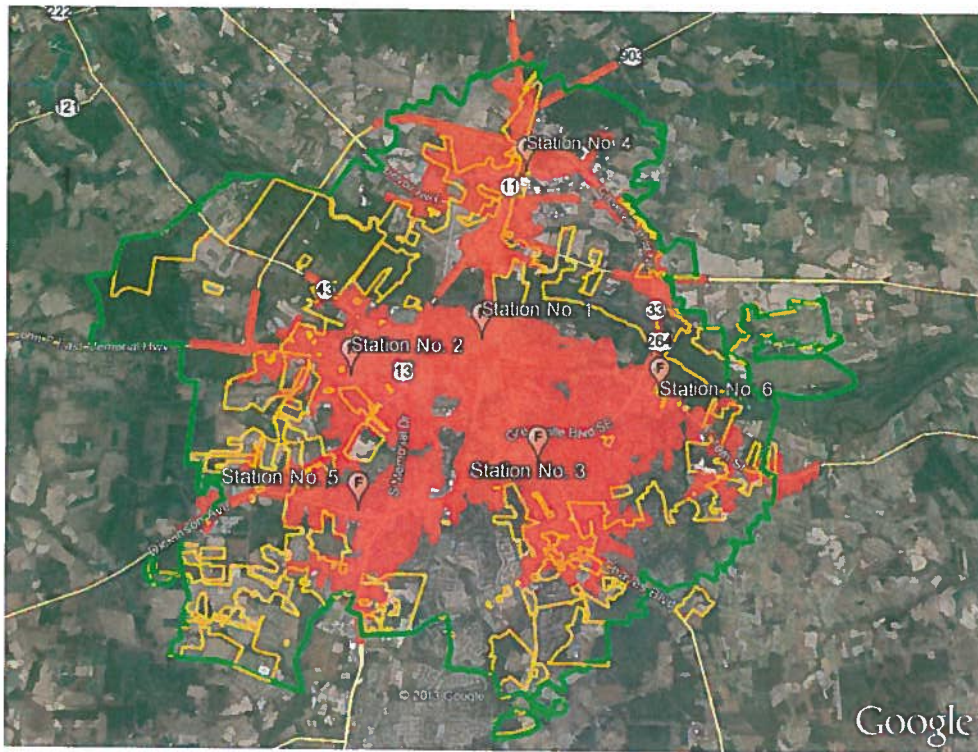
Observations and recommendations will be developed around key performance and analysis areas in the completion of the report and include:

- Comprehensive Data Analysis
 - Incident Type Workload
 - Response Time
 - Unit Workload
 - Analysis of Busiest Hour
- Governance and Administration
 - Organizational Structure
 - Organizational Leadership
 - Staffing and Deployment
 - External Relationships/Mutual Aid
 - Strategic Planning
 - Performance Measurement
- Operational Analysis
 - Fire suppression
 - EMS First Response
 - Fire Prevention, Public Education, Fire Investigation
 - Technical Rescue, Hazardous Materials
 - Emergency Management
- Risk Management/All hazards approach to community protection

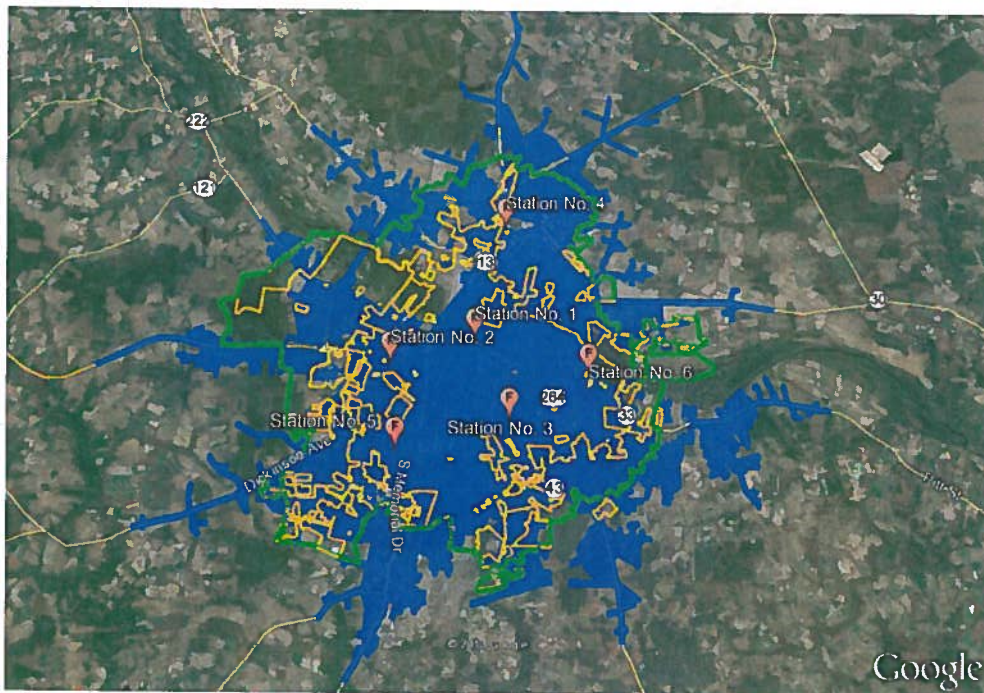
Using GIS technology, we will review the current locations of deployed equipment and stations with recommendations developed for the future. Key to making these determinations will be response time for dispatched units and call density.

The CPSM data team has created a methodology for determining resource utilization that quantifies the maximum and minimum deployment of personnel and equipment. It is unlike any other approach currently used by consultants and is indicative of the desire by CPSM to deliver the right resources at the right time.

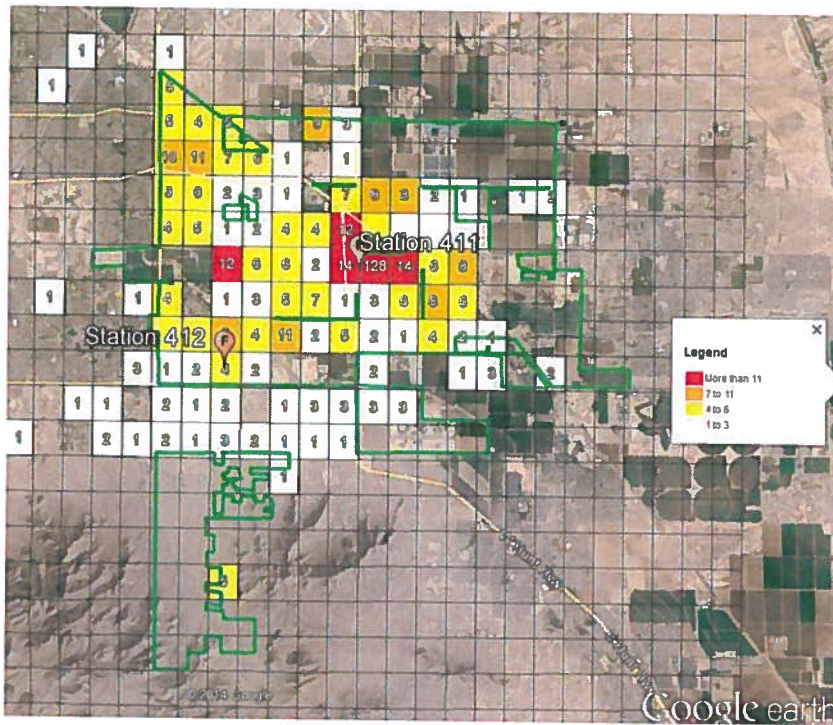
4 Minute Response Time from Each Station



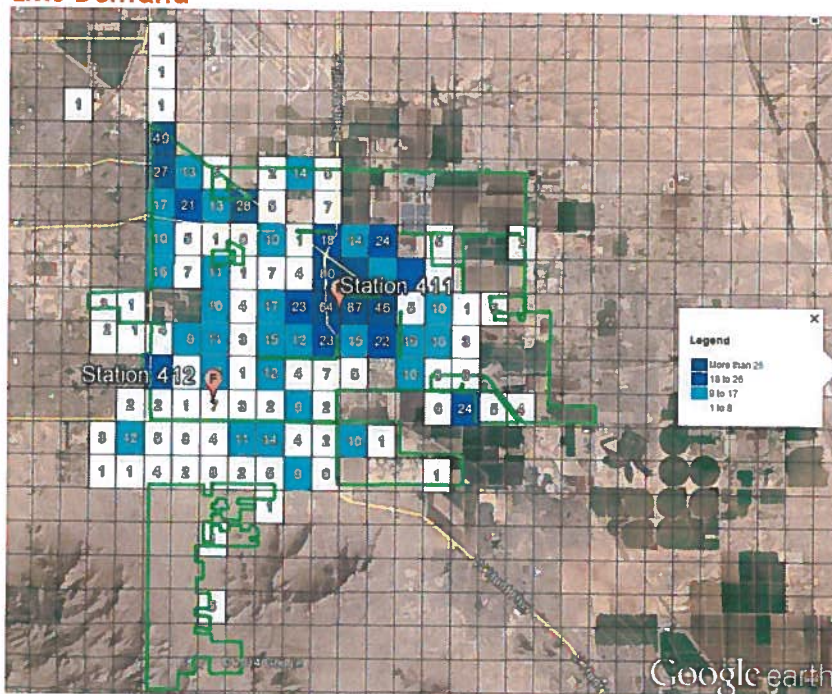
8 Minute Response Time Form Each Station



Fire Demand

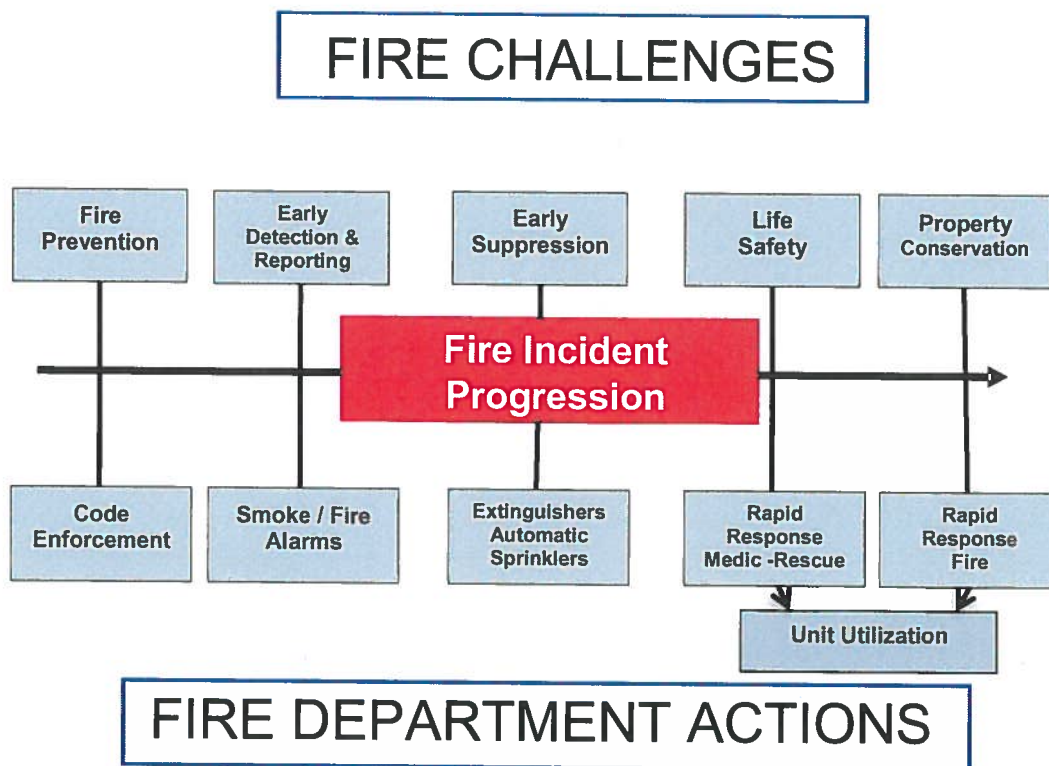


EMS Demand



Fire Suppression Services

Fire departments staff their stations and train their personnel to respond to a wide array of fire and vehicular accident emergencies. In addition, many departments use the long intervals between calls for service for a variety of fire prevention, training, and station activities. Research in the United Kingdom as well as by FEMA has shown that the most cost-effective approach to fire deployment is the elimination of calls. If a call is received, eliminating hazards decreases the risk faced by first responders and may result in a more positive outcome. These preventive strategies should include building effective code enforcement and fire prevention activities as well as strong public education programs promoting smoke detectors fire extinguisher use and placement in homes and businesses. The effort may also include early fire suppression using automatic sprinkler systems and other fire protection systems. All these prevention and response challenges are illustrated below.



The resulting data study CPSM completes will gather and analyze data on the efficiency and effectiveness of the current deployment on the fire runs. Resource utilization will be quantified for concentration, location, and unit utilization.

The study will also analyze fire call data to provide a comprehensive review of how fire services are delivered to the community including a detailed analysis of workloads and response times. The analysis of the workloads should begin with an in-depth study of the types of calls handled and their severity. The goal of this data gathering would be to explicate the fundamental nature of the fire challenge faced by the Fire Department.

The study will pay special attention to fires reported in residences or buildings. Some examples of questions to be answered as a part of the study include: What was the average response time of the first arriving fire suppression unit capable of deploying extinguishing agent? How long did the engine companies work at the scene?

For each call type, we will determine the time spent on-scene and the manpower personnel who worked the scene. This data will be aggregated to determine an overall average total time spent on fire calls per 24-hour period and by shift for each engine company. It will document any dramatic variations by time of day and day of week as well as seasonal variations. It will also require the review the department's non-emergency productive hours that fire personnel carry out between emergency calls. The study will also analyze data to determine the proportion of calls and the associated workload that arise within the community's borders compared to mutual aid calls.

Response time is an important statistic in emergency service systems. We will determine:

- Average response time of first arriving fire suppression unit capable of deploying extinguishing agent.
- Distribution of response times for different call categories
- Response time for the second arriving engine company, where possible

We will also identify and review calls that experienced unusually long response times.

For each call type, we will determine the time spent on-scene and the manpower personnel who worked the scene. We will document any dramatic variations by time of day and day of week as well as seasonal variations.

Response time is an important statistic in emergency service systems. We will determine not only average response time but also the distribution of response times for different call categories. We will also identify and review calls that experienced unusually long response times.

Fire Calls by Call Type

Call Type	Number of Calls	Average Calls per Day	Call Percentage
Structure fire	50	0.14	1.2
Outside fire	84	0.23	2.0
Hazard	493	1.35	11.8
False alarm	519	1.42	12.4
Good intent	73	0.20	1.7
Public service	322	0.88	7.7
Fire Total	1,541	4.22	36.8

EMS Calls by Call Type

Call Type	Number of Calls	Average Calls per Day	Call Percentage
Cardiac and stroke	237	0.65	5.7
Seizure and unconsciousness	258	0.71	6.2
Breathing difficulty	355	0.97	8.5
Overdose and psychiatric	154	0.42	3.7
MVA	121	0.33	2.9
Fall and injury	846	2.32	20.2
Illness and other	587	1.61	14.0
EMS Total	2,558	7.01	61.2

Average Response Time Components of First Arriving Unit

Call Type	Dispatch Time	Turnout Time	Travel Time	Response Time	Sample Size
Cardiac and stroke	1.8	1.1	2.3	5.2	217
Seizure and unconsciousness	2.0	1.0	2.5	5.5	221
Breathing difficulty	1.9	1.1	2.9	5.8	311
Overdose and psychiatric	2.5	1.1	2.8	6.4	124
MVA	2.2	1.2	2.0	5.3	96
Fall and injury	2.4	1.2	3.0	6.5	740
Illness and other	2.4	1.1	2.8	6.4	515
EMS Total	2.2	1.1	2.8	6.1	2,224
Structure fire	1.5	1.2	1.9	4.7	39
Outside fire	2.4	1.2	2.2	5.7	67
Hazard	2.4	1.3	2.5	6.1	388
False alarm	1.8	1.2	1.9	4.9	382
Good intent	2.5	1.4	2.5	6.4	52
Public service	2.4	1.3	2.6	6.3	203
Fire Total	2.2	1.3	2.3	5.7	1,131
Total	2.2	1.2	2.6	6.0	3,355

ANALYSIS OF THE BUSIEST HOURS OF THE YEAR

Fire departments often speak of the "worst case scenario" or "resource exhaustion" when developing staffing and deployment plans. In reality, no agency can never staff for the worst-case scenario, because whatever situation can be envisioned, there can always be a more serious event that can be planned.

What is needed to make staffing and apparatus decisions is a clear understanding of what levels of demand can reasonably be expected over specific periods of time in a specific jurisdiction. For example, what are the busiest calls for service times over a one-year period and what levels of staffing and apparatus were needed to handle this workload?

To answer this question requires a detailed analysis of calls for service, broken down minute by minute, identifying which units were busy and how many units remained available to respond to a new call for service. More sophisticated analysis can take into consideration available mutual aid resources.

There is significant variability in the number of calls from hour to hour and the frequency of simultaneous or overlapping calls. One special concern relates to the fire resources available for the highest workload hours. We tabulate the data for each of 8760 hours in the year. We identify how often the fire department will respond to more than a specified number of calls in an hour. In studying call totals, it is important to remember that an EMS run typically lasts, on average, a different amount of time than a fire category call and this will vary depending upon whether EMS transport is provided.

Example of "Busiest Hour Analysis"

What follows is an example of a CPSM study of a fire department with 17 units staffed all the time. For most of these high-volume hours, the total workload of all units combined is equivalent to 3 or fewer units busy the entire hour. For the ten highest volume hours, 0.1% of the hours, the total workload exceeded 3 hours. All these high-volume hours occurred between 10 a.m. and 9 p.m.

The hour with the most work was between 1000 and 1100 on September 12, 2009. The 21 calls involved 34 runs (a "call" is an incident and a "run" is a unit response). The combined workload was 417 minutes. This is equivalent to 7 firefighting units being busy the entire hour. However, in the City there are 17 units staffed all the time. During the worst portion of the hour, there were always at least 5 units still available to respond immediately. Only 5 of the 17 units were busy more than 30 minutes during this hour.

The hour with the most calls was between 1400 and 1500 on October 13, 2009. The 23 calls involved 28 runs. The combined workload was 379 minutes. This is equivalent to between 6 and 7 firefighting units being busy the entire hour. However, in the city there are 17 units staffed all the time. During the worst portion of the hour, there were always at least 7 units still available to respond immediately. Only 3 of the 17 units were busy more than 30 minutes during this hour.

Table 1. Frequency Distribution of the Number of Calls

Number of Calls in an Hour	Frequency
0-5	6397
6-10	2263
11-15	98
16 or more	2

Observations:

- A total of 6,397 hours (73%) in a year have received 0-5 calls.
- A total of 2,263 hours (25.8%) in a year have received 6-10 calls.
- A total of 100 hours (1.2%) in a year have received 11 or more calls.

Table 2. Top Ten Hours with the Most Calls Received

HOURS	Number of Calls	Number of Runs	Total Busy Minutes
13-Oct-2009 1400	23	28	379
12-Sep-2009 1000	21	34	417
20-Jun-2009 2000	15	16	252
02-Feb-2009 1900	15	16	213
10-Jul-2009 1000	14	15	226
15-Feb-2009 1900	14	20	317
29-Jul-2009 1700	14	18	274
23-Feb-2009 1100	14	15	180
17-Mar-2009 1500	14	17	193
01-Mar-2009 1800	13	14	185

Table 3. Deployed Minutes by Unit for the Hour between 10 a.m. and 11 a.m. on 12-Sep-2009

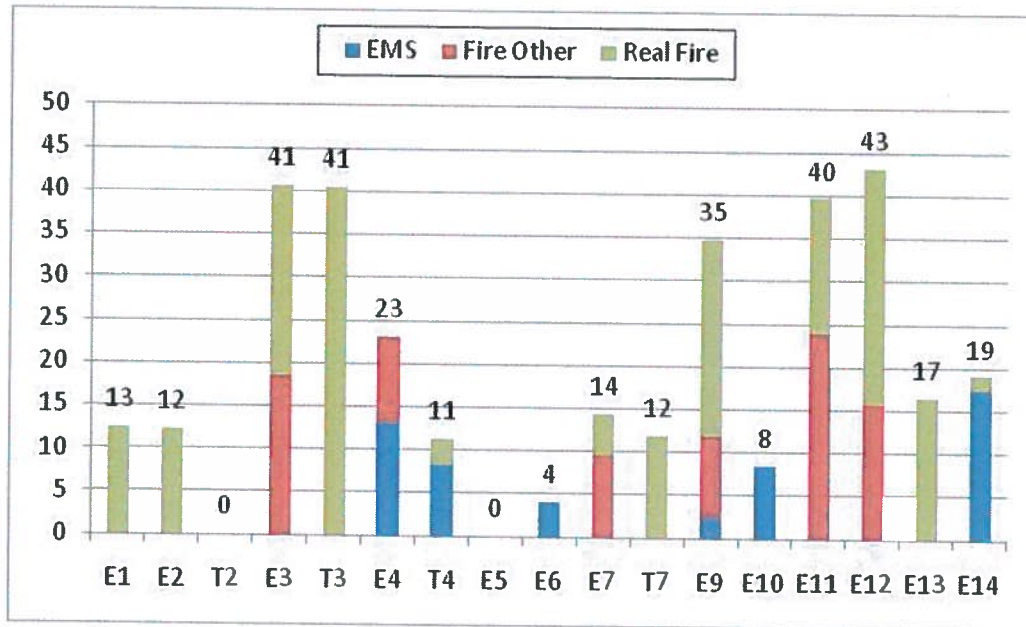
Station	1	2		3		4		5	6	7		9	10	11	12	13	14	Number of Units	
Unit	E1	E2	T2	E3	T3	E4	T4	E5	E6	E7	T7	E9	E10	E11	E12	E13	E14	Busy	Free
0-5																	2.3	1	16
5-10		1.9		0.7													5	3	14
10-15	2.1	5		5								3.7		0.6	4.3		5	7	10
15-20	5	4.3		5	0.5							5		5	4.4		4	8	9
20-25	4.4	1.1		4.4	5							3.8		5	5			7	10
25-30				5	5							5		5	5			5	12
30-35				4.4	5							5		5	2.2			5	12
35-40				5	5	3.1						5		5	1.3			6	11
40-45				5	5	5				1.2		0.7	0.7	4.2	5	1.6		9	8
45-50				5	5	5	1.8			5	1.8		1.9	1.6	5	4.2	1.7	11	6
50-55				0.9	5	5	4.3		3.3	5	5	2.5	0.8	2.5	5	5		12	5
55-60					5	5	5		0.8	3.1	5	4.1	5	5	5	5		11	6
Total	12.5	12.3	0.0	40.6	40.5	23.1	11.3	0.0	4.1	14.3	11.8	34.8	8.4	39.6	43.2	16.5	19.0		

Note: The numbers in the cells are the busy minutes within the 5-minute block. The cell values greater than 2.5 are coded as red.

Observations:

- Between 10 a.m. and 11 a.m. on September 12, 2009, the fire department responded to 21 calls and dispatched 34 units to these calls.
- In the city there are 17 units staffed all the time. During the worst portion of this hour, there were always at least 5 units still available to respond immediately. Only 5 of the 17 units were busy more than 30 minutes during this hour.

Figure 1. Workload by Unit and Call Type for the Hour between 10 a.m. and 11 a.m. on 12-Sep-2009



Observations:

- Engine companies E3, E11 and E12 were busy more than 40 minutes during this hour.
- Truck T3 was busy more than 40 minutes during this hour.
- Eleven units were busy less than 20 minutes. Two units responded to no calls.

Table 4: Overlapped Call Analysis

Scenario	Frequency	Percent
No Overlapped Call	1,536	48.5
Overlapped with another call	1,113	35.2
Overlapped with two calls	388	12.3
Overlapped with three calls	102	3.2
Overlapped with four or more calls	26	0.8

Observations:

- 48.5 percent of emergency incidents had no overlapped call.
- 35.2 percent of emergency incidents overlapped with another call.
- 12.3 percent of emergency incidents overlapped with two calls.
- 4.0 percent of emergency incidents overlapped with three or more calls.

PROPOSED FEES

The quotation of fees and compensation shall remain firm for a period of 90 days from this proposal submission.

CPSM will conduct the analysis of the police, fire, and EMS departments for \$115,000 exclusive of travel. The project would be billed in three installments: 40% within 14 days of signing the contract; 40% with delivery of the police, fire, and EMS draft data analysis; 20% with delivery of the final reports. Following delivery of the draft reports, the city will have 30 days to provide comments as to accuracy and a final report will be delivered within 30 days of the comment period.

Travel expenses will be billed as incurred, with no administrative fee or overhead charges.

NOTE: If the chief administrative officer of the jurisdiction is a member of ICMA the fee, exclusive of travel, will be reduced by 10% lowering the cost to \$103,500.

Deliverables"

Draft reports for police, fire/EMS will be provided for department review in electronic format.

To be ecologically friendly, CPSM will deliver the final report in computer readable material either by email or CD or both. The final reports will incorporate the operational as well as data analysis. Should the municipality desire additional copies of the report, CPSM will produce and deliver whatever number of copies the client request and will invoice the client at cost.

Should the City desire additional support or in-person presentation of findings, CPSM will assign staff for such meetings at a cost of \$2,500 per day/per meeting along with reimbursement of travel expenses.

CONCLUSION

Part of ICMA's mission is to assist local governments in achieving excellence through information and assistance. Following this mission, Center for Public Safety Management, LLC acts as a trusted advisor, assisting local governments in an objective manner. CPSM's experience in dealing with public safety issues combined with its background in performance measurement, achievement of efficiencies, and genuine community engagement, makes CPSM a unique and beneficial partner in dealing with issues such as those being presented in this proposal. We look forward to working with you further.

PAST & CURRENT ENGAGMENTS

LOCALITY	ST	PROJECT
Edmonton Intl Airport	AB	Comprehensive Analysis of Fire Services.
Leduc County	AB	Fire Consolidation Plan
Leduc, Canada	AB	Comprehensive Analysis of Fire Services.
Kenai	AK	Comprehensive Analysis of Fire Services
Anniston	AL	Comprehensive Analysis of Police Services
Auburn	AL	Comprehensive Analysis of Fire Services
Auburn	AL	Comprehensive Analysis of Police Services
Dothan	AL	Comprehensive Analysis of Police Services
Casa Grande	AZ	Comprehensive Analysis of Police Services
Florence	AZ	Comprehensive Analysis of Police Services
Lake Havasu	AZ	Comprehensive Analysis of Police Services
Lake Havasu	AZ	Comprehensive Analysis of Fire Services
Pinal County	AZ	Comprehensive Analysis of Sheriff's Office
Prescott	AZ	Comprehensive Analysis of Fire Services
Prescott	AZ	Comprehensive Analysis of Police Services
Queen Creek	AZ	Police Strategic Plan
Queen Creek	AZ	Comprehensive Analysis of Fire services
Scottsdale	AZ	Comprehensive Analysis of Police Services
Tucson	AZ	Comprehensive Analysis of Police Services
Youngtown	AZ	Comprehensive Analysis of Police Services
Alameda	CA	Comprehensive Analysis of Fire Services
Alameda	CA	Comprehensive Analysis of Police Services
Burbank	CA	Analysis of Investigations Workload / Staffing
Carlsbad	CA	Comprehensive Analysis of Police Services
El Centro	CA	Comprehensive Analysis of Police Services
El Centro	CA	Comprehensive Analysis of Fire services
Hermosa Beach	CA	Comprehensive Analysis of Fire services
Hermosa Beach	CA	Comprehensive Analysis of Police Services
Indio	CA	Police Department Workload Analysis
Kern County	CA	Comprehensive Analysis of Fire services
Laguna Woods	CA	Review of Sheriff's Office Services 2016
Laguna Woods	CA	Review of Sheriff's Office Services 2018
Morgan Hill	CA	Comprehensive Analysis of Police Services
Morgan Hill	CA	Comprehensive Analysis of Fire Services
Palm Desert	CA	Comprehensive Analysis of Fire Services
Palo Alto	CA	Comprehensive Analysis of Fire Services
Placentia	CA	Comprehensive Analysis of Police Services
Rohnert Park	CA	Public Safety Study
Salinas	CA	Analysis of Police Services Overtime
Salinas	CA	Analysis of Fire Services Overtime
San Jose	CA	Fire Operations Review

San Jose	CA	Police Operations Review
San Mateo Co.	CA	Dispatch Operations Review
Santa Ana	CA	Comprehensive Analysis of Police Services
Santa Clara	CA	Comprehensive Analysis of Police Services
Santa Cruz	CA	Comprehensive Analysis of Police Services
Santa Monica	CA	Police Chief Selection
Sonoma County	CA	Performance Measurement Analysis
Stockton	CA	Comprehensive Analysis of Police Services
Stockton	CA	Comprehensive Analysis of Fire Services
Woodland	CA	Police Chief Selection
Yuba City	CA	Comprehensive Analysis of Fire Services
Yuba City	CA	Comprehensive Analysis of Police Services
Federal Heights	CO	Comprehensive analysis of Police Services
Federal Heights	CO	Comprehensive analysis of Fire Services
Littleton	CO	Comprehensive Analysis of Fire Services
Littleton	CO	Analysis of Fire Consolidation
Steamboat Springs	CO	Comprehensive Analysis of Fire Services
Cheshire	CT	Police Management Review
Southington	CT	Comprehensive Analysis of Fire Services
Bethany Beach	DE	EMS Study
Dover	DE	Comprehensive Analysis of Police Department
Dover	DE	Comprehensive Analysis of Fire Services
Alachua	FL	Expert Witness Law Enforcement Issues
BCCMA	FL	Analysis of Sheriff's Contract Services
Citrus County	FL	Comprehensive Analysis of Fire Services
Cocoa	FL	Comprehensive Analysis of Police Services
Coconut Creek	FL	Comprehensive Analysis of Police Services
Delray Beach	FL	Comprehensive Analysis of Police Services
Delray Beach	FL	Comprehensive Analysis of Fire Services
Dunedin	FL	Police Consolidation Review
Hollywood	FL	Police Internal Affairs Review
Indian River Shores	FL	Public Safety Staffing Analysis
Indian River Shores	FL	Public Safety Study
Jacksonville Beach	FL	Police Chief Selection
Jupiter	FL	Police and Fire
Jupiter Island	FL	Public Safety Consolidation
Kenneth	FL	Comprehensive Analysis of Police Services
Miami Beach	FL	Comprehensive analysis of Fire Services
Naples	FL	Presentation
North Port	FL	Comprehensive Analysis of Police Services
Orange County	FL	Expert Witness Law Enforcement Issues
Pasco County	FL	Comprehensive analysis of Fire Services
Pasco County	FL	Sheriff Budget Analysis
Pompano Beach	FL	Comprehensive Analysis of Police Services
Venice	FL	Comprehensive Analysis of Fire Services
Camden County	GA	Comprehensive Analysis of Fire Services

Camden County	GA	Fire Consolidation St Marys
Camden County	GA	Police Consolidation Study
Garden City	GA	Preliminary Analysis Public Safety Merger
Johns Creek	GA	Analysis of Fire Services
Kingsland	GA	Fire Consolidation Study
Sandy Springs	GA	Comprehensive Analysis of Police Department
St. Marys	GA	Fire Consolidation Study
Ankeny	IA	Police Chief Selection
Boone	IA	Public Safety Consolidation
Boone	IA	Performance Measurement of Municipal Operations
Hayden	ID	Comprehensive Analysis of Police Services
Jerome	ID	Analysis of Police Services
Algonquin	IL	Performance Measurement Analysis
Glenview	IL	Comprehensive Analysis of Police & Fire Services
Glenview	IL	Comprehensive Analysis of Police Services
Glenview	IL	Dispatch Operations Review
Highland	IL	Comprehensive Analysis of Fire Services
Highland Park	IL	Comprehensive Analysis of Fire Consolidation
Highwood	IL	Comprehensive Analysis of Fire Consolidation
Lake Bluff	IL	Analysis of Fire Consolidation
Lake Bluff	IL	Fire Data Review
Lake Forest	IL	Analysis of Fire Consolidation
Lake Zurich	IL	Comprehensive Analysis of Fire Services
Naperville	IL	Workload, Staffing & Schedule Design
Roselle	IL	Comprehensive Analysis of Police Services
Skokie	IL	Police Study
Western Springs	IL	Comprehensive Analysis of Police Services
Indianapolis	IN	Analysis of Police Workload & Deployment Services
Plainfield	IN	Comprehensive Analysis of Police Services
Topeka	KS	Preliminary review of Fire Department
Northborough	MA	Comprehensive Analysis of Police Services
Northborough	MA	Comprehensive Analysis of Fire Services
Algonquin	MD	Performance Measurement Study
Annapolis	MD	Comprehensive Analysis of Police Services
Ocean City	MD	Dispatch Operations Review
Rockville	MD	Comprehensive Analysis of Police Services
Ann Arbor	MI	Comprehensive Analysis of Fire Services
Auburn Hills	MI	Comprehensive Analysis of Fire Services
Auburn Hills	MI	Comprehensive Analysis of Police Services
Benton Harbor	MI	Public Safety Consolidation
Chesterfield Twp.	MI	Comprehensive Analysis of Police Services
Delta Township	MI	Comprehensive Analysis of Police Services
Delta Township	MI	Comprehensive Analysis of Fire Services
Detroit Public Schools	MI	Police Department Review
Douglas	MI	Comprehensive Analysis of Police Services
Flint	MI	Comprehensive Analysis of Fire Services

Flint	MI	Comprehensive Analysis of Police Services
Grand Rapids	MI	Comprehensive Analysis of Police Services
Grand Rapids	MI	Comprehensive Analysis of Fire Services
Grand Travers Fire Dept.	MI	Comprehensive Analysis of Fire Services
Green Lake Twp.	MI	Comprehensive Analysis of Fire Services
Grosse Pointe	MI	Public Safety Consolidation
Grosse Pointe Park	MI	Public Safety Consolidation
Hamtramck	MI	Police Study
Kentwood	MI	Comprehensive Analysis of Police & Fire Services
Kentwood	MI	Analysis of Police Services Consolidation
Kentwood	MI	Analysis of Fire Services Consolidation
Mott Community College	MI	Comprehensive Analysis of Public Safety Services
Novi	MI	Comprehensive Analysis of Police Services
Novi	MI	Comprehensive analysis of Fire Services
Oshtemo Township	MI	Police Workload / Contract for Services Analysis
Petoskey	MI	Public Safety Consolidation
Plymouth	MI	Fire Services Consolidation
Plymouth	MI	Fire Service Analysis
Royal Oak	MI	Comprehensive Analysis of Police Services
Royal Oak	MI	Comprehensive Analysis of Fire Services
Saginaw	MI	Comprehensive Analysis of Police Services
Saginaw	MI	Comprehensive Analysis of Fire Services
So. Kalamazoo Fire Auth.	MI	Financial Analysis of Fire Authority
St. Joseph	MI	Public Safety Consolidation
Sturgis	MI	Public Safety Analysis
Troy	MI	Comprehensive Analysis of Police Services
Troy	MI	Review of Fire Administration and Inspections
Wyoming	MI	Comprehensive Analysis of Police Services 2012
Wyoming	MI	Comprehensive Analysis of Fire Services 2012
Wyoming	MI	Comprehensive Analysis of Police Services 2009
Wyoming	MI	Comprehensive Analysis of Fire Services 2009
Forest Lake	MN	Comprehensive Analysis of Police Services
Mankato	MN	Public Safety Study
Moorhead	MN	Comprehensive Analysis of Fire Services
North St. Paul	MN	Public Safety Strategic Plan Development
St. Cloud	MN	Police Strategic Planning Review
St. Cloud	MN	Comprehensive Analysis of Police Services
Stearns County	MN	Comprehensive Analysis of Sheriff's Office & Jail
Brentwood	MO	Comprehensive Analysis of Police Services
St. Louis	MO	Comprehensive Analysis of Fire Services
St. Louis	MO	Comprehensive Analysis of Police Services
St. Louis	MO	Standard of Response Cover and risk assessment
Bozeman	MT	Fire Protection Master Plan
Kalispell	MT	Comprehensive Analysis of EMS Services
Bald Head Island	NC	Public Safety Staffing Review

Bald Head Island	NC	Public Safety Consolidation
Chapel Hill	NC	Comprehensive Analysis of police services
Cornelius	NC	Fire Consolidation Study
Davidson	NC	Fire Consolidation Study
Greenville	NC	Comprehensive Analysis of Fire Services
Oxford	NC	Comprehensive Analysis of Fire Services
Oxford	NC	Comprehensive Analysis of Police Services
Rocky Mount	NC	AED Grant assistance
Rocky Mount	NC	Comprehensive Analysis of Police Services
Grand Island	NE	Comprehensive Analysis of Police Services
Grand Island	NE	Comprehensive Analysis of Fire Services
South Sioux City	NE	Fire Services Strategic Plan
East Brunswick	NJ	EMS Study
Oradell	NJ	Comprehensive Analysis of Police Services
Paterson	NJ	Comprehensive Analysis of Police Services
South Orange	NJ	Comprehensive Analysis of Police Services
Westwood	NJ	Comprehensive Analysis of Police Services
Bernalillo	NM	Comprehensive Analysis of Fire Services
Las Cruces	NM	Comprehensive Analysis of Fire Services
Las Cruces	NM	Comprehensive Analysis of Police Services
Ruidoso	NM	Comprehensive Analysis of Police Services
Boulder City	NV	Police Organizational Study
Henderson	NV	Comprehensive Analysis of Police Services
Las Vegas	NV	Comprehensive Analysis of Fire Services
Las Vegas	NV	Analysis of Department of Public Safety
Las Vegas	NV	Fire / EMS Standards Review
North Las Vegas	NV	Fire Workload Analysis
Briar Cliff Manor	NY	Analysis of police consolidation
Canandaigua	NY	Reginal Fire Study
Garden City	NY	Comprehensive Analysis of Fire Services
Long Beach	NY	Comprehensive Analysis of Fire and EMS services
North Castle	NY	Comprehensive Analysis of Police Services
Oneonta	NY	Comprehensive Analysis of Fire and EMS services
Oneonta	NY	Fire Apparatus Review
Orchard Park	NY	Comprehensive Analysis of Police Services
Ossining Town	NY	Analysis of police consolidation
Ossining Village	NY	Analysis of police consolidation
Rye	NY	Police Chief Selection
Watertown	NY	Comprehensive Analysis of Fire Services
Cincinnati	OH	Police Dispatch Review
Dayton	OH	Police Internal Affairs Review
Huron	OH	Comprehensive Analysis of Police Services
Huron	OH	Comprehensive Analysis of Fire Services
Independence	OH	Comprehensive Analysis of Police Services
Independence	OH	Comprehensive Analysis of Fire Services
Sandusky	OH	Fire Study

Sandusky	OH	Police Study
Broken Arrow	OK	Comprehensive Analysis of Police Services
Broken Arrow	OK	Comprehensive Analysis of Fire Services
Edmond	OK	Comprehensive Analysis of Police Services
Jenks	OK	Comprehensive Analysis of Police Services
Jenks	OK	Comprehensive Analysis of Fire Services
Muskogee	OK	Comprehensive Analysis of Police Services
Tulsa	OK	Comprehensive Analysis of Fire Services
Bend	OR	Comprehensive Analysis of Police Services
Grants Pass	OR	Comprehensive Analysis of Fire Services
Grants Pass	OR	Comprehensive Analysis of Police Services
Grants Pass	OR	Public Safety Strategic Plan Development
Ontario	OR	Comprehensive Analysis of Police Services
Ontario	OR	Comprehensive Analysis of Fire Services
Cumru Township	PA	Comprehensive Analysis of Police Services
Cumru Township	PA	Police Chief Selection
Ephrata	PA	Comprehensive Analysis of Police Services
Farrell	PA	Comprehensive Analysis of Police Services
Jamestown	PA	Comprehensive Analysis of Police Services
Lower Windsor Twp.	PA	Comprehensive Analysis of Police Services
Manheim Township	PA	Police Study
Tredyffrin Township	PA	Comprehensive Analysis of Police Services
East Providence	RI	Comprehensive Analysis of Fire Services
East Providence	RI	Expert Witness Fire Issues
Beaufort	SC	Review of Fire Service Contract
Beaufort	SC	Comprehensive Analysis of Police Services
Beaufort	SC	Comprehensive Analysis of Fire Services
Walterboro	SC	Comprehensive Analysis of Public Safety Department
Rapid City	SD	Comprehensive Analysis of Fire Services
Germantown	TN	Comprehensive Analysis of Fire Services
Johnson City	TN	Comprehensive Analysis of Fire Services
Johnson City	TN	Comprehensive Analysis of Police Services
Smyrna	TN	Comprehensive Analysis of Police Services
Smyrna	TN	Comprehensive Analysis of Fire Services
Addison	TX	Comprehensive Analysis of Fire Services
Addison	TX	Comprehensive Analysis of Police Services
Baytown	TX	EMS Study
Belton	TX	Comprehensive Analysis of Police Services
Belton	TX	Comprehensive Analysis of Fire Services
Belton	TX	Police Chief Selection
Belton	TX	Fire Chief Selection
Buda	TX	Comprehensive Analysis of Police Services
Cedar Park	TX	Comprehensive Analysis of Police Services
Conroe	TX	Fire Services Analysis and Standard of Response
Frisco	TX	Comprehensive Analysis of Fire Services

Highland Village	TX	Fire Review
Hutto	TX	Comprehensive Analysis of Fire Services
Lucas	TX	Fire and EMS Analysis
New Braunfels	TX	Fire Study
New Braunfels	TX	Police Study
Prosper	TX	Comprehensive Analysis of Police Services
Round Rock	TX	Comprehensive Analysis of Fire Services
Sugarland	TX	Fire Department Overtime Analysis
Sugarland	TX	Comprehensive Analysis of Fire Services
Sugarland	TX	Comprehensive Analysis of Police Services
Victoria	TX	Comprehensive Analysis of Police Services
Washington City	UT	Comprehensive Public Safety Analysis
Hampton	VA	Police Chief Selection
Loudoun County	VA	Comprehensive Analysis of Sheriff Services
Loudoun County	VA	Comprehensive Analysis of Fire Services
Bonney Lake	WA	Comprehensive Analysis of Police Services
Duvall	WA	Police Staffing Study
Kelso	WA	Comprehensive Analysis of Police Services
Lacey	WA	Comprehensive Analysis of Fire Services
Marysville	WA	Comprehensive Analysis of Police Services
Marysville	WA	Comprehensive Analysis of Fire Services
Mill Creek	WA	Comprehensive Analysis of Police Services
Mill Creek	WA	Comprehensive Analysis of Fire Services
Snoqualmie	WA	Police Workload & Deployment Analysis
Spokane Valley	WA	Comprehensive Analysis of Police Services
Vancouver	WA	Comprehensive Analysis of Police Services
Vancouver	WA	Police Chief Selection
Dunn County	WI	Sheriff Office Study
Wauwatosa	WI	Comprehensive Analysis of Fire Services
Wauwatosa	WI	Comprehensive Analysis of Police Services
Casper	WY	Comprehensive Analysis of Police Services
Jackson Hole	WY	Police Consolidation Review
Laramie	WY	Comprehensive Analysis of Police Services
Teton County	WY	Police Consolidation Review



City Council Meeting STAFF REPORT

Submitting Department: Public Safety
Submitted By: Will Merrill
Meeting Date: May 7, 2018

I. AGENDA ITEM TITLE: REQUEST TO SUBMIT: FISCAL YEAR 2018 ASSISTANCE TO FIREFIGHTERS GRANT APPLICATION

II. RECOMMENDATION:

Adopt the attached resolution approving submission of a grant application under the Federal Emergency Management Agency's FY 2017 Assistance to Firefighters Grant Program.

III. BUDGET IMPLICATIONS:

BUDGETED ITEM: NO

FISCAL IMPACT: YES

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST: PLEASE SEE WRITE-UP BELOW.

APPROPRIATIONS:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>
Turn-out Gear Washers (account TBD upon approval)	\$25,000.00
Grant Writing Services (account TBD upon approval)	\$2,600.00
City Match to Assistance to Firefighters Grant (22090200-579000)	(\$3,509.00)

EXTERNAL FUNDING SOURCES:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>
Assistance to Firefighters Grant (account TBD upon approval; washers)	\$22,591.00
Assistance to Firefighters Grant (account TBD upon approval; grant writing)	\$1,500.00
-	\$0.00

IV. REPORT IN BRIEF:

The U.S. Department of Homeland Security, through the Federal Emergency Management Agency, funds multiple grant programs for state and local first responders. One of these is the Assistance to Firefighters Grant, an annual award program specific to fire and emergency medical services. If awarded, this grant would be used to purchase four (4) new heavy duty turn-out gear washing machines for use by the Fire Department for fire stations 82, 84, 85 and 86 and one (1) replacement turn-out gear washing machine for Station 83 (19-years old). Currently the fire department has only two washers – stations 81 and 83. These are heavy duty washing machines designed to handle the load of washing firefighter "turn-out gear". The load capacity is only one set of turn out gear per load. This is currently very time consuming when 10-12 firefighters must wash their gear. With the increased exposure of cancer causing agents and off-gassing carcinogens it has created the need to better protect personnel of the fire department that wear their turn out gear during firefighting. The additional washers will be able to launder more turnout gear and at a faster rate. Total costs are estimated at \$25,000 (including installation of the new units). The grant requires a 10% City match.

As the City no longer has a full-time Grants Administrator, the Department is testing the usage of a professional grants writer. Grantmasters Inc. grant writing services was used to draft and submit the grant application by the February 2, 2018 deadline. The fee for these services totals \$2,600 with the grantor funding \$1,500 of said costs should the grant be awarded to the City of Alpharetta.

Project costs total \$27,600 (\$25,000 for the turn-out gear washers and \$2,600 for the grant writing services).

If awarded, the Grant will fund \$24,091 (\$22,591 for the washers and \$1,500 of the grant writing service costs). The City's obligation totals \$3,509 (\$2,409 match for the washers and \$1,100 representing the remaining portion of the grant writing

service costs).

If the grant is not awarded, the City is obligated to fund the entire grant writing service costs of \$2,600.

The Operating Grant Fund will be utilized to fund the City costs detailed above.

V. ALTERNATIVES:

VI. ATTACHMENTS:

2017 Resolution



A RESOLUTION TO AUTHORIZE THE MAYOR AND CITY COUNCIL TO APPROVE THE SUBMISSION OF THE FY17 ASSISTANCE TO FIREFIGHTERS GRANT TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

WHEREAS, the Federal Emergency Management Agency made funding available under the FY17 Assistance to Firefighters; and

WHEREAS, such funds may be used to more effectively protect the health and safety of the public and first responders with respect to fire and other hazards; and

WHEREAS, the City of Alpharetta has applied for funding through this program; and

WHEREAS, the funding, if awarded shall be used to purchase Heavy-Duty Turn-Out Gear Washing Machines; and

WHEREAS, evidence authorizing the acceptance of said application must be provided.

NOW, THEREFORE BE IT SO RESOLVED, by the Mayor and Council of the City of Alpharetta, Georgia, that the submission of the FY17 Assistance to Firefighters Grant application is hereby approved; and if awarded the Mayor is hereby authorized to execute the award package with directives under the Assistance to Firefighters Grant Program.

Adopted this _____ day of _____ 2018.

CITY OF Alpharetta, GEORGIA

By: _____
Mayor

Council Member

Council Member

Council Member

Council Member

Council Member

Council Member

Attest: _____
City Clerk



City Council Meeting STAFF REPORT

Submitting Department: City Clerk

Submitted By:

Meeting Date: May 7, 2018

I. AGENDA ITEM TITLE: ADOPTING ORDINANCE: CODE OF THE CITY OF ALPHARETTA, GEORGIA
(1ST READING)

II. RECOMMENDATION:

Please approve an Ordinance adopting and enacting a new Code for the City of Alpharetta, Georgia.

III. REPORT IN BRIEF:

In 2016, the City engaged, Municode, our provider of codification services, to undertake what is referred to as a 'recodification project'. A recodification is essentially a full legal review of your City Code. It is intended to address any inconsistencies in the Code, incorporate changes to State law, and ensure the Code is updated in regard to current policies and practices. It also addressed language leftover from the codification of the Unified Development Code, where sections may have been addressed in both Codes. Those sections were removed and cross referenced where applicable.

Over the last year, each department, as well as the City Attorney, has had the opportunity to submit requested revisions and then review the 1st and 2nd drafts of the manuscript.

Once the adopting Ordinance is approved, the online version of the revised Code will be available, as well as new hard copies.

IV. ALTERNATIVES:

V. ATTACHMENTS:

Ordinance - Adoption Of New Code, Ordinance - Adoption Of New Code (Redlined), Alpharetta Word Proofs 10-31-2017

ORDINANCE NO. _____

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF ALPHARETTA, GEORGIA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF ALPHARETTA, GEORGIA (the "City"):

Section 1. The code entitled "Alpharetta City Code" or the "Code of the City of Alpharetta Georgia") (hereinafter referred to as the "Code"), published by Municipal Code Corporation, consisting of Chapters 1 through 48, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before August 28, 2017, and not included in the Code or recognized and continued in force by reference therein, are repealed. Nothing in this Ordinance shall be construed to repeal any provision of the Unified Development Code of the City of Alpharetta, Georgia or any ordinances identified in Section 1-11 of the Code, which Section is hereby incorporated herein by reference.

Section 3. The repeal provided for in Section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this Ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine up to the maximum required or permitted by state law. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this Section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is re-enacted in the amendatory ordinance. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the City to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after August 28, 2017, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This Ordinance shall become effective upon adoption.

SO ORDAINED this _____ day of _____, 2018.

CITY OF ALPHARETTA, GEORGIA

By: _____
Donald Mitchell, Mayor

COUNCIL MEMBERS

Jason Binder

Ben Burnett

Dan Merkel

(SEAL)

Attest:

Clerk

First Reading _____

Second Reading _____

ORDINANCE NO. _____

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF ALPHARETTA, GEORGIA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE

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Section 7. This Ordinance shall become effective upon adoption.

~~Passed and adopted by the _____ this _____ day of _____, _____.~~

Mayor

Attest:-

City Clerk

~~1st Reading:-~~

~~2nd Reading:-~~

~~Board Action~~

SO ORDAINED this _____ day of _____, 2018.

CITY OF ALPHARETTA, GEORGIA

By: _____
Donald Mitchell, Mayor

COUNCIL MEMBERS

Jason Binder

Ben Burnett

Dan Merkel

(SEAL)

Attest:

Clerk

First Reading_____

Second Reading_____

2799048

CODE OF ORDINANCES
CITY OF
ALPHARETTA, GEORGIA

Published in 2017 by Order of the City Council



municode

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info@municode.com • 800.262.2633
fax 850.575.8852 • www.municode.com

PROOFS

OFFICIALS
of the
CITY OF
ALPHARETTA, GEORGIA
AT THE TIME OF THIS RECODIFICATION

David Belle Isle
Mayor

Donald Mitchell
Mike Kennedy
Chris Owens
Jim Gilvin
Jason Binder
Dan Merkel
City Council

Sam Thomas
City Attorney

Coty Thigpen
City Clerk

PROOFS

PREFACE

This Code constitutes a recodification of the general and permanent ordinances of the City of Alpharetta, Georgia.

Source materials used in the preparation of the Code were the 1989 Code, as supplemented through August 28, 2017, and ordinances subsequently adopted by the city. 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. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the 1989 Code, as supplemented, and any subsequent ordinance included herein.

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.

Chapter and Section Numbering System

The chapter and section 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 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections 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 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. 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. New chapters may be included by using one of the reserved chapter numbers. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately

to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

CHARTER	CHT:1
RELATED LAWS	RL:1
SPECIAL ACTS	SA:1
CHARTER COMPARATIVE TABLE	CHTCT:1
RELATED LAWS COMPARATIVE TABLE	RLCT:1
SPECIAL ACTS COMPARATIVE TABLE	SACT:1
CODE	CD1:1
CODE APPENDIX	CDA:1
CODE COMPARATIVE TABLES	CCT:1
STATE LAW REFERENCE TABLE	SLT:1
CHARTER INDEX	CHTi:1
CODE INDEX	CDi:1

Indexes

The indexes have 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 indexes themselves 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 affected page or pages 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 pages 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

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PROOFS

PART I CHARTER AND RELATED LAWS*

SUBPART A.

CHARTER

***Editor's note**--Printed herein is the Charter of the city, as adopted by 1981 Ga. Laws (Act No. 704), page 4609. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. Any provisions regarding the title, enactment date, severability, repealer, transitional language, ratification date, publication date or effective date of the ordinance have been omitted. Obvious misspellings and punctuation errors have been corrected without notation. The style used for headings and catchlines has been made uniform and consistent with those appearing in the Code. The same system of capitalization and expression of numbers in text has been used as it appears in the Code of Ordinances. Additions made for clarity, such as consistent state statute citations and catchline modifications are indicated by brackets.

State law reference--Home rule for municipalities, Ga. Const. art. IX, § II, ¶ II; Home Rule Act of 1965, O.C.G.A. § 36-35-1 et seq.

Article I. Creation, Incorporation, [and] Powers, §§ 1.10--1.14

Article II. Government Structure, §§ 2.10--2.29

Article III. Administrative Affairs, §§ 3.10--3.16

Article IV. Judicial Branch, §§ 4.10--4.24

Article V. Elections and Removal, §§ 5.10--5.18

Article VI. Finance, §§ 6.10--6.31

Article VII. General Provisions, §§ 7.10--7.19

ARTICLE I. CREATION, INCORPORATION, [AND] POWERS

Sec. 1.10. Name.

This city and the inhabitants thereof, are hereby constituted and declared a body politic and corporate under the name and style of City of Alpharetta, Georgia, and by that name shall have perpetual succession.

Sec. 1.11. Corporate boundaries.

(a) The boundaries of this city shall be those existing on the effective date of the adoption of this Charter with such alterations as may be made from time to time in the manner provided by law. The boundaries of this city at all times shall be shown on a map, a written description or any combination thereof, to be retained permanently in the office of [the] city clerk and to be designated, as the case may be: "Official Map (or Description) of the Corporate Limits of the City of Alpharetta, Georgia." Photographic, typed, or other copies of such map or description certified by the city clerk shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description. A copy of the "Official Map" of the city is hereto attached and made a part hereof as if specifically described.

Editor's note--The official map is not included herein. It is attached to the Charter on file in the city clerk's office.

(b) The city council may provide for the redrawing of any such map by ordinance to reflect lawful changes in the corporate boundaries. A redrawn map shall supersede for all purposes the earlier map or maps which it is designated to replace.

(c) Notwithstanding the provisions of subsection (a) of this section, the following described property is hereby removed from the corporate limits of the City of Alpharetta, and said corporate limits shall not include the following described property:

All that tract or parcel of land lying and being in Land Lots 522 and 543 of the First District, Second Section of Fulton County, Georgia along the north right-of-way line of the New Mansell Road, a public road in Fulton County, Georgia having an 80-foot right-of-way, and being more particularly described as follows:

Beginning in the northeast corner of Land Lot 543, said district and section, the same being the common corner of Land Lots 543, 544, 559 and 560; thence running in the direction of north 87 degrees 44 minutes 12 seconds west as measured along the north line of Land Lot 543, the same being the south line of Land Lot 544, a distance of 73 feet more or less to a point located at the intersection of the said north line of Land Lot 543 with the former northeast right-of-way line of Old Mansell Road, said Old Mansell Road, having been abandoned following the construction of the New Mansell Road; thence running in the direction of north 84 degrees 44 minutes 12 seconds west a distance of 55.03 feet to a point located along the former center line of Old Mansell Road; thence running along the following courses and distances as measured along the former center line of Old Mansell Road, now abandoned, and following the curvature thereof, to-wit: thence running in the direction of north 87 degrees 48 minutes 27 seconds west a distance of 298.77 feet to a point; thence running in the direction of north 89 degrees 42 minutes 38 seconds west a distance of 238.21 feet to a point; thence running in the direction of north 86 degrees 56 minutes 16 seconds west a distance of 175.69 feet to a point; thence running in the direction of south 89 degrees 52 minutes 6 seconds west a distance of 89.37 feet to a point; thence running in the direction of north 85 degrees 57 minutes 8 seconds west a distance of 94.15 feet to a point; thence running in the direction of north 85 degrees 52 minutes 37 seconds west a distance of 92.26 feet to a point; thence running in the direction of north 86 degrees 32 minutes 23 seconds west a distance of 435.96 feet to a point located in Land Lot 522; thence running in the direction of north 86 degrees 54 minutes 50 seconds west a distance of 27.27 feet to a point where the said former center line of Old Mansell Road intersects the present north right-of-way line of the New Mansell Road; thence running along the following courses and distances as measured along the north right-of-way line of New Mansell Road having an 80-foot right-of-way and following the curvature thereof, to-wit: south 83 degrees 15 minutes 57 seconds east a distance of 43.07 feet to a point; thence running south 83 degrees 17 minutes 53 seconds east a distance of 69.41 feet to a point; thence running south 83 degrees 51 minutes 3 seconds east a distance of 68.14 feet to a point; thence running south 83 degrees 57 minutes 0 seconds east a distance of 73.55 feet to a point located in Land Lot 543; thence running south 84 degrees 7 minutes 33 seconds east a distance of 45.52 feet to a point; thence running in the direction of south 84 degrees 30 minutes 58 seconds east a distance of 53.79 feet to a point; thence running south 84 degrees 20 minutes 27 seconds east a distance of 53.87 feet to a point; thence running in the direction of south 85 degrees 7 minutes 23 seconds east a distance of 51.80 feet to a point; thence running south 85 degrees 56 minutes 20 seconds east a distance of 51.64 feet to a point; thence running south 85 degrees 55 minutes 5 seconds east a distance of 51.83 feet to a point; thence running south 85 degrees 41 minutes 57 seconds east a distance of 48.95 feet to a point; thence running south 86 degrees 21 minutes 30 seconds east a distance of 887.62 feet to a point; thence running south 84 degrees 35 minutes 58 seconds east a distance of 14.33 feet to a point; thence running in the direction of south 84 degrees 35 minutes 58 seconds east a distance of 32.32 feet to a point; thence running south 84 degrees 35 minutes 58 seconds east a distance of 9.91 feet to a point; thence running in the direction of south 84 degrees 7 minutes 2 seconds east a distance of 15 feet more or less to a point, said point being the intersection of the north right-of-way line of the New Mansell Road with the east line of Land Lot 543; thence running in a northerly direction as measured along the east line of Land Lot 543, the same being the west line of Land Lot 560, a distance of 56.1 feet to a point located in the northeast corner of Land Lot 543, the same being the point of beginning.

The above described tract being according to a plat of survey as prepared by Travis N. Pruitt, Sr., R.L.S. 1729, dated April 16, 1981, revised April 24, 1981.

(d) In addition to the area now embraced within the corporate limits of the City of Alpharetta, the following described tract of land shall be included within said corporate limits:

All that tract or parcel of land lying and being in Land Lots 906, 967, and 968 of the 2nd district, 2nd section of Fulton County, Georgia, and being more particularly described as follows:

Beginning at an iron pin found located at the common corner of Land Lots 907, 906, 967, and 966; running thence north 89 degrees 48 minutes east a distance of 490.0 feet to an iron pin set; running thence north 0 degrees 33 minutes west a distance of 1307.5 feet to an iron pin set; running north 89 degrees 46 minutes east a distance of 843.0 feet to an iron pin found; running thence south 0 degrees 45 minutes west a distance of 724.0 feet to an iron pin found; running thence south 87 degrees 37 minutes west a distance of 210.8 feet to an iron pin found; running thence south 2 degrees 04 minutes east a distance of 576.3 feet to an iron pin found; running thence north 89 degrees 08 minutes east a distance of 1106.7 feet to an iron pin set;

running thence in a southwesterly direction along the westerly right-of-way of Cogburn Road (said road having a 60-foot right-of-way) the following distances: running south 11 degrees 27 minutes west a distance of 84.84 feet to a point, running south 16 degrees 10 minutes west a distance of 98.48 feet to a point, running south 20 degrees 12 minutes west a distance of 98.66 feet to a point, running south 23 degrees 49 minutes west a distance of 98.30 feet to a point, and running south 26 degrees 08 minutes 30 seconds west a distance of 301.46 feet to an iron pin found; running thence south 89 degrees 58 minutes west a distance of 653.9 feet to an iron pin found; running thence north 89 degrees 48 minutes west a distance of 1317.2 feet to an iron bar found; running thence north 0 degrees 17 minutes west a distance of 620.1 feet to an iron pin found, which is the point of beginning.

Said property being shown on a compiled plat for the City of Alpharetta, prepared by Rodney H. Reese, Georgia-registered land surveyor No. 2072, dated December 12, 1985. Total area equaling 52.85 acres.

(e) In addition to the area now embraced within the corporate limits of the City of Alpharetta, the following described property shall be included within said corporate limits:

All that tract or parcel of land lying and being in Land Lot 1135 of the 2nd District, 2nd Section, of Fulton County, Georgia, and being more particularly described as follows:

Beginning at an iron pin found (one inch C/T) on the southwesterly right-of-way of Broadwell Road (60-foot right-of-way) where it intersects with the land lot line that divides Land Lot 1134 and 1171; thence south 89 degrees 45 minutes 32 seconds west 180.53 feet along the land lot line that divides Land Lots 1134 and 1171, to an iron pin found on the land lot line (3/4 inch C/T); thence north 04 degrees 13 minutes 00 seconds west 401.95 feet to an iron pin found (3/4 inch C/T) on the southeasterly right-of-way of Crabapple Road (50-foot right-of-way) at that point; thence northeasterly along said right-of-way 72 degrees 01 minutes 30 seconds east 197.97 feet to a P/K nail set at the intersection of the southeasterly right-of-way of Crabapple Road (50-foot right-of-way) and the southwesterly right-of-way of Broadwell Road (60-foot right-of-way); thence south 02 degrees 42 minutes 14 seconds east 461.71 feet to an iron pin found at the point of beginning, said tract being 1.843 acres and the same property shown on a survey prepared for Crabapple First Baptist Church, Inc., by Brumbelow-Reese and Associates, Inc., on December 1, 1994.

(f) In addition to the area now embraced within the corporate limits of the City of Alpharetta, the following described property shall be included within said corporate limits:

All that tract or parcel of land lying and being in Land Lot 1242, 2nd district of the 2nd section of Fulton County, Georgia totaling 7.592 acres and being located at 12270 and 12290 Broadwell Road, and being more particularly described on Exhibit "A" attached [to Ordinance 577, adopted Oct. 3, 2005] and incorporated herein by reference.

(f)(g) In addition to the area now embraced within the corporate limits of the City of Alpharetta, the following described property shall be included within said corporate limits:

All of that tract or parcel of land lying and being in Land Lot 1239 of the 2nd District, 2nd Section of Fulton County, Georgia, and bounded on the south by Rucker Road, bounded on the east by the corporate limits of the City of Roswell, bounded on the west by the corporate limits of the City of Roswell, and bounded on the north by the current corporate limits of the City of Alpharetta.

(1982 Ga. Laws (Act No. 1149), page 4540, § 1; 1986 Ga. Laws (Act No. 804), page 3673, § 1; 1997 Ga. Laws (Act No. 72), page 3622, § 1; 2006 Ga. Laws (Act No. 806), § 1)

Sec. 1.12. Powers and construction.

(a) This city shall have all powers possible for a city to have under the present or future constitution and laws of this state as fully and completely as though they were specifically enumerated in this Charter.

(b) The powers of this city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of this city.

Sec. 1.13. Examples of powers.

The corporate powers of this city may include, but are not limited to, the following:

- (1) *Property taxes.* To levy and to provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation;
- (2) *Other taxes.* To levy and collect such other taxes as may be allowed now or in the future by state law;
- (3) *Business regulation and taxation.* To levy and to provide for the collection of license fees and taxes on privileges, occupations, trades and professions; to license and regulate the same; to provide for the manner and method of payment of such licenses and taxes; and to revoke such licenses after due process for failure to pay any city taxes or fees;
- (4) *Appropriations and expenditures.* To make appropriations for the support of the government of the city, to authorize the expenditure of money for any purpose authorized by this Charter and for any purpose for which a municipality is authorized by the law of the State of Georgia, and to provide for the payment of expenses of the city;
- (5) *Municipal debts.* To appropriate and borrow money for the payment of debts of the city and to issue bonds for the purpose of raising revenue to carry out any project, program or venture authorized by this Charter or the laws of the State of Georgia;
- (6) *Municipal property ownership.* To acquire, dispose of, and hold in trust or otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the city;
- (7) *Gifts.* To accept or refuse gifts, donations, bequests or grants from any source for any purpose related to the powers and duties of the city and the general welfare of its citizens, on such terms and conditions as the donor or grantor may impose;
- (8) *Condemnation.* To condemn property, inside or outside the corporate limits of the city, for present or future use, and for any corporate purpose deemed necessary by the governing authority, under ~~title 36 (Eminent Domain) of the Code of Georgia, 1933~~ [title 22, O.C.G.A.], or under other applicable public acts as are or may be enacted;¹
- (9) *Municipal utilities.* To acquire, lease, construct, operate, maintain, sell and dispose of public utilities, including, but not limited to, a system of waterworks, sewers and drains, sewage disposal, gas works, electric light plants, transportation facilities, public airports, and any other public utility. To fix the taxes, charges, rates, fares, fees, assessments, regulations and penalties and withdrawal of service for refusal or failure to pay same, and the manner in which such remedies shall be enforced;
- (10) *Public utilities and services.* To grant franchises or make contracts for public utilities and public service[s], [and] to prescribe the rates, fares, regulations and standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations by the Public Service Commission;
- (11) *Roadways.* To lay out, open, extend, widen, narrow, establish or change the grade of, abandon, or close, construct, pave, curb, gutter, adorn with shade trees, otherwise improve, maintain, repair, clean, prevent erosion of, and light roads, alleys, and walkways within the corporate limits of the city; and to grant franchises and rights-of-way throughout the streets and roads, and over the bridges and viaducts, for the use of public utilities;
- (12) *Public improvements.* To provide for the acquisition, construction, building, operation and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detentional, penal and medical institutions, agencies, and facilities; and any other public improvements, inside or outside the corporate limits of the city, and to regulate the use thereof; and for such purposes, property may be acquired by condemnation under ~~title 36 of the Code of Georgia, 1933~~ [title 22, O.C.G.A.], or other applicable public acts as are or may

¹ **Charter, § 1.13(8). Examples of powers.** The citation of this statute has been updated to reflect current state law.

be enacted;²

(13) *Building regulation.* To regulate the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas and heating and air conditioning codes and to regulate all housing, building, and building trades; [and] to license the construction and erection of buildings and all other structures;

(14) *Planning and zoning.* To provide such comprehensive city planning for development by zoning, subdivision regulation and the like as the city council deems necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;

(15) *Public peace.* To provide for the prevention and punishment of drunkenness [sic. drunkenness], riots, and public disturbances;

(16) *Special areas of public regulation.* To regulate or prohibit junk dealers, pawnshops, the manufacture, sale or transportation of intoxicating liquors, the use and sale of firearms, to regulate the transportation, storage and use of combustible, explosive and inflammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property; to regulate and control the conduct of peddlers, and itinerant trades, theatrical performances, exhibitions, shows of any kind whatever, by taxation or otherwise; [and] to license, tax, regulate, or prohibit professional fortune-telling, palmistry, adult bookstores, and massage parlors;

(17) *Regulation of roadside areas.* To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings and any and all other structures or obstructions upon or adjacent to the rights-of-way of streets and roads or within view thereof, within or abutting the corporate limits of the city, and to prescribe penalties and punishment for violation of such ordinances;

(18) *Health and sanitation.* To prescribe standards of health and sanitation, and to provide for the enforcement of such standards;

(19) *Air and water pollution.* To regulate the emission of smoke, chemical and other noxious fumes, vehicle exhaust and other air pollutants which are admitted into the air space of the city; and to regulate and control any and all chemical, trash, unclean, impure or corrupt material that may be exposed to the water flowing in, around and through the city;

(20) *Fire regulations.* To fix and establish fire limits, and from time to time to extend, enlarge or restrict same; to prescribe fire safety regulations not inconsistent with general law, relating to both fire prevention and detection and to firefighting; and to prescribe penalties and punishment for violation thereof;

(21) *Public hazards, removal.* To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public;

(22) *Solid waste disposal.* To provide for the collection and disposal of garbage, rubbish and refuse and to regulate the collection and disposal of garbage, rubbish and refuse by others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and other recyclable materials, and to provide for the sale of such items;

(23) *Garbage fees.* To levy, fix, assess, and collect a garbage, refuse and trash collection and disposal and other sanitary service charge, tax or fee for such services as may be necessary in the operation of the city from all individuals, firms, and corporations residing in or doing business therein benefiting from such services; to enforce the payment of such charges, taxes or fees; and to provide for the manner and method of collecting such service charges;

(24) *Sewer fees.* To levy a fee, charge or sewer tax as necessary to assure the acquiring, constructing, equipping, operating, maintaining and extending of a sewage disposal plant and sewerage system; and to levy on the users of sewers and the sewerage system a sewer service charge fee or sewer tax for the use of the

² **Charter, § 1.13(12). Examples of powers.** The citation of this statute has been updated to reflect current state law.

sewers; and to provide for the manner and method of collecting such service charges; and for enforcing payment of same; to charge, impose and collect a sewer connection fee or fees; and to charge the same from time to time such fees to be levied on the users connecting with the sewerage system;

(25) *Nuisance*. A nuisance shall be defined and abated as provided by ~~Georgia Code Annotated, title 72~~ [O.C.G.A. § 41-1-1 et seq.], as amended;³

(26) *Municipal property protection*. To provide for the preservation and protection of property and equipment of the city and the administration and use of same by the public, and to prescribe penalties and punishment for violations thereof;

(27) *Jail sentences*. To provide that persons given jail sentences in the city's municipal court shall work out such sentence in any public works or on the streets, roads, drains and squares in the city; or to provide for commitment of such persons to any county work camp or jail by agreement with the appropriate county officials;

(28) *Animal regulations*. To regulate and license, or prohibit the keeping or running at large of, animals and fowl, and to provide for the impoundment of same if in violation of any ordinance or lawful order; also to provide for their disposition by sale, gift, or humane destruction when not redeemed as provided by ordinance; [and] to provide punishment for violation of ordinance[s] enacted hereunder;

(29) *Motor vehicles*. To regulate the operation of motor vehicles and exercise control over all traffic, including parking, upon or across the streets, roads, alleys and walkways of the city;

(30) *Taxicabs*. To regulate and license vehicles operated for hire in the city; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to regulate and rent parking spaces in public ways for the use of such vehicles;

(31) *Pensions*. To provide and maintain a system of pensions and retirement for members of the governing authority and employees of the city as provided by ~~Georgia Code Annotated 69-1019~~ [O.C.G.A. § 36-35-4], as amended;⁴

(32) *Special assessments*. To levy and provide for the collection of special assessments to cover the costs for any public improvements;

(33) *Contracts*. The City of Alpharetta shall have the power to enter into contracts and agreements with other governmental entities and with private persons, firms and corporations.

(34) *City agencies and delegation of power*. To create, alter or abolish departments, boards, offices, commissions and agencies of the city, and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to same;

(35) *Penalties*. To provide penalties for violations of any ordinance adopted pursuant to the authority of this Charter and the laws of the State of Georgia;

(36) *Police and fire protection*. To exercise the power of arrest through duly appointed policemen and to organize and operate a firefighting agency;

(37) *Emergencies*. To establish procedures for determining and proclaiming that an emergency situation exists within or without the city, and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health or well-being of the citizens of the city;

(38) *Urban redevelopment*. To organize and operate an urban redevelopment program;

(39) *Public transportation*. To organize and operate such public transportation systems as are deemed

³ **Charter, § 1.13(25). Examples of powers.** The citation of this statute has been updated to reflect current state law.

⁴ **Charter, § 1.13(31). Examples of powers.** The citation of this statute has been updated to reflect current state law.

beneficial;

(40) *General health, safety, and welfare.* To define, regulate and prohibit any act, practice, conduct or use of property which is detrimental to [the] health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city, and to provide for the enforcement of such standards;

(41) *Other powers.* To exercise and enjoy other powers, functions, rights, privileges and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, or general welfare of the city and its inhabitants; and to exercise all implied powers necessary to carry into execution all powers granted in this Charter as fully and completely as if such powers were fully stated herein; and to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia. No listing of particular powers in this Charter shall be held to be exclusive of others, nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers, unless expressly prohibited to municipalities under the constitution or applicable laws of the State of Georgia.

(1984 Ga. Laws (Act No. 931), page 4336, § 1; 1989 Ga. Laws, page 5256, § 1; 1998 Ga. Laws, page 4852, § 1)

Sec. 1.14. Exercise of powers.

All powers, functions, rights, privileges and immunities of the city, its officers, agencies or employees shall be carried into execution as provided by this Charter. If this Charter makes no provision, such shall be carried into execution as provided by ordinance or as provided by pertinent laws of the State of Georgia.

ARTICLE II. GOVERNMENT STRUCTURE

Sec. 2.10. City council creation; composition; number; election.

The legislative authority of the government of this city, except as otherwise specifically provided in this Charter, shall be vested in a city council to be composed of a mayor and six councilmembers. The mayor and councilmembers shall be elected in the manner provided by article V of this Charter.

Sec. 2.11. City council terms and qualification for office.

(a) The mayor and the members of the city council shall serve for terms of four years and until their respective successors are elected and qualified. Terms of office shall begin on the January 2 immediately following the date of election to office for all persons elected at regular elections. No person shall be eligible to serve unless that person shall have been a resident of the city for six months prior to the date of election, shall have attained the age of 21 years prior to the date of election, shall continue to reside in the city during that member's period of service, and shall be registered and qualified to vote in municipal elections of this city.

(b) No councilmember elected and qualified for three consecutive terms shall be eligible for the succeeding term.

(c) No mayor elected and qualified for two consecutive terms shall be eligible for the succeeding term.

(1998 Ga. Laws, page 4853, § 4)

Sec. 2.12. Vacancy; filling of vacancies.

(a) *Vacancies.* The office of mayor or councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office or removal from office in any manner authorized by this Charter or the general laws of the State of Georgia.

(b) *Filling of vacancies.* A vacancy in the office of mayor or councilmember shall be filled for the remainder of the unexpired term, if any, as provided for in article V.

Sec. 2.13. Compensation and expenses.

The mayor and councilmembers shall receive compensation for their services in the following amounts:

(1) Mayor: \$30,000.00 per annum, payable monthly; and

(2) Council[member]: \$15,000.00 per annum, payable monthly.

The mayor and councilmembers shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties.

(1984 Ga. Laws (Act No. 865), page 4319, § 1; 1989 Ga. Laws (Act No. 321), page 5224, § 1; 2004 Ga. Laws (Act No. 828), § 1)

Sec. 2.14. Prohibitions.

(a) *Conflict of interest.* No elected official, appointed officer, or employee of the city or any agency or political entity to which this Charter applies shall knowingly:

- (1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties or which would tend to impair his independence of judgment or action in the performance of his official duties;
- (2) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair the independence of his judgment or action in the performance of his official duties;
- (3) Disclose confidential information concerning the property, government, or affairs of the governmental body by which he is engaged without proper legal authorization, or use such information to advance the financial or other private interest of himself or others;
- (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm or corporation which, to his knowledge, is interested, directly or indirectly, in any manner whatsoever in business dealings with the governmental body by which he is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;
- (5) Represent other private interests in any action or proceeding against this city or any portion of its government;
- (6) Vote or otherwise participate in the negotiation or the making of any contract with any business or entity in which he has a financial interest.

(b) *Disclosure.* Any elected official, appointed officer, or employee who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such private interest to the city council. The mayor or any councilmember who has a private interest in any matter pending before the city council shall disclose such private interest, and such disclosure shall be entered on the records of the city council, and he shall disqualify himself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this Charter applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such private interest to the governing body of such agency or entity.

(c) *Use of public property.* No elected official, appointed officer, or employee of the city or any agency or entity to which this Charter applies shall use property owned by such government for personal benefit, convenience, or profit except in accordance with policies promulgated by the city council or the governing body of such agency or entity.

(d) *Contracts voidable and rescindable.* Any violation of this section which occurs with the knowledge, express or implied, of another party to a contract or sale shall render said contract or sale voidable as to that party, at the option of the city council.

(e) *Ineligibility of elected officials.* Except where authorized by law, neither the mayor nor any councilmember shall hold any other elective or compensated appointive office in the city or otherwise be employed by said government or any agency thereof during the term for which he was elected.

(f) *Political activities of certain officers and employees.* No appointive officer and no employee of the city shall continue in such employment upon qualifying as a candidate for nomination or election to any public office for the City of Alpharetta.

(g) *Penalties for violation.*

(1) Any city officer or employee who knowingly conceals such financial interest or knowingly violates any of the requirements of this section shall be guilty of malfeasance in office or position, and shall be deemed to have forfeited his office or position.

(2) Any officer or employee of the city who shall forfeit his office or position as described in [subsection (g)](1) above shall be ineligible for appointment or election to or employment in a position in the city government for a period of three years thereafter.

Sec. 2.15. Inquiries and investigation[s].

The city council may make inquiries and investigations into the affairs of the city and the conduct of any department, office, or agency thereof, and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the city council shall be punished as provided by ordinance.

Sec. 2.16. General power and authority of the city council.

Except as otherwise provided by this Charter, the city council shall be vested with all the powers of government of this city as provided by article I.

Sec. 2.17. Oath of office.

The mayor and each member of council, before entering upon the duties of office, shall take and subscribe the following oath: "I do solemnly swear (or affirm) that I will faithfully perform the duties of (mayor or councilmember, as the case may be) of this city and that I will support and defend the Charter thereof as well as the constitution and laws of the State of Georgia and [the Constitution] of the United States of America."

Sec. 2.18. Regular and special meetings.

(a) The city council shall hold regular meetings at such times and places as prescribed by ordinance.

(b) Special meetings of the city council may be held on call of the mayor or three members of the city council. Notice of such special meetings shall be served on all other members personally, or by telephone personally, at least 24 hours in advance of the meeting. Such notice to councilmembers shall not be required if the mayor and all councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by a councilmember in writing before or after such a meeting, and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such councilmember's presence. Only the business stated in the call may be transacted at the special meeting.

(c) All meetings of the city council at which any official action is to be taken shall be public to the extent required by ~~title 40, Section 3301, et seq., Georgia Code Annotated~~ [O.C.G.A. § 50-14-1 et seq.], as amended; and notice of such meetings, whether regular or special, shall be made fully as is reasonably possible at least five days prior to such meetings.⁵

Sec. 2.19. Rules of procedure.

The city council shall adopt its rules of procedure and order of business consistent with the provisions of this Charter and shall provide for keeping a journal of its proceedings, which shall be a public record.

Sec. 2.20. Quorum; voting.

(a) Four councilmembers shall constitute a quorum and shall be authorized to transact business of the city council. Voting on the adoption of ordinances shall be taken by voice vote and the ayes and nays shall be recorded in the journal, but any member of the city council shall have the right to request a roll call vote. The affirmative vote of a majority of the councilmembers present shall be required for the adoption of any ordinance, resolution, or motion, except as otherwise provided in this Charter.

(b) In an emergency situation, which shall only be established by the following three types of circumstances

⁵ **Charter, § 2.18. Regular and special meetings.** The citation of this statute has been updated to reflect current state law.

arising, to-wit:

- (1) Hospitalization;
- (2) Death in the immediate family; [or]
- (3) Ambulatory illness;

the mayor or councilmember laboring under one or more of these hardships shall have the right to vote his conviction on any motion, resolution or ordinance by absentia.

Sec. 2.21. Ordinance form; procedure.

(a) Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "The Council of the City of Alpharetta hereby ordains. . ." and every ordinance shall so begin.

(b) An ordinance may be introduced by any councilmember and read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish; provided, however, an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances provided in [section] 2.23. Upon introduction of any ordinance, the clerk shall, as soon as possible, distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the clerk and at such other public places as the city council may designate.

Sec. 2.22. Action requiring an ordinance.

In addition to other acts required by general state law or by specific provisions of this Charter to be done by ordinance, acts of the city council which have the force and effect of law shall be done by ordinance.

(a) Advertising, notice and public hearings. Shall only be required for those actions by the city having as their purpose one or more of the following:

- (1) Changing, amending or modifying this Charter or the official zoning map of the city;
- (2) Annexing or de-annexing property;
- (3) Calling of a special election or the holding of a general election.

The advertising of any of the said actions shall be accomplished by publishing the notice of the proposed action in a newspaper of general circulation within the City of Alpharetta, Georgia; and the notice shall be given in writing setting forth the date, time and place of the public hearing. All other ordinances shall be submitted, approved or disapproved, as hereinafter provided.

(b) The newspaper having general circulation within the city may be designated specifically by separate ordinance.

Sec. 2.23. Emergencies.

To meet a public emergency affecting life, health, property or public peace, the city council may convene on call of the mayor or two councilmembers and promptly adopt an emergency ordinance, but such ordinance may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services, or authorize the borrowing of money, except for loans to be repaid within 30 days. An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least three councilmembers shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed 30 days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

Sec. 2.24. Codes of technical regulations.

(a) The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally, except that: (1) the requirements of section 2.21(b) for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to section 2.25.

(b) Copies of all adopted code of technical regulations shall be made available by the clerk for distribution or for purchase at a reasonable price.

Sec. 2.25. Signing; authenticating; recording; codification; printing.

(a) The clerk shall authenticate by his or her signature, and record in full in a properly indexed book kept for the purpose, all ordinances adopted by the council.

(b) The city council may provide for the preparation of a general codification of all of the ordinances of the city having the force and effect of law. The general codification shall be adopted by the city council by ordinance and shall be published promptly, together with all amendments thereto and such codes of technical regulations and other rules and regulations as the city council may specify. This compilation shall be known and cited officially as ~~the~~ "The Code of the City of Alpharetta, Georgia." Copies of the Code shall be furnished to all officers, departments, and agencies of the city, and made available for purchase by the public at a reasonable price as fixed by the city council.

(c) The city council shall cause each ordinance and each amendment to this Charter to be printed promptly following its adoption, and the printed ordinances and Charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the city council. Following publication of the first Code under this Charter and at all times thereafter, the ordinances and Charter amendments shall be printed in substantially the same style as the Code currently in effect, and shall be suitable in form for incorporation therein. The city council shall make such further arrangements as deemed desirable with respect to reproduction and distribution of any current changes in or additions to codes of technical regulations and other rules and regulations included in the Code.

Sec. 2.26. Chief executive officer.

The mayor shall be the chief executive of this city. He shall possess all of the executive and administrative powers granted to the city under the constitution and laws of the State of Georgia, and all the executive and administrative powers contained in this Charter.

Sec. 2.27. Powers and duties of mayor.

As the chief executive of this city, the mayor shall:

- (a) See that all laws and ordinances of the city are faithfully executed;
- (b) Exercise supervision over all executive and administrative work of the city and provide for the coordination of administrative activities;
- (c) Submit to the city council at least once a year a statement covering the financial conditions of the city and, from time to time, such other information as the city council may request;
- (d) Recommend to the city council such measures relative to the affairs of the city, improvement of the government, and promotion of the welfare of its inhabitants as he may deem expedient;
- (e) Call special meetings of the city council as provided for in section 2.18;
- (f) Approve or disapprove ordinances as provided in section 2.28;
- (g) Examine and audit all accounts of the city;
- (h) Require any department or agency of the city to submit written reports whenever he deems it expedient;
- (i) Perform other duties as may be required by general state law, this Charter or ordinance;
- (j) Appoint councilmembers singularly or in committee to oversee and report on the functions of the various

departments of the city;

(k) Employ city personnel, with the approval of a majority of the councilmembers including the mayor;

(l) Terminate city personnel, with the approval of a majority of the councilmembers including the mayor.

For the purposes of [subsections] (k) and (l) above, approval must be obtained at a regular, special or executive session meeting of the city council.

Sec. 2.28. Submission of ordinances to the mayor; veto power.

(1) Every ordinance adopted by the city council shall be presented within five working days by the clerk to the mayor.

(2) The mayor, within ten calendar days of receipt of an ordinance, shall return it to the clerk with or without his approval, or with his disapproval. If the ordinance has been approved by the mayor, or if it is neither approved nor disapproved, it shall become law upon its return to the clerk. If the mayor shall fail to return the ordinance to the clerk within ten calendar days of receipt, it shall become law at 12:00 midnight on the tenth calendar day after receipt. If the ordinance is disapproved, the mayor shall submit to the city council, through the clerk, a written statement of his reasons for his veto. The clerk shall record upon the ordinance the date of its delivery to and receipt from the mayor.

(3) Ordinances vetoed by the mayor shall be presented by the clerk to the city council at its next meeting, and should the city council then or at its next general meeting adopt the ordinance by an affirmative vote of four or more councilmembers, it shall become law.

(4) The mayor may disapprove or reduce any item or items of appropriation in any ordinance. The approved part or parts of any ordinance making appropriations shall become law, and the part or parts disapproved shall not become law unless subsequently passed by the city council over the mayor's veto as provided herein. The reduced part or parts shall be presented to [the] city council as though disapproved and shall not become law unless overridden by the council as in subsection (3) above.

Sec. 2.29. Mayor pro tem; selection; duties.

The city council shall elect by majority vote from among its members a mayor pro tem, who shall assume the duties and powers of the mayor upon the mayor's disability or absence, or upon a vacancy in the office of mayor.

ARTICLE III. ADMINISTRATIVE AFFAIRS

Sec. 3.10. Administrative and service departments.

(a) Except as otherwise provided in this Charter, the city council, by ordinance, shall prescribe the functions or duties and establish, abolish, or alter all non-elective offices, positions of employment, departments and agencies of the city, as necessary for the proper administration of the affairs and government of this city.

(b) Except as otherwise provided by this Charter or general state law, the directors of departments and other appointed officers of this city shall be appointed solely on the basis of their respective administrative and professional qualifications.

(c) All appointive officers and directors of departments shall receive such compensation as [is] prescribed by ordinance.

Sec. 3.11. Boards, commissions and agencies.

(a) The city council shall create by ordinance such boards, commissions and agencies to fulfill any investigative, quasi-judicial or quasi-legislative function the city council deems necessary, and shall, by ordinance, establish the composition, period of existence, duties and powers thereof.

(b) All members of boards, commissions and agencies of the city shall be appointed by the city council for such terms of office and in such manner as shall be provided by ordinance, except where other appointing authority, term of office or manner of appointment is prescribed by this Charter or general state law.

(c) The city council, by ordinance, may provide for the compensation and reimbursement for actual and necessary expenses of the members of any board, commission or agency.

(d) No member of any board, commission or agency shall hold any elective office in the city.

(e) Any vacancy on a board, commission, or agency of the city shall be filled for the unexpired term in the manner prescribed herein for original appointment, except as otherwise provided by this Charter or general state law.

(f) No member of a board, commission or agency shall assume office until he has executed and filed with the clerk of the city an oath obligating himself to faithfully and impartially perform the duties of this office, such oath to be prescribed by ordinance and administered by the mayor.

(g) Any member of a board, commission or agency may be removed from office for cause by a vote of four members of the city council.

(h) Except as otherwise provided by this Charter or by general state law, each board, commission or agency of the city shall elect one of its members as chairman and one member as vice chairman and may elect as its secretary one of its own members or may appoint as secretary an employee of the city. The mayor and city council may, by resolution or ordinance, establish such bylaws, rules and regulations, not inconsistent with this Charter, or general state law, governing the conduct of affairs of each board, commission or agency within the city.

(1992 Ga. Laws (Act No. 808), page 5591, § 1)

Sec. 3.12. City attorney.

The city council may appoint a city attorney, together with such assistant city attorneys as may be authorized, and shall provide for the payment of such attorney or attorneys for services rendered to the city. The city attorney shall be responsible for representing and defending the city in all litigation in which the city is a party; shall attend the meetings of the council as directed; shall advise the city council, mayor, and other officers and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required of him by virtue of his position as city attorney.

Sec. 3.13. City clerk.

The city council may appoint a city clerk who shall not be a councilmember. The city clerk shall be [the] custodian of the official city seal; maintain city council records required by this Charter; and perform such other duties as may be required by the city council.

Sec. 3.14. Tax collector.

The city council may appoint a tax collector to collect all taxes, licenses, fees and other moneys belonging to the city subject to the provisions of this Charter and the ordinances of the city, and the tax collector shall diligently comply with and enforce all general laws of Georgia relating to the collection, sale, or foreclosure of taxes by municipalities.

Sec. 3.15. City accountant.

The city council may appoint a city accountant to perform the duties of an accountant.

Sec. 3.16. Personnel policies.

The city council may adopt rules and regulations consistent with this Charter concerning: (1) the method of employee selection and probationary periods of employment; ~~and~~ (2) the administration of a position classification and pay plan, methods of promotion and application of service ratings thereto, and transfer of employees within the classification plan; (3) hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and the order and manner in which layoff shall be effected; (4) such dismissal hearings as due process may require; and (5) such other personnel policies as may be necessary to provide for adequate and systematic handling of personnel affairs.

ARTICLE IV. JUDICIAL BRANCH

Sec. 4.10. Creation; name.

There shall be a court to be known as the municipal court of the City of Alpharetta.

Sec. 4.11. Judge.

(a) The municipal court shall be presided over by a judge. The method of selection and term(s) of such judge shall be provided by ordinance.

(b) The compensation of the judge shall be \$25,000.00 per year, payable monthly or biweekly. The compensation of the judge may be changed by ordinance.

(c) The judge may be removed for cause as provided in sections 5.17 and 5.18.

(d)

(1) To be eligible to serve as judge of the municipal court, a person shall:

(A) Be a resident of the city; and

(B) Be a member of the State Bar of Georgia with a minimum of two years' practice as an attorney.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, if no person is qualified to serve as judge or becomes a candidate for election or appointment to the office of judge, the mayor and city council may appoint a person meeting the qualifications of subparagraph (B) of paragraph (1) of this subsection who resides outside of the City of Alpharetta but within the Atlanta Judicial Circuit.

(3) The provisions of this subsection, relating to the qualifications for the office of judge, may be changed by ordinance.

(e) Before entering on duties of his office, each judge shall take an oath that he will honestly and faithfully discharge the duties of his office to the best of his ability without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council journal required in section 2.17.

(1984 Ga. Laws (Act No. 932), page 4338, § 1; 1988 Ga. Laws (Act No. 828), page 3601, § 1; 1988 Ga. Laws (Act No. 828), page 361, § 1; 1989 Ga. Laws (Act No. 321), page 5225, § 2; 1998 Ga. Laws (Act No. 828), page 3600, § 1; 1994 Ga. Laws (Act No. 924), page 4271, § 1)

Sec. 4.12. Convening.

Unless otherwise provided by ordinance, the municipal court shall be convened at regular intervals as designated by the judge, subject to approval of the city council.

(1994 Ga. Laws (Act No. 924), page 4271, §1; 2003 Ga. Laws (Act. No. 331), page 4607, § 1)

Sec. 4.13. Jurisdiction; powers.

(a) The municipal court shall try and punish violations of city ordinances and such other offenses as allowed and provided by general state law.

(b) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed \$300.00 or 30 days in jail, or both, for any one single act of contempt.

(c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$2,000.00 or imprisonment for 12 months, or both, or may fix punishment by fine, imprisonment, or alternative sentencing as now or hereafter provided by law, including the right to punish by forced labor on the city streets, sidewalks, squares, or other public works for a period not exceeding 120 days. The municipal court may, in addition, fix punishment for offenses committed under general law not exceeding those limits established by general law.

(d) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said court and shall have discretionary authority to accept cash or personal or real property as surety for the appearance of persons charged with violations. Whenever any person shall give bail for his or her appearance and shall fail to appear at the time fixed for trial, his or her bond shall be forfeited through procedures established by general law. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be, on order of the judge, declared forfeited to the city or the property so deposited shall have a lien against it for the value forfeited, which lien shall be enforceable in the manner provided and to the same extent as a lien for city property taxes.

(e) The municipal court shall have the authority to sit as a committing court, and to bind prisoners over to the appropriate court when it appears by probable cause that a state law has been violated.

(f) The municipal court shall have the same authority as superior courts to compel the production of evidence in the possession of any party; to enforce obedience to its orders, judgments and sentences; and to administer such oaths as are necessary.

(g) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summons[es], subpoena[s] and warrants which may be served as executed by any officer as authorized by this Charter or by general state law.

(h) The municipal court is specifically vested with all of the jurisdiction and powers throughout the entire area of this city granted by general state laws to mayors, recorders and police courts, and particularly by such laws as authorize the abatement of nuisances and prosecution of traffic violations.

(1989 Ga. Laws (Act No. 72), p.3918, § 1; 1994 Ga. Laws (Act No. 924), page 4271, § 3)

Sec. 4.14. Appeal.

The right of appeal and any bond as may be required to secure the costs on appeal to the Superior Court of Fulton County from the municipal court shall lie in the same manner and under the same procedure as generally prescribed for appeals and appeal bonds from the probate court, provided that any person who fails to file his or her appeal within ten days of the date of conviction shall be deemed to have waived any such right.

(1994 Ga. Laws (Act No. 924), page 4271, § 4)

Sec. 4.15. Rules for court.

With the approval of the city council, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court; provided, however, that the city council may adopt in part or in toto the rules and regulations applicable to the municipal court. The rules and regulations made or adopted shall be filed with the chief clerk, shall be available for public inspection, and, upon request, a copy shall be furnished to all defendants in municipal court proceedings at least 48 hours prior to said proceedings.

(1994 Ga. Laws (Act No. 924), page 4271, § 4; 2003 Ga. Laws (Act. No. 331), page 4607, § 2)

Sec. 4.16. Absence of judge.

(a) Subject to subsection (b) of this section, in the event that the judge is absent, recuses himself or herself, or is otherwise unavailable for court, a substitute judge shall be selected by the court clerk from a list approved by the city council. The list shall include only individuals who meet the qualifications listed in subsection (b) of this section for appointed part-time, full-time, or stand-by judges.

(b) In addition to the judge provided for in section 4.11 of this Act, the municipal court may be presided over by such part-time, full-time, or stand-by judges as the city council, in its discretion, deems necessary to meet the needs of the court. All such judges shall have attained the age of 21 years, shall be a member of the State Bar of Georgia, and [shall] possess all qualifications required by law. Such judges need not be residents of the city. All judges shall be appointed by the city council and shall serve until a successor is appointed and qualified. Compensation of the judges shall be fixed by ordinance. Judges shall serve at will and may be removed from office at any time by the city council, unless otherwise provided by ordinance. Before assuming office, each judge shall take an oath, given by the mayor, that the judge will honestly and faithfully discharge the duties of the office to the best of that person's ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council journal.

(1994 Ga. Laws (Act No. 924), page 4271, § 4; 2003 Ga. Laws (Act. No. 331), page 4607, § 3)

Sec. 4.17. Vacancy; filling of vacancies.

(a) Vacancy. The office of judge shall become vacant upon the incumbent's death, resignation, forfeiture of office or removal from office in any manner authorized by this Charter or the general laws of the State of Georgia.

(b) Filling of vacancy. A vacancy in the office of municipal judge shall be filled for the remainder of the

unexpired term, if any, as provided by ordinance.

(1988 Ga. Laws (Act No. 828), page 3600, § 2)

Sec. 4.18. Solicitor and assistant solicitors.

(a) The municipal court shall have a solicitor and, if approved by the mayor and council, one or more assistant solicitors for the prosecution of offenses brought before the court. The mayor and city council may also appoint one or more special solicitors from the office of the city attorney to prosecute offenses arising out of the zoning ordinances, subdivision regulations, or similar land use regulations.

(b) The solicitor and assistant solicitors shall be appointed by the mayor and city council.

(c) The term of office for [the] solicitor and assistant solicitors shall be the same as that provided for the judge, subject to good behavior and at the discretion of the mayor and city council.

(d) The qualifications for the office of solicitor and assistant solicitors shall be as follows:

(1) The appointee must be a lawyer and member in good standing with the State Bar of Georgia;

(2) The appointee must be of good moral character, as attested to by at least three citizens of the city; and

(3) The appointee must be a respected attorney among his or her colleagues in the legal profession and supply the judge with at least three statements of his or her legal reputation and proficiency as supplied by members in good standing with the State Bar of Georgia.

(e) The solicitor and assistant solicitors of the court shall receive compensation for services as recommended by the judge, and approved by the mayor and city council by ordinance.

(f) Before entering on the duties of office, the solicitor and assistant solicitors shall take an oath that they will honestly and faithfully discharge the duties of said office to the best of their skill, knowledge, and ability without fear, favor, or partiality to any party. The oath shall be entered upon the minutes of the court and city council journal as required in this article and in section 2.17.

(1994 Ga. Laws (Act No. 924), page 4271, § 5)

Sec. 4.19. Duties.

It shall be the duty of the solicitor and assistant solicitors to investigate, prepare, prosecute, or otherwise dispose of all violations of state criminal statutes or ordinances as may be properly brought before the court. In addition, any appeals taken by persons aggrieved with court decisions shall be defended by the solicitor or assistant solicitors.

(1994 Ga. Laws (Act No. 924), page 4271, § 5)

Sec. 4.20. Absence of solicitor.

In the solicitor's absence or disability, an assistant solicitor shall act as solicitor. If there is no assistant solicitor, then the solicitor, if able, or the court clerk shall select from a list of attorneys, approved by the mayor and city council, a substitute solicitor.

(1994 Ga. Laws (Act No. 924), page 4271, § 5)

Sec. 4.21. Vacancy; filling of vacancies; office of solicitor.

(a) The office of solicitor shall become vacant upon the incumbent's death, resignation, forfeiture of office, or removal from office in any manner authorized by this Charter or the general laws of the State of Georgia.

(b) A vacancy in the office of [the] solicitor shall be filled for the remainder of the judge's term, if any, as provided in this article.

Sec. 4.22. Chief court clerk.

(a) The municipal court shall have a chief clerk of court and, if approved by the city council, one or more deputy clerks.

(b) The chief clerk and deputy clerks shall be appointed by the city council.

(c) The term of office for the chief clerk and deputy clerks shall be according to their good behavior and at the discretion of the city council.

(d) The compensation of the chief clerk and deputy clerks shall be established by ordinance.

(2003 Ga. Laws (Act. No. 331), page 4607, § 4)

Sec. 4.23. Duties of chief court clerk.

(a) The chief court clerk shall be the custodian of the official court records, [and shall] establish and manage case calendars and dockets, collect fines imposed by the court, transmit records of all cases bound over or appealed to the state or superior courts from the municipal court, and perform such other duties as may be provided by ordinance.

(b) The chief court clerk shall be a city employee and, unless otherwise provided by ordinance, shall serve as the city's director of municipal court services. The director of municipal court services shall provide administrative services to the municipal court, act as [a] liaison to the police department, supervise all other court personnel, and perform such other duties as may be provided by ordinance.

(2003 Ga. Laws (Act. No. 331), page 4607, § 5)

Sec. 4.24. Vacancies; filling of vacancies; office of court clerk.

(a) The office of court clerk shall become vacant upon the clerk's death, resignation, forfeiture of office, or removal from office in any manner authorized by this Charter or the general laws of the State of Georgia.

(b) A vacancy in the office of court clerk shall be filled as provided in this article.

ARTICLE V. ELECTIONS AND REMOVAL

Sec. 5.10. Applicability of general law.⁶

~~All primaries and elections shall be held and conducted in accordance with the Georgia Municipal Election Code, title 34A of the Code of Georgia of 1933 (Ga. L. 1968, page 885) [O.C.G.A. chapter 21-3], as now or hereafter amended.~~

[Section 5.10 has been superseded and made obsolete by the provisions of Ga. Const. art. II, §§ I--II and the Georgia Election Code, O.C.G.A. § 21-2-1 et seq.]

Sec. 5.11. Election of the mayor and city council.⁷

The mayor and each councilmember shall be elected for staggered terms of four years, except that the initial terms of councilmembers for Districts 1, 2, and 3 shall be five years. Effective for all municipal elections occurring in 1992 and in subsequent years, the city shall consist of six elections [districts] as provided in section 5.13 of this Charter. The initial election of councilmembers for Districts 1, 2, and 3 shall be held on the third Tuesday in October, 1992. The initial election for the mayor and councilmembers for District 4, 5, and 6 shall be held on the Tuesday next following the first Monday in November, 1995. Thereafter, a municipal general election shall be held ~~every two years on the Tuesday next following the first Monday in November~~ [at a time and date pursuant to state law].

~~**Editor's note**—Effective January 1, 1993, the municipal elections shall be held on the Tuesday next following the first meeting in November, O.C.G.A. § 21-3-51.~~

(1988 Ga. Laws (Act No. 828), page 3600, § 3; 1992 Ga. Laws (Act No. 1226), page 6449, § 1)

⁶ **Charter § 5.10. Applicability of general law.** We recommend modifying the language appearing in this provision, given that the subject matter is now preempted and made obsolete by Ga. Const. art. II, § I-III (Voting & Elections) and O.C.G.A. § 21-2-1 et seq. (Georgia Election Code).

⁷ **Charter § 5.11. Election of the mayor and city council.** We recommend modifying the language appearing in this provision, given that the subject matter is now preempted and made obsolete by Ga. Const. art. II, § I-III (Voting & Elections) and O.C.G.A. § 21-2-1 et seq. (Georgia Election Code).

Sec. 5.12. Special election; vacancies.

In the event that the office of mayor or councilmember shall become vacant for any cause whatsoever, the city council, or those remaining, shall order a special election within 90 days to fill the balance of the unexpired term of such office; the mayor and city council shall set their own rules governing said election; provided, however, if the office of a councilmember shall become vacant within 12 months of the expiration of the term of that office, the city council, or those remaining, shall appoint a successor for the remainder of the term for councilmember. If the office of mayor shall become vacant within 12 months of the expiration of the term of that office, the mayor pro tem shall serve the remainder of the term, and his position as councilmember shall be filled by appointment by the city council. In all other respects, the special election shall be held and conducted in accordance with ~~chapter 3 of title 21 of the O.C.G.A., the Georgia Municipal Election Code state law.~~⁸

(1988 Ga. Laws (Act No. 828), page 3600, § 4)

Sec. 5.13. Councilmembers elected by districts.

(a) Effective for all municipal elections occurring in 1992 and in subsequent years, the territory of the city shall consist of six election districts to be ~~designed~~[designated] respectively as Districts 1 through 6.

(b) The election districts shall be as follows:

Election District 1:

VTD: 00K5 AP01 (part)

Tract: 0116.02

Block(s): 503, 504, 505, 506(A)

VTD: 00X3 AP02 (part)

Tract: 0116.01

Block(s): 105A, 115, 117, 118, 119, 120, 121, 403A, 405A, 405B, 407, 408A, 409, 410, 505A, 506

Election District 2:

VTD: 00K5 AP01 (part)

Tract: 0116.02

Block(s): 603A

VTD: 00X3 AP02 (part)

Tract: 0115

Block(s): 409A, 410, 411A, 411B, 411C, 412A

Tract: 0116.01

Block(s): 101A, 101B, 102A, 103A, 104A, 106, 107, 108A, 110C, 110D, 111, 113, 114, 116, 122, 123, 124, 403B, 403C, 403D, 404A, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610A, 611A, 612A, 623, 624, 625, 626

Election District 3:

Fulton County

VTD: 00K5 AP01 (part)

Tract: 0116.01

Block(s): 202A, 302A, 303A, 305A, 305B, 503A, 504A

⁸ **Charter, § 5.12. Special election; vacancies.** We recommend modifying the language appearing in this provision, given that the subject matter is now preempted and made obsolete by Ga. Const. art. II, § I-III (Voting & Elections) and O.C.G.A. § 21-2-1 et seq. (Georgia Election Code).

Tract: 0116.02

Block(s): 301, 302, 402

VTD: 00X3 AP02 (part)

Tract: 0116.01

Block(s): 304A

Election District 4:

Fulton County

VTD: 00K5 AP01 (part)

Tract: 0116.01

Block(s): 704

VTD: 00X3 AP02 (part)

Tract: 0114.04

Block(s): 501A, 601, 602A, 602B, 604, 702A

Tract: 0116.01

Block(s): 109A, 110A, 110B, 112A, 613A, 614A, 615A, 616A, 618A, 620A, 621A, 622

[Election] District 5:

Fulton County

VTD: 00K5 AP01 (part)

Tract: 0116.02

Block(s): 304A, 401A, 401B, 901A, 902A, 903A, 904, 905, 906, 907A, 910A, 911A, 912A, 913A, 914A, 914B, 916A, 918A

Election District 6:

Fulton County

VTD: 00K5 AP01 (part)

Tract: 0114.08

Block(s): 201A, 202, 203A, 501A, 501B, 501C, 601A, 602A

Tract: 0116.01

Block(s): 701, 702, 703

Tract: 0116.02

Block(s): 303, 401C, 401E, 403, 404, 501, 502A, 507, 601A, 601B, 602, 704A, 705A, 705B, 706, 707A, 708A, 709A

For purposes of this subsection:

- (1) The terms "tract," "block," and "VTD" shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 1990 for the State of Georgia;
- (2) The term "precinct" is synonymous with the term "voting precinct," and means a geographical area designated by article 7 of chapter 2 or 3 of title 21 of the O.C.G.A., within which all electors vote at one polling place;
- (3) Precinct names and designations following VTD designations are included for convenience only; and in the event the description of any election district contains a conflict between the geographical boundaries of any VTD and the boundaries of the following named precinct, the geographical boundary of the VTD

as shown on the census maps for the United States decennial census of 1990 for the State of Georgia shall control;

- (4) Any part of the City of Alpharetta which is not included in any election district described in this subsection shall be included within that election district contiguous to such part which contains the least population according to the United States decennial census of 1990 for the State of Georgia; and
- (5) Any part of the City of Alpharetta which is described in this subsection as being included in a particular election district shall nevertheless not be included within such election district if such part is not contiguous to such election district. Such noncontiguous part shall instead be included within that election district contiguous to such part which contains the least population according to the United States decennial census of 1990 for the State of Georgia.

(c) Only the electorate of each of the six election districts shall be entitled to vote in the election for the councilmember to be elected from that district. In addition to the qualifications set forth in section 2.11 of the Charter, no person shall be eligible to serve as a councilmember unless he or she shall have been a resident of the election district in which he or she seeks election for a period of six months immediately prior to the election. The electorate of all six of the election districts shall be entitled to vote in the election for the mayor.

(d) The mayor and councilmembers in office prior to the 1992 municipal general election shall remain in office until their terms expire and their successors are elected and qualified.

(e) The election district boundaries of the city shall be reapportioned following the publication of each official federal decennial census of the population of the city. Such reapportionment shall be accomplished by the adoption of an amendment to this Charter. The reapportionment of election districts shall comply with the following specifications:

- (1) Each election district shall be formed of contiguous territory, and its boundary lines shall be the centerlines of streets or other well-defined boundaries as utilized by the United States Bureau of the Census; and
- (2) Such election districts shall be as nearly equal in population as practicable.

(f) Any reapportionment of election districts shall apply to the officials of the city elected at the next municipal general election following such reapportionment; provided, however, that any reapportionment ordinance shall not apply to any regular election or special election held within three months of the effective date of the Charter amendment.

(1992 Ga. Laws (Act No. 1226), page 6449, § 2)

Sec. 5.14. Other provisions.⁹

Except as otherwise provided by this Charter, the city council shall, by ordinance, prescribe such rules and regulations [as] it deems appropriate to fulfill any options and duties under ~~the Georgia Municipal Election Code, title 34A of the Code of Georgia of 1933 (Ga. L. 1968, page 885) [chapter 21-3, O.C.G.A.], state law,~~ as now or hereafter amended.

Sec. 5.15. Non-partisan elections.

Political parties shall not conduct primaries for city offices, and all names of candidates for city offices shall be listed without party labels.

Sec. 5.16. Election by plurality.

The person receiving a plurality of the votes cast for any city office shall be elected.

⁹ **Charter § 5.14. Other Provisions.** We recommend modifying the language appearing in this provision, given that the subject matter is now preempted and made obsolete by Ga. Const. art. II, § 1-III (Voting & Elections) and O.C.G.A. § 21-2-1 et seq. (Georgia Election Code).

Sec. 5.17. Grounds for removal.

The mayor, councilmembers, or judge may be removed from office for any one or more of the following causes:

- (1) Incompetence, misfeasance or malfeasance in office;
- (2) Conviction of a crime involving moral turpitude;
- (3) Failure at any time to possess any of the qualifications of office as provided by this Charter or by law;
- (4) ~~Knowingly violate~~[Knowing violation of] any express prohibition of this Charter;
- (5) Abandonment of office or neglect to perform the duties thereof; or
- (6) Failure for any other cause to perform the duties of office as required by this Charter or by state law.

Sec. 5.18. Procedure for removal.

Removal of an above-described officer may be accomplished by one of the following methods:

- (a) By the vote of four councilmembers after an investigative hearing. In the event an elected officer or the municipal judge is sought to be removed by the action of the city council, such officer or judge shall be entitled to a written notice specifying the grounds for removal and to a public hearing which shall be held not less than ten days after the service of such written notice. Any elected officer or judge sought to be removed from office as provided in this section shall have the right of appeal from the decision of the city council to the Superior Court of Fulton County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court.
- (b) By information filed in the Superior Court of Fulton County, as provided by state law.

(1988 Ga. Laws (Act No. 828), page 3603, § 5)

ARTICLE VI. FINANCE

Sec. 6.10. Property tax.

The city council may assess, levy, and collect an ad valorem tax on all real and personal property within the corporate limits of the city that is subject to such taxation by the state and county. This tax is for the purpose of raising revenues to defray the costs of operating the city government; providing governmental services; for the repayment of principal and interest on general obligations; and for any other public purpose as determined by the city council in its discretion. ~~This city is hereby exempted from the provisions of Georgia Code sections 92-4101 through 92-4104 inclusive.~~¹⁰

Sec. 6.11. Millage rate; due dates; payment methods.

The city council, by ordinance, shall establish a millage rate for the city property tax, a due date, and in what length of time these taxes must be paid. The city council, by ordinance, may provide for the payment of these taxes by installments or in one lump sum, as well as ~~to~~ authorize the voluntary payment of taxes prior to the time when due.

Sec. 6.12. Occupation and business taxes.

The city council, by ordinance, shall have the power to levy such occupation or business taxes as are not denied by general state law. Such taxes may be levied on both individuals and corporations who transact business in this city or who practice or offer to practice any profession or calling therein, to the extent such persons have a constitutionally sufficient nexus to this city to be so taxed. The city council may classify businesses, occupations, professions or callings for the purpose of such taxation in any way which may be lawful and compel the payment of such taxes as provided in section 6.18.

¹⁰ **Charter, § 6.10. Property tax.** We recommend striking this sentence, as no longer valid. Georgia Code 1933, §§ 92-4101 to 92-4104 were not redesignated by the General Assembly in the 1981 Code.

Sec. 6.13. Licenses, permits, [and] fees.

The city council, by ordinance, shall have the power to require any individuals or corporations who transact business in this city or who practice or offer to practice any profession or calling therein to obtain a license or permit for such activity from the city and pay a reasonable fee for such license or permit where such activities are not now regulated by general state law in such a way as to preclude city regulation. Such fees may reflect the total cost to the city of regulating the activity and, if unpaid, shall be collected as provided in section 6.18. The city council, by ordinance, may establish reasonable requirements for obtaining or keeping such licenses as the public health, safety, and welfare necessitates.

Sec. 6.14. Franchises.

The city council shall have the power to grant franchises for the use of this city's streets and alleys for the purpose[s] of railroads, street railways, telephone companies, electric companies, cable television [companies], gas companies, transportation companies and other similar organizations. The city council shall determine the duration, provisions, terms, whether the same shall be exclusive or non-exclusive, and the consideration for such franchises; provided, however, no franchise shall be granted for a period in excess of 35 years, and no franchise shall be granted unless the city receives just and adequate compensation therefor. The city council shall provide for the registration of all franchises with the city clerk in a registration book to be kept by him. The city council may provide, by ordinance, for the registration within a reasonable time of all franchises previously granted.

Sec. 6.15. Service charges.

The city council, by ordinance, shall have the power to assess and collect fees, charges, and tools for sewer, sanitary, [and] health services, or any other services rendered within and without the corporate limits of the city, for the total cost to the city of providing such services. If unpaid, such charges shall be collected as provided in section 6.18.

Sec. 6.16. Special assessments.

The city council, by ordinance, shall have the power to assess and collect the cost of constructing, reconstructing, widening or improving any public way, street, sidewalk, curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property owners under such terms and conditions as are reasonable. If unpaid, such charges shall be collected as provided in section 6.18.

Sec. 6.17. Construction; other taxes.

This city shall be empowered to levy any other tax allowed now or hereafter by state law, and the specific mention of any right, power or authority in this article shall not be construed as limiting in any way the general powers of this city to govern its local affairs.

Sec. 6.18. Collection of delinquent taxes and fees.

The city council, by ordinance, shall provide generally for the collection of delinquent taxes, fees, or other revenue due the city under sections 6.10 through 6.17 by whatever reasonable means as are not precluded by general state law. This shall include providing for the dates when the taxes or fees are due; late penalties or interest; issuance and execution of fi. fas; creation and priority of liens; making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed; revoking city licenses for failure to pay any city taxes or fees, allowing exceptions for hardship; and providing for the assignment or transfer of tax executions.

Sec. 6.19. General obligation bonds.

The city council shall have the power to issue bonds for the purpose of raising revenue to carry out any project, program or venture authorized under this Charter or the general laws of the state. Such bonding authority shall be exercised in accordance with the laws governing bond issuances by municipalities in effect at the time said issue is undertaken.

Sec. 6.20. Revenue bonds.

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

Sec. 6.21. Short term notes.

The city must obtain and repay any short term loans between January 1 and December 31 of each year, or as is otherwise provided by present or future state law.

Sec. 6.22. Fiscal year.

The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department, agency and activity of the city government, unless otherwise provided by general state or federal law.

Sec. 6.23. Preparation of budgets.

The city council shall provide an ordinance on the procedures and requirements for the preparation and execution of any annual operating and capital improvement budget, including requirements as to the scope, content and form of such budget.

Sec. 6.24. Action by city council on budget.

(a) The city council may amend the operating and capital improvement budget; except, that the budget, as finally amended and adopted, must provide for all expenditures required by state law or by other provisions of this Charter and for all debt service requirements for the ensuing fiscal year, and the total appropriations from any fund shall not exceed the estimated fund balance, reserves and revenues.

(b) The city council, by ordinance, shall adopt the final operating budget for the ensuing fiscal year not later than 15 days prior to the beginning of such fiscal year. If the city council fails to adopt the budget by this date, the amounts appropriated for operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly until such time as the city council adopts a budget for the ensuing fiscal year. Such adoption shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose or activity as set out in the budget preparation under section 6.23.

(c) The amount set out in the adopted operating budget for each organizational unit shall constitute the annual appropriation for such, and no expenditure shall be made or encumbrance created in excess of the otherwise unencumbered balance of the appropriations or allotment thereof to which it is chargeable. The operating and capital improvements budget, the budget message, and all supporting documents shall be filed in the office of the city clerk and shall be open to public inspection.

Sec. 6.25. Tax levies.

As the next order of business following adoption of the operating budget, the city council shall levy, by ordinance, such taxes as are necessary. The taxes and tax rates set by such ordinance shall be such that reasonable estimates of revenues from such levy shall at least be sufficient, together with other anticipated revenues, fund balances and applicable reserves, to equal the total amount appropriated for each of the several funds set forth in the annual operating budget for defraying the expenses of the general government of this city.

Sec. 6.26. Changes in appropriations.

The city council, by ordinance, may make changes in the appropriations contained in the current operating budget, at any regular meeting, special [meeting] or emergency meeting called for such purpose, but any additional appropriations may be made only from an existing unappropriated surplus in the fund to which it applies or on a revised estimate of revenue.

Sec. 6.27. Independent audit.

There shall be an annual independent audit of all city accounts, funds and financial transactions by a certified public accountant selected by the city council. The audit shall be conducted according to generally accepted accounting principles. Any audit of any funds by the state ~~of~~ [or] federal governments may be accepted as satisfying the requirements of this Charter. Copies of all audit reports shall be available at printing cost to the public.

Sec. 6.28. Contracting procedures.

The city council may, by ordinance, establish contracting procedures; provided, however, that no contract with the city shall be binding on the city unless:

- (1) It is in writing; and
- (2) It is drawn by or submitted and reviewed by the city attorney, and as a matter of course, is signed by the city attorney to indicate approval as to form; and
- (3) It is reviewed as to substance by the city administrator or the director of the department most affected by the contract, signed by the city administrator or such director to indicate approval as to substance, and signed by the mayor; and
- (4) If it involves the expenditure of more than \$25,000.00, it is authorized by the city council, and such approval is entered in the city council journal of proceedings pursuant to section 2.19.

(1998 Ga. Laws, page 4852, § 2)

Sec. 6.29. Centralized purchasing.

The city council may, by ordinance, prescribe procedures for a system of centralized purchasing for the city, including comprehensive bidding procedures for the purchase of assets, and the award of contracts; provided, however, that unless otherwise authorized by law, purchases or contracts involving the expenditure of more than \$25,000.00 shall be awarded by competitive sealed bid or proposal and shall be approved by city council.

(Ord. No. 395, § 3, 9-2-1997; Ord. No. 696, § 2, 11-3-2014)

(1998 Ga. Laws (Act No. 248), page 4852)

Sec. 6.30. Sale of city property.

(a) The city council may sell and convey any real or personal property owned or held by the city for governmental or other purposes as provided by general state law as now or later amended at ~~section 69-318 of the 1933 Code of Georgia (Ga. L. 1976, page 350)~~ [O.C.G.A. § 36-37-6].¹¹

(b) The city council may quitclaim any rights it may have in property not needed for public purposes by adoption of a resolution, finding that the property is not needed for public or other purposes, and that the interest of the city has no readily ascertainable monetary value.

(c) Whenever in opening, extending or widening any street, alley, avenue or public place of the city, a small parcel or tract of land is cut off or separated by such work from a larger tract or boundary of land owned by the city, the city council may authorize the mayor to execute and deliver, in the name of the city, a deed conveying said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners in exchange for rights-of-way of said street, avenue, alley or public place or in settlement of any alleged damages sustained by said abutting or adjoining property owner. All deeds and conveyances heretofore and hereafter so executed and delivered shall convey all title and interest the city has in such property, notwithstanding the fact that no public sale after advertisement was or is hereafter made.

Sec. 6.31. Insurance.

The city shall maintain sufficient casualty and liability insurance coverage on all property owned and/or operated by city personnel to adequately indemnify the city on claims of loss by injured or aggrieved parties. The amounts of insurance coverage shall be set from time to time by the city council in the form of a resolution, as the need arises.

¹¹ **Charter, § 6.30. Sale of city property.** The citation of this statute has been updated to reflect current state law.

ARTICLE VII. GENERAL PROVISIONS

Sec. 7.10. Eminent domain.

The city council is hereby empowered to acquire, construct, operate and maintain public ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries, sewers, drains, sewage treatment, water works, electrical systems, gas systems, airports, hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional, penal and medical institutions, agencies and facilities, and any other public improvements inside or outside the city, and to regulate the use thereof, and for such purposes, property may be taken under ~~title 36-202 of the Georgia Code~~ [title 22, O.C.G.A.], subject to such amendments as shall be enacted, or any other Georgia law applicable now or provided in the future.¹²

Sec. 7.11. Official bonds.

The officers and employees of this city, both elective and appointive, shall execute such official bonds in such amounts and upon such terms and conditions as the city council shall from time to time require, by ordinance, or as may be provided by state law.

Sec. 7.12. Prior ordinances.

All ordinances, bylaws, rules and regulations now in force in the city not inconsistent with this Charter are hereby declared valid and of full effect and force until amended or repealed by the city council.

Sec. 7.13. First election under the Charter.

(a) The first municipal election shall be the third Tuesday of October, 1982, at which time the mayor and three councilmember positions shall be filled. The councilmember post[s] to be filled at this election shall be those designated as numbers four, five and six and shall be the present councilmember positions whose terms expire in January, 1983. The position of judge of the municipal court and councilmember posts designated as numbers one, two and three shall be filled at the next regular election to be held on the third Tuesday in October in the year 1984. Councilmember posts one, two and three shall be those present councilmember positions whose terms expire in January, 1985.

(b) The present mayor and councilmembers elected as the governing body of the City of Alpharetta under the heretofore existing Charter of the city are hereby constituted as the official governing body of the city, and shall continue to serve in their elective offices until their successors are elected as provided herein; and the effective date of this Charter shall not create any vacancy in the office of mayor or councilmember; and the city shall continue its present operation as usual.

Sec. 7.14. Pending matters.

Except as specifically provided otherwise by this Charter, all rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue, and any such ongoing work or cases shall be dealt with by such city agencies, personnel or office[s] as may be provided by the city council.

Sec. 7.15. Penalties.

The violation of any provisions of this Charter for which [a] penalty is not specifically provided for herein, shall be punishable by a fine of not more than \$2,000.00 or by imprisonment not to exceed 120 days, or both, or a sentence upon conviction to labor in a city work gang or on the streets, sidewalks, squares or other public works for a period not exceeding 120 days.

(1989 Ga. Laws (Act No. 72 (H.B. 411)), § 1)

Sec. 7.16. Construction.

(a) Section captions in this Charter are informative only and are not to be considered as a part thereof.

¹² **Charter, § 7.10. Eminent Domain.** The citation of this statute has been updated to reflect current state law.

- (b) The word "shall" is intended to be mandatory, and the word "may" is not.
- (c) The singular shall include the plural, and the masculine [shall include] the feminine, and vice versa.

Sec. 7.17. Severability.

If any article, section, subsection, paragraph, sentence, or part thereof of this Charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair other parts of this Charter, unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional, it being the legislative intent in enacting this Charter that each article, section, subsection, paragraph, sentence or part thereof be enacted separately and independent of each other.

Sec. 7.18. Repealer.

An Act incorporating the City of Alpharetta in the County of Fulton, approved March 3, 1961, (Ga. L. 1961, p. 2127), is hereby repealed in its entirety, and all amendatory acts thereto are likewise repealed in their entirety. All other laws and parts of laws in conflict with this Charter are hereby repealed.

Sec. 7.19. Effective date.

This Act (Charter) shall become effective on July 1, 1981; but the heretofore existing Charter as pertains to elected officials shall not be repealed until the presently existing terms of the office[s] of mayor and councilmembers expire.

**SUBPART B.
RELATED LAWS**

ARTICLE I. HOMESTEAD EXEMPTIONS*

***Editor's note**--Act No. 1065, page 4669, approved by the governor on April 5, 1994, did not specifically amend this Code; hence, inclusion as Subpart B, article I, §§ 1--9, was at the discretion of the editor.

Sec. 1. Definitions.

For purposes of this Act, the term:

- (1) "Ad valorem taxes" means all ad valorem taxes for city purposes levied by, for, or on behalf of the City of Alpharetta, and including taxes to retire bonded indebtedness.
- (2) "Homestead" means homestead as defined and qualified in Code section 48-5-40 of the O.C.G.A.

(1994 Ga. Laws (Act No. 1065), page 4669, § 1; 1996 Ga. Laws (Act No. 510), page 3501, § 1)

Sec. 2. Age 65 or older--Regular homestead exemption.

Each resident of the City of Alpharetta who is 65 years of age or older is granted an exemption on that person's homestead from all City of Alpharetta ad valorem taxes, to be provided as follows:

<i>Tax Year Beginning</i>	<i>Amount of Exemption</i>
January 1, 1995	\$6,000.00
January 1, 1996	[\$]8,000.00
January 1, 1977, and every year thereafter	[\$]10,000.00

The exemption granted in this section shall automatically increase to \$15,000.00 for each taxable year in which the amount of the City of Alpharetta tax digest attributable to the residential classification increases by 30 percent or more over the amount of the 1990 City of Alpharetta tax digest attributable to the residential classification. The homestead exemption granted by this section shall be cumulative of any other homestead exemption applicable to the City of Alpharetta ad valorem taxes.

(1994 Ga. Laws (Act No. 1065), page 4669, § 2)

Sec. 3. Age 65 or older--Additional homestead exemption.

Each resident of the City of Alpharetta who is 65 years of age or older is granted an exemption on that person's homestead from all City of Alpharetta ad valorem taxes for \$10,000.00 of the assessed value of the homestead owned and occupied by such resident, if such resident's adjusted gross income, together with the adjusted gross income of the resident's spouse who also resides at such homestead, does not exceed the maximum amount which may be received by an individual and an individual's spouse under the federal Social Security Act. As used in this section, the term "adjusted gross income" shall have the same meaning as defined in the United States Internal Revenue Code as that code is defined in code section ~~48-1-2~~[48-7-27] of the O.C.G.A., except that, for the purposes of this section, the term ["adjusted gross income"] shall not include income or benefits received as retirement, [or] survivor or disability benefits under the federal Social Security Act or under any other public or private retirement, disability, or pension system except such income which exceeds the maximum amount which may be received by an individual and an individual's spouse under the federal Social Security Act. The homestead exemption granted by this section shall be cumulative of any other homestead exemption applicable to City of Alpharetta ad valorem taxes.¹³

(1994 Ga. Laws (Act No. 1065), page 4669, § 3)

Sec. 4. Age 70 or older--Full value homestead exemption.

Each resident of the City of Alpharetta who is 70 years of age or older is granted an exemption on that person's homestead from all City of Alpharetta ad valorem taxes for the full value of the homestead owned and occupied by such resident, if such resident's adjusted gross income, together with the adjusted gross income of the resident's spouse who also resides at such homestead, does not exceed the maximum amount which may be received by an individual and an individual's spouse under the federal Social Security Act. As used in this section, the term "adjusted gross income" shall have the same meaning as defined in the United States Internal Revenue Code as that code is defined in code section ~~48-1-2~~[48-7-27] of the O.C.G.A., except that, for the purposes of this section, the term ["adjusted gross income"] shall not include income or benefits received as retirement, [or] survivor or disability benefits under the federal Social Security Act or under any other public or private retirement, disability, or pension system, except such income which exceeds the maximum amount which may be received by an individual and an individual's spouse under the federal Social Security Act. The homestead exemption granted by this section shall be cumulative of any other homestead exemption applicable to City of Alpharetta ad valorem taxes.¹⁴

(1994 Ga. Laws (Act No. 1065), page 4669, § 4)

Sec. 5. Claims procedure.

The exemptions granted by this Act shall be claimed and returned as provided in code section 48-5-50.1 of the O.C.G.A. The exemptions shall be automatically renewed each year as long as the owner occupies the residence as a homestead. It shall be the duty of any owner who has claimed the exemption provided by this Act to notify the clerk of the City of Alpharetta or the designee thereof if that owner becomes ineligible for any reason to receive such exemption.

(1994 Ga. Laws (Act No. 1065), page 4669, § 5)

Sec. 6. Application forms.

The clerk of the City of Alpharetta, or the designee thereof, shall provide application forms for the exemptions granted by this Act, and shall require such information as may be necessary to determine the eligibility of the owner for the exemption.

(1994 Ga. Laws (Act No. 1065), page 4669, § 6)

¹³ **Sec. 3 Age 65 of older—Additional homestead exemption.** The citation of this statute has been updated to reflect current state law.

¹⁴ **Sec. 4 Age 70 or older—Full value homestead exemption.** The citation of this statute has been updated to reflect current state law.

Sec. 7. Certain taxes not affected.

The exemptions granted by this Act shall not apply to or affect county taxes for county purposes, county school board taxes for educational purposes, or state taxes.

(1994 Ga. Laws (Act No. 1065), page 4669, § 7; 1996 Ga. Laws (Act No. 510), page 3501, § 2)

Sec. 8. Value subject to taxation.

The value of the homestead in excess of the amount exempted by this Act shall remain subject to ad valorem taxation.

(1994 Ga. Laws (Act No. 1065), page 4669, § 8)

Sec. 9. Applicable tax years.

The additional exemption from taxes granted by this Act shall apply to all taxable years beginning on or after January 1, 1997.

(1994 Ga. Laws (Act No. 1065), page 4669, § 9; 1996 Ga. Laws (Act No. 510), page 3501, § 3)

Sec. 10. Homestead exemption.

(1) Each resident of the City of Alpharetta is granted an exemption on that person's homestead from all City of Alpharetta ad valorem taxes for municipal purposes as follows:

- (A) For the taxable year beginning on or after January 1, 2010, and prior to January 1, 2011, in the amount of \$35,000.00 of the assessed value of that homestead; and
- (B) For all taxable years beginning on or after January 1, 2011, in the amount of \$40,000.00 of the assessed value of that homestead.

(2) The value of the homestead in excess of any exemption granted therefor shall remain ~~21~~subject to ad valorem taxation.

(1999 Ga. Laws (Act No. 832), page 4836, § 1; 2002 Ga. Laws (Act No. 604), page 4703, § 1; 2006 Ga. Laws (Act No. 490), § 1; 2009 Ga. Laws (Act No. 278), § 1)

PART II

THE CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS*

***State law reference**--Authority of municipality to adopt ordinances, resolutions, or regulations, O.C.G.A. § 36-35-3; incorporation of municipal corporations generally, O.C.G.A. § 36-31-1 et seq.

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

The ordinances embraced in this and the following chapters and sections shall constitute and be designated as ~~the~~ "The Code of the City of Alpharetta, Georgia," and may be so cited. This Code may also be cited as "Alpharetta City Code" or the "City Code."¹⁵

(Code 1989, § 1-1)

State law reference--Codification requirements, O.C.G.A. § 36-80-19.

Sec. 1-2. Rules of construction and definitions.

~~In the construction of this Code and all ordinances amending the same, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the governing body:~~

The following rules of construction and definitions shall apply to all ordinances and resolutions of the city council, unless the context requires otherwise:¹⁶

Bonds. When a bond is required by law, an undertaking in writing, without seal, is sufficient; and in all bonds where the names of the obligors do not appear in the bond, but are subscribed thereto, they are bound thereby.

State law reference--Similar provision, O.C.G.A. § 1-3-1(d)(1).

City. The term "city" means the City of Alpharetta, Georgia. Where appropriate, it shall also mean duly authorized officials, officers and employees of the city.

Code. The term "Code" means the Code of Ordinances of the City of Alpharetta, Georgia, as designated in section 1-1.¹⁷

Computation of time. Except as otherwise provided by time period computations, 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, as amended, 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.

State law reference--Similar provision, O.C.G.A. § 1-3-1(d)(3).

¹⁵ **Code 1989, § 1-1. How Code designated and cited.** We recommend adding language to this section, for purposes of conformity with the standard MCC Code format. *City accepted.*

¹⁶ **Code 1989, § 1-2. Rules of construction and definitions.** We recommend adding introductory language to this provision for purposes of internal consistency. *City accepted.*

¹⁷ **Code 1989, § 1-2. Rules of construction and definitions ("Code").** We recommend adding this definition to this section for purposes of comprehensive subject matter and conformity with the standard MCC Code format. *City accepted.*

Council, city council, governing authority, governing body. The terms "council," "city council," "governing authority" and "governing body" mean the city council of the City of Alpharetta, Georgia.

County. The term "county" means Fulton County, Georgia.

Delegation of authority. Whenever a provision of this Code requires an official or the head of a department of the city to do some act or perform some duty, it shall be construed to authorize the official or head of the department to designate, delegate, and authorize subordinates to do the required act or perform the required duty unless the terms of the provision designate otherwise.

Gender. A word importing one gender shall extend and be applied to the other genders, except where inappropriate.

Interpretation. In the interpretation and application of any provision of this Code, it shall be held to be the minimum requirement adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the 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 terms "keeper" and "proprietor" mean and include persons, as the term "person" is defined herein, whether acting by themselves or through an agent or employee.

May is permissive.

Month. The term "month" means a calendar month.

Municipality. The term "municipality" shall be construed as synonymous with the term "city," "municipal corporation," or "town."¹⁸

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

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

O.C.G.A. The abbreviation "O.C.G.A." means the latest edition of the Official Code of Georgia Annotated, as amended.¹⁹

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

Overlapping provisions. Where any provision of this Code imposes greater restrictions upon the subject matter than any general provisions imposed by this Code, the provision imposing the greater restriction or regulation shall be applicable.²⁰

Owner. The term "owner" applied to a building or land shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or person in possession under a bond for title.

Person. The term "person" shall extend and be applied to associations, clubs, societies, firms, partnerships,

¹⁸ **Code 1989, § 1-2. Rules of construction and definitions ("Municipality").** We recommend adding this definition to the section, for purposes of comprehensive coverage of subject matter, conformity with the standard MCC format, and to conform to O.C.G.A. § 36-30-1. *City accepted.*

¹⁹ **Code 1989, § 1-2. Rules of construction and definitions ("O.C.G.A.").** We recommend adding this definition to the section, for purposes of comprehensive coverage of subject matter and conformity with the standard MCC format. *City accepted.*

²⁰ **Code 1989, § 1-2. Rules of construction and definitions ("Overlapping provisions").** We recommend adding this rule of construction to the provision, for purposes of comprehensive coverage of the subject matter. *City accepted.*

receivers, trustees and personal representatives, and to bodies politic and corporate, as well as to individuals.

Personal property. The term "personal property" shall include every species of property except real property, as herein defined.

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

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

Public place. The term "public place" means any park, cemetery, schoolyard or open space adjacent thereto, or any open area.

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

Shall is mandatory, not merely directive.

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

Signature, subscription. The "signature" or "subscription" of a person shall include a mark intended as such when the person cannot write.

State. The term "state," in reference to a political entity, means the State of Georgia.

Statute reference. Whenever reference is made to, for example, O.C.G.A. § 1-1-1, it shall be construed to refer to the Official Code of Georgia Annotated, § 1-1-1, as amended, or to whatever section is cited.²¹

Street. The term "street" shall be construed to mean the surface of, as well as the spaces above and below, any and all embrace-streets, avenues, boulevards, roads, alleys, lanes, viaducts, bridges, tunnels, parkways, public grounds or water, public rights-of-way and all other public highways within or belonging to the city.²²

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

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

Title of officer or official. Whenever the title of an officer is given, it shall be construed as though the words "of the City of Alpharetta" were added.

Week. The term "week" means seven calendar days.

Written, 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 term "year" means a calendar year.

(Code 1989, § 1-2)

State law reference--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.

Sec. 1-3. Catchlines of sections; history notes; state law references; editor's notes.

(a) The catchlines of the several sections and subsections of this Code are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections or subsections, nor as any part of the section or subsection, nor, unless expressly so provided, shall they be so deemed when any of such sections or subsections, including the catchlines, are amended or reenacted.

²¹ **Code 1989, § 1-2. Rules of construction and definitions ("Statute reference").** We recommend adding this definition to the section, for purposes of comprehensive coverage of the subject matter and conformity with the standard MCC format. *City accepted.*

²² **Code 1989, § 1-2. Rules of construction and definitions ("Street").** Definition has been updated to incorporate newer language set out in Chapter 17.5, § 17.5-20. Definitions ("Streets"). *City accepted.*

(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-enabling legislation references, state law references, and editor's notes which appear before or after sections or subsections of this Code or which otherwise appear in footnote form are provided for the convenience of the user of this Code and have no legal effect.

(c) All references to chapters, articles, or sections are to the chapters, articles, and sections of this Code unless otherwise specified.²³

(Code 1989, § 1-3)

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

Sec. 1-4. 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.

(c) An ordinance which is in conflict in its entirety with a subsequent ordinance shall be deemed to be repealed in its entirety, even if no specific repealer is stated. If an ordinance is only partially in conflict with a subsequent ordinance, only the portion of the previous ordinance in conflict with the subsequent ordinance shall be deemed to have been repealed, even if a specific repealer is not stated.²⁴

(Code 1989, § 1-4)

Sec. 1-5. Severability.

It is hereby declared to be the intention of the governing body 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 or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

(Code 1989, § 1-5)

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

Sec. 1-6. Amendments to Code; effect of new ordinances; amendatory language.

(a) All ordinances passed subsequent to the passage of the ordinances originally included herein, which amend, repeal or in any way affect this Code, may be numbered in accordance with the numbering system of this Code and added hereto. 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.

(b) 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 the City of Alpharetta, Georgia is hereby amended to read as follows: _____." The new provision may then be set out in full as desired.

(c) In the event a new section not theretofore existing in the Code is to be added, the following language may be used: "That The Code of the City of Alpharetta, Georgia is hereby amended by adding a section (or article or chapter) to be numbered _____, which said section (or article or chapter) reads as follows: _____." The new

²³ **Code 1989, § 1-3. Catchlines of sections.** We recommend modifying the language in this provision, for purposes of conformity with the standard MCC Code language for a General Provisions chapter. *City accepted.*

²⁴ **Code 1989, § 1-5. Effect of repeal of ordinances.** We recommend adding this provision to the chapter, for purposes of conformity with the standard MCC language for a General Provisions chapter. *City accepted.*

section (or article or chapter) may then be set out in full as desired.

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

(Code 1989, § 1-6)

Sec. 1-7. Supplementation of Code.

(a) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the council. A supplement to the Code shall include all substantive, permanent and general parts of ordinances passed by the council or adopted by initiative and referendum 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. 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. Charter amendments may be included in like manner.

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

(c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them 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," etc., as the case may be, or to "sections _____ through _____" (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 meaning 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.

(Code 1989, § 1-7)

Sec. 1-8. General penalty; ~~continuing violations; abatement of nuisances.~~ ²⁵

(a) In this section, the term "violation of this Code" means:

- (1) Doing an act that is prohibited or made or declared unlawful, an offense, or a misdemeanor by ordinance or by rule or regulation authorized by ordinance;
- (2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance; or
- (3) Failure to perform an act if the failure is declared a misdemeanor or an offense or unlawful by ordinance or by rule or regulation authorized by ordinance.

(b) In this section, the term "violation of this Code" does not include the failure of a city officer or city

²⁵ **Code 1989, § 1-8. General penalty; continuing violations; abatement of nuisances.** We recommend modifying the language in this section for purposes of conformity with O.C.G.A. § 36-35-6(a)(2). *City accepted.*

employee to perform an official duty, unless it is provided that failure to perform the duty is to be punished as provided in this section or it is clear from the context that it is the intent to impose the penalty provided for in this section upon the officer or employee.

(c) The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise or other administrative sanctions.

(d) Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief and by such other means as are provided by law. The imposition of a penalty does not prevent equitable relief.

(e) Unless a higher penalty is otherwise specified, whenever in this Code or in any ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense, or whenever in this Code or any ordinance the doing of any act is required and the failure to do such act is declared to be unlawful, and no specific penalty is provided, and unless otherwise provided by state law, the violation of any such provision of this Code or any such ordinance shall be punished by a fine not to exceed \$1,000.00 and imprisonment in the city or county jail and work and labor on the streets or public works of the city, whether within or without the corporate limits, not exceeding 180 days, or both a fine and sentence of imprisonment and labor; and all sentences may be in the alternative and fines may be imposed with the alternative of sentence to imprisonment and labor if the fines are not paid. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense.

~~Whenever in this Code or in any ordinance or resolution of the city amending this Code, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such Code, ordinance or resolution 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 any such provision of this Code or any ordinance or resolution shall be punished by a fine not to exceed two thousand dollars (\$2,000.00), or by imprisonment for a period not to exceed one hundred twenty (120) days, or both, or to labor on the streets, sidewalks, squares or other public works for a period not exceeding one hundred twenty (120) days, or by fine, imprisonment or alternative sentencing as provided by law. Each day any violation of any provision of this Code or of any ordinance or resolution shall continue shall constitute a separate offense.~~

~~— In addition to the penalties provided in 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.~~

(Code 1989, § 1-8)

State law reference--Limitations on penalties, O.C.G.A. § 36-35-6(a)(2); authority to punish ordinance violations by requiring labor, O.C.G.A. § 36-30-8; sentences and fines which may be imposed, O.C.G.A. § 36-32-5.

Sec. 1-9. Provisions considered as continuation of existing ordinances.

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

(Code 1989, § 1-9)

Sec. 1-10. Altering Code, ordinances or other public documents.

(a) It shall be unlawful for any person in the city to change or amend, by additions or deletions, any part of this Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the city to be misrepresented thereby.

(b) It shall be unlawful for any person to deface, mutilate, or in any other manner alter any ordinance book or minute book, or any notice posted by the city for the benefit of the public, or any other document or record of the municipal government of the city.

(Code 1989, § 1-10)

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

Sec. 1-11. Certain ordinances not affected by Code.

(a) 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 rates, fees or charges consistent with this Code;
- (2) Any ordinance promising or guaranteeing the payment of money for the city, or authorizing the issuance of any bonds for the city or any evidence of the city's indebtedness, or any contract or obligation assumed by the city;
- (3) Any ordinance consistent with this Code prescribing traffic regulations for specific locations, such as prescribing through streets, parking limitations, parking prohibitions, one-way traffic or limitations on loads of vehicles or loading zones;
- (4) Any ordinance consistent with this Code fixing salaries of or providing policies and programs for providing retirement, disability or death benefits for officials, officers or employees of the city;
- (5) Any budget ordinance or appropriation ordinance; or any ordinance levying any tax;
- (6) Any right or franchise granted by any ordinance or resolution;
- (7) Any ordinance dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening or vacating any street or public way in the city;
- (8) Any ordinance establishing and prescribing the street grades of any street in the city;
- (9) Any ordinance providing for local improvements or assessing taxes therefor;
- (10) Any ordinance dedicating or accepting any plat or subdivision in the city;
- (11) Any ordinance establishing or changing the boundary of the city;
- (12) Any zoning ordinance, or any ordinance regulating subdivisions, or any ordinance regulating signs, or any ordinance regulating building design standards;
- (13) Any resolution of the city not in conflict with this Code;
- (14) Any ordinance enacted after March 13, 1989.

(b) All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

(Code 1989, § 1-11)

Sec. 1-12. Interpretation of Code.²⁶

In all interpretations of this Code and ordinances, the courts shall look diligently for the intention of the city council, keeping in view, at all times, the old law, the evil, and the remedy. Grammatical errors shall not vitiate, and a transposition of words and clauses may be resorted to when the sentence or clause is without meaning as it stands.

State law reference--Similar provisions as to state laws, O.C.G.A. § 1-3-1.

Sec. 1-13. Substantive compliance with Code.²⁷

A substantial compliance with any requirement of the Code or ordinances, especially on the part of public officers, shall be deemed and held sufficient, and no proceeding shall be declared void for want of such compliance, unless expressly so provided by the enactment.

²⁶ **Code 1996, Ch. 1- General Provisions, New Section- Interpretation of Code.** We recommend adding this provision to the chapter, for purposes of comprehensive coverage of the subject matter and conformity with the standard MCC Code format. *City accepted.*

²⁷ **Code 1989, Ch. 1. General Provisions, New Section- Substantive compliance with Code.** *Id. City accepted.*

Sec. 1-14. Provisions considered as continuations of existing ordinances. ²⁸

The provisions appearing in this Code, insofar as they are the same as those of ordinances and resolutions existing at the time of adoption of this Code, shall be considered as continuations thereof, and not as new enactments.

Sec. 1-15. Prior offenses, penalties, contracts or rights not affected by adoption of Code. ²⁹

(a) Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code.

(b) The adoption of this Code shall not be interpreted as authorizing or permitting any use or the continuance of any use of a structure or premises in violation of any ordinance or resolution in effect on the date of adoption of this Code.

Sec. 1-16. Supplementation of Code. ³⁰

(a) By contract or by city personnel, supplements to this Code shall be prepared at least 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 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," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code).
- (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.

²⁸ **Code 1989, Ch. 1. General Provisions, New Section- Provisions considered as continuations of existing ordinances.** *Id. City accepted.*

²⁹ **Code 1989, Ch. 1. General Provisions, New Section- Prior offenses, penalties, contracts or rights not affected by adoption of Code.** *Id. City accepted.*

³⁰ **Code 1989, Ch. 1. General Provisions, New Section- Supplementation of Code.** *Id. City accepted.*

Sec. 1-17. Ordinances not affected by adoption of the Code. ³¹

(a) 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, unless superseded;
- (5) Any ordinance or resolution establishing and/or prescribing employment, benefits, and/or personnel policies and procedures for any city officer or city employee;
- (6) Any right or franchise granted by the city;
- (7) Any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, widening, paving, etc., any street or public way in the city;
- (8) Any appropriation ordinance;
- (9) Any ordinance or resolution which, by its own terms, is effective for a stated or limited term;
- (10) Any ordinance or resolution providing for local improvements and assessing taxes therefor;
- (11) Any zoning ordinance or amendments thereto, and any ordinance establishing a planning commission, including joint commissions;
- (12) Any ordinance or resolution dedicating or accepting any subdivision plat or providing for subdivision regulations;
- (13) Any ordinance or resolution describing or altering the boundaries of the city;
- (14) The administrative ordinances or resolutions of the city not in conflict or inconsistent with the provisions of this Code;
- (15) Any ordinance levying or imposing taxes not included herein;
- (16) Any ordinance or resolution establishing or prescribing street grades in the city;
- (17) Any ordinance or regulation prescribing traffic regulations for specific locations concerning through streets, parking limitations, parking prohibitions, one-way traffic, limitations on loads of vehicles or loading zones, not in conflict or inconsistent with this Code;
- (18) Any ordinance or resolution of agreement with another political subdivision; and
- (19) Any other ordinance or resolution, or part thereof, which is not of a general and permanent nature, or which is referred to elsewhere in this Code as continuing in effect.

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

³¹ **Code 1989, Ch. 1. General Provisions, New Section- Ordinances not affected by adoption of the Code.** We recommend adding this provision to the chapter, for purposes of conformity with the standard MCC Code format. *City accepted.*

Chapter 2

ADMINISTRATION*³²

***State law reference**--Supplemental powers of municipalities and counties enumerated, Ga. Const. art. IX, § II, ¶ III; municipalities, O.C.G.A. § 36-30-1 et seq.; administrative powers generally, O.C.G.A. § 36-34-2; provisions applicable to counties and municipal corporations, O.C.G.A. § 36-80-1 et seq.; provisions applicable to counties and municipalities, O.C.G.A. § 36-60-1 et seq.

~~Art. I. In General, §§ 2-1-2-30~~

~~Art. II. Municipal Court, §§ 2-31-2-80~~

~~Div. 1. Generally, §§ 2-31-2-40~~

~~Div. 2. Municipal Judge, §§ 2-41-2-60~~

~~Div. 3. Department of Municipal Court Services and Office of Court Administrator, §§ 2-61-2-80~~

~~Art. III. Boards and Commissions, §§ 2-81-2-115~~

~~Art. IV. Code Enforcement Board, §§ 2-116-2-140~~

~~Art. V. Code of Ethics and Conduct, §§ 2-141-2-158~~

ARTICLE I. IN GENERAL CITY COUNCIL*³³

State law reference--Code of ethics for government service, O.C.G.A. § 45-10-1; code of ethics for members of boards, commissions and authorities, O.C.G.A. § 45-10-3; meetings to be open to public, O.C.G.A. § 50-14-1; exemptions from open meeting requirements, O.C.G.A. § 50-14-3; due notice requirements for other than regular meetings, O.C.G.A. § 50-14-1(d); requirement to prescribe the times, places and dates of regular meetings of governing authority, O.C.G.A. § 50-14-1(d).

Sec. 2-1. Council meetings--Days and times.³⁴

(a) The regular meetings of the city council shall be held on the first and third Monday of each month. A regular city council public hearing shall be held on the fourth Monday of each month. If the meeting or public hearing falls on a legal holiday, the meeting or public hearing shall take place on the next day that is not a legal holiday.

(b) Regular meetings of the city council and regular city council public hearings shall be held at the hour of ~~6:30~~ 7:30 p.m., or such other hour as the council may designate from time to time by resolution.

(c) Nothing in this section shall be deemed to prohibit the council from holding special meetings as provided in the Charter, or from scheduling public hearings on other dates.

(Code 1989, § 2-1; Ord. of 3-14-1988(2), §§ 1--3; Ord. No. 327, § 1, 12-20-1993; Ord. No. 365, § 1, 6-19-1995; Ord. No. 581, § 1, 2-20-2006; Res. No. 1829, 3-21-2016)

Sec. 2-2. Same--Parliamentary procedure.³⁵

"Roberts Rules of Order, Newly Revised," as modified by this section, shall constitute the rules of

³² **Code 1989, Ch. 2. Administration.** Many of this chapter's provisions seem fine on their face, but in day-to-day practice may be obsolete. Please carefully review them and alert us to any necessary revisions or deletions.

³³ **Code 1989, Article I. In General.** We recommend renaming this article to more accurately reflect the subject matter contained within. *City accepted.*

³⁴ **Code 1989, § 2-1. Council Meetings—Days and time.** Is this the city's current meeting schedule and time? *Updated to reflect current practice.*

³⁵ **Code 1989, § 2-2. Same—Parliamentary Procedure.** We recommend adopting a specific edition of Roberts Rules for purposes of internal consistency or, alternately, not specifying a publication at all, as per section 2.19 of the Charter it is not necessary to adopt rules of procedure via ordinance. *City elected to leave provision as is.*

parliamentary procedure for all public meetings of the city council. It shall be the duty of each councilmember (including the mayor) to vote for or against every question properly presented to the council for vote, and no councilmember shall have the right to abstain, except that a councilmember may abstain from voting to approve the minutes of a meeting that the councilmember did not attend. In the event that a councilmember has a conflict of interest (as defined in the city Charter, any city ordinance or applicable law), the councilmember shall not abstain, but shall recuse himself from participating in the consideration of the question. The recused councilmember shall not be considered "present" for the purpose of determining if the matter has sufficient votes for passage. Except for penalties that may be applicable with respect to the violation of a conflict of interest rule, there shall be no penalty imposed for a violation of this section.

(Code 1989, § 2-2; Res. of 5-11-1987; Res. No. 383, 1-20-1991; Ord. No. 448, § 1, 8-21-2000)

Sec. 2-3. Ordinance form; procedure ~~Same—Ordinance adoption procedure.~~

(a) Every proposed ordinance shall be in writing. No ordinance shall contain a subject which is not expressed in its title.

(b) An ordinance may be introduced by the mayor or any councilmember and the title thereof read by the city attorney at a regular or special meeting of the city council; provided, however, that upon the request of the mayor or any councilmember, such ordinance shall be read in its entirety. Ordinances shall be considered and adopted or rejected by simple majority vote of those present and voting; provided, however, an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances as provided in the Charter. Prior to introduction of any ordinance, the clerk shall distribute a copy to the mayor and to each councilmember, file a reasonable number of copies in the office of the clerk and at such other public places as the city council may designate, and post upon the city's website.

(Ord. No. 724, 4-18-2016)

~~Every proposed ordinance shall be introduced in writing and in the form required for final adoption. Upon introduction of any ordinance, the clerk shall as soon as possible distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the clerk and at such other public places as the city council may designate. Ordinances not exceeding five (5) typewritten pages in text shall be read in their entirety at each public hearing or city council meeting at which such ordinance shall be considered. Ordinances exceeding five (5) typewritten pages of text need not be read in their entirety, but a summary of the provisions of such ordinances shall be prepared and read at each public hearing or city council meeting at which such ordinances shall be considered. Provided, however, that upon the request of the mayor, or any councilmember, such ordinances shall be read in their entirety, and provided further that a summary shall not be read for any ordinance requiring a public hearing unless a reasonable number of copies of the ordinance were available for review by the public at the office of the clerk at least forty-eight (48) hours prior to the public hearing.~~

(Code 1989, § 2-3; Res. of 11-24-1986)

Sec. 2-4. Public comment at city council meetings.

(a) *Public comments on agenda items.* Comments from the public are permitted on each agenda item before final vote is taken. Persons desiring to speak on an agenda item shall obtain recognition of the mayor prior to speaking, and shall state their names and home addresses for the record. On agenda items other than land use matters, unless permitted by majority vote of the city council, no persons shall speak to the city council for more than three minutes on any item. If the agenda item is a zoning or other land use matter, the mayor shall impose such reasonable time limitations on the public discussion as the mayor deems appropriate. To the extent reasonably possible, equal amounts of time shall be made available to those speaking for and against the matter. On land use matters, the applicant and the adjacent property owners shall be afforded the first opportunity to speak, and, if reasonable time limitations permit, any member of the general public may then speak. The mayor, or a majority of the council upon motion, may end the public debate on any matter when the comments have become repetitive, or where the views of each side have been fairly presented. Once public debate has ended, no further public comment is permitted except upon majority vote of the city council. A motion to extend the time for any one person to speak, to end public debate, or to reopen public debate shall be a non-debatable motion.

(b) *Public comments on non-agenda items.* Immediately following the close of new business, the mayor shall permit comments from the public on non-agenda items pertaining to legitimate city business. However, no formal action shall be taken by the city council on any non-agenda item except in cases of an emergency. Unless otherwise extended by majority vote of the city council, no person shall speak to the city council for more than three minutes. A motion to extend the time for individual comments shall be a non-debatable motion. Any person desiring to speak during the citizens' comments portion of the meeting shall submit a completed speaker card to the city clerk prior to the meeting. The speaker card shall set forth the name, address and telephone number of the speaker, and the topic to be discussed. No speaker cards will be accepted after the meeting is convened. The mayor shall recognize the speakers in the order in which the speaker cards were submitted to the clerk. All comments shall be directed to the mayor or other presiding officer at the meeting. The clerk shall inform each speaker when the speaker's time has expired, and shall inform the mayor when the time allotted for citizens' comments has concluded. (Code 1989, § 2-3; Res. No. 662, §§ I, II, 6-30-1997)

Sec. 2-5. Elections; "incumbent" label on ballot.

It shall be lawful to have the word "incumbent" follow the name of any person who is running and is legally holding office at the time of any legal or special election held in the city.

(Code 1989, § 2-4; Ord. No. 158, § 1, 10-23-1978)

Sec. 2-6. City administrator--Duties.³⁶

The duties delegated to the city administrator are as follows:

- (1) To prepare studies and reports as requested by the mayor and/or city council;
- (2) To prepare and make application for county, state and federal grants as requested by the mayor and/or city council;
- (3) To conduct research as requested by the mayor and/or city council;
- (4) To prepare and maintain an office memorandum system, purchase order system and information office control system;
- (5) To administer and ensure compliance with all contracts entered into by the city;
- (6) To direct the activities of all employees of the city;
- (7) To prepare an annual budget and direct the financial activities of the city;
- (8) To direct the daily business operations of the city; and
- (9) To perform any other duties hereinafter delegated to the city administrator by the mayor and/or city council.

(Code 1989, § 2-5; Ord. No. 189, 6-30-1983)

Sec. 2-7. Same--Fixing of salary.

The city council may change the city administrator's salary without the passage of an ordinance. Such change will be accomplished by a majority vote of the city council.

(Code 1989, § 2-6; Ord. of 7-9-1984)

Sec. 2-8. Credit card payments.

All sums due the city, including, but not limited to, ad valorem taxes, occupation taxes, fines, forfeitures, penalties, license fees, permit fees and registration fees, may be paid by the use of credit cards. The city finance director, with the approval of the city administrator, shall establish the procedures for acceptance of credit card payments for amounts due the city. The mayor is authorized to enter into agreements with credit card issuers to

³⁶ **Code 1989, § 2-5. City administrator—Duties.** We recommend striking this section if the subject matter is covered by the job description. *City elected to leave provision as is.*

facilitate the acceptance of credit card payments by the city.

(Code 1989, § 2-7; Ord. No. 379, § 1, 6-24-1996)

Sec. 2-9. Discounted fee.

A credit card may provide for the acceptance of the credit card payments from the credit card company at a discount from the face amount of the payment or for the withholding of administrative fees from the face amount of the payment. Such discounted fee is granted in exchange for the improved governmental cash flow, reduction of administrative expenses and increased public convenience as a result of credit card payments.

(Code 1989, § 2-8; Ord. No. 379, § 1, 6-24-1996)

Sec. 2-10. Surcharge.

A surcharge equal to the administrative fees charged by the credit card issuer to the city shall be imposed upon any person making a payment by credit card, when such surcharges are permitted by the operating rules and regulations of the credit card issuer.

(Code 1989, § 2-9; Ord. No. 379, § 1, 6-24-1996)

Sec. 2-11. Cancellation.

Any agreement with a credit card issuer for the acceptance of payments via credit shall contain a provision that the agreement may be canceled at any time by the city.

(Code 1989, § 2-10; Ord. No. 379, § 1, 6-24-1996)

Sec. 2-12. Final payment.

No person making payment by credit card to the city is relieved from liability for the underlying obligation except to the extent that the city actually receives final payment of the obligation in cash or its equivalent. If final payment is not made by the credit card issuer or other guarantor of payment in the credit card transaction, the underlying obligation for the money due is not extinguished. All applicable penalties, interest and collection fees on the unpaid amount shall be due from the person making the payment by credit card. Such penalties, interest and fees on an unpaid amount shall accrue from the date the unpaid obligation was first due under the applicable statute or ordinance. The city shall follow the collection procedures for the unpaid amount that would have otherwise been applicable had the credit card payment not been attempted.

(Code 1989, § 2-11; Ord. No. 379, § 1, 6-24-1996)

Sec. 2-13. Records management plan.

(a) The city administrator, or his designee, is hereby designated as the records manager for the city.

(b) The retention schedules for local government records, attached to Ordinance Number 1117 as exhibit A and incorporated herein by reference, are hereby adopted as the records retention schedules for the city.

(c) All records shall be maintained in accordance with the approved retention schedules, and the city shall conform to the guidelines adopted from time to time by the state technology authority for the maintenance and security of its records.

(Code 1989, § 2-12; Res. No. 1117, §§ 1--3, 2-21-2005)

~~Editor's note~~ Res. No. 1117, §§ 1--3, adopted Feb. 21, 2005, did not specifically amend the Code. Hence, its inclusion herein as section 2-12 was at the discretion of the editor.

Sec. 2-14. Limitation on powers of eminent domain.

The city council shall not exercise its powers of eminent domain solely for the purpose of transferring ownership of property from one private individual or entity to another private individual or entity solely for the purposes of economic development, job creation, and increasing the local tax base.

(Code 1989, § 2-13; Res. No. 1153, 7-25-2005)

~~Editor's note~~ Res. No. 1153, adopted July 25, 2005, did not specifically amend the Code. Hence, its inclusion herein as section 2-13 was at the discretion of the editor.

Sec. 2-15. Official legal organ for publication of legal notices.

The Alpharetta-Roswell Revue and News is designated as the official legal organ for the publication of city legal notices.

(Code 1989, § 2-14; Res. No. 1371, 9-15-2008)

~~**Editor's note**—Res. No. 1371, adopted September 15, 2008, did not specify manner of inclusion; hence, inclusion as § 2-14 is at the discretion of the editor.~~

Secs. 2-16--2-33. Reserved.

ARTICLE II. MUNICIPAL COURT*

***State law reference**--Cities authorized to establish municipal courts, Ga. Const. art. VI, § 1, ¶ 1; cash bonds in cases involving offenses against municipalities, O.C.G.A. § 17-6-10; municipal courts, O.C.G.A. § 32-31-1 et seq.

DIVISION 1. GENERALLY

Secs. 2-34--2-54. Reserved.

DIVISION 2. MUNICIPAL JUDGE

Sec. 2-55. ~~Municipal judge~~—Method of selection.

The office of judge of the municipal court shall be filled by mayor and city council appointment immediately following the expiration of the term of the municipal judge.

(Code 1989, § 2-41; Ord. of 3-28-1988(1), § 1; Ord. No. 660, § 1, 12-19-2011)

Sec. 2-56. ~~Same~~—Qualifications.

The qualifications for municipal judge shall be the same as for the mayor and city councilmembers; provided, however, it shall not be a requirement that the municipal judge be a resident of the city. In addition, the municipal judge shall be a member of the state bar with a minimum of two years' practice as an attorney.

(Code 1989, § 2-42; Ord. of 3-28-1988(1), § 4; Ord. No. 660, § 2, 12-19-2011)

State law reference--Requirements for municipal court judges, O.C.G.A. § 36-32-1.1.

Sec. 2-57. ~~Same~~—Term of office.

The term for the office of municipal judge shall be the same as for the mayor and councilmembers of council.

(Code 1989, § 2-43; Ord. of 3-28-1988(1), § 2; Ord. No. 660, § 3, 12-19-2011)

Sec. 2-58. ~~Same~~—Filling of vacancy.

In the event that the office of municipal judge shall become vacant for any cause whatsoever, the mayor and council shall appoint the successor to fill the remainder of the term of the municipal judge. Such successor shall serve for such term as the council provides, up to the remainder of the term of the municipal judge.

(Code 1989, § 2-44; Ord. of 3-14-1988(1), § 1; Ord. No. 660, § 4, 12-19-2011)

State law reference--Municipal election code, O.C.G.A. § 21-3-1 et seq.

Sec. 2-59. ~~Same~~—Removal.

The municipal judge may be removed by the mayor and council; provided, however, that a minimum of five votes shall be required for such removal.

(Code 1989, § 2-45; Ord. No. 682, § 1, 10-17-2013)

~~**Editor's note**—Prior to the reenactment of section 2-45 by Ord. No. 682, § 1, adopted October 17, 2013, Ord. No. 660, § 5, adopted December 19, 2011, repealed the former section 2-45 in its entirety, which pertained to qualifications for judge appointed to fill vacancy, and derived from an ordinance adopted March 14, 1988.~~

~~**Note**—Ord. No. 682, § 3, adopted October 17, 2013, states the following: "This Amendment shall become effective upon adoption, except that it shall not apply to the remainder of the sitting municipal judge's term."~~

Sec. 2-60. ~~Same~~—Compensation.

The compensation of the judge shall be established from time to time by the mayor and council as part of the annual budget process.

(Code 1989, § 2-46; Ord. of 3-28-1988(1), § 3; Ord. No. 562, § 1, 12-13-2004; Ord. No. 660, § 6, 12-19-2011)

Secs. 2-61--2-78. Reserved.

DIVISION 3. DEPARTMENT OF MUNICIPAL COURT SERVICES AND OFFICE OF COURT
ADMINISTRATOR/MARSHAL

~~Editor's note~~ Ord. No. 266, §§ 1–4, 5(a), (b), adopted Nov. 27, 1989, did not specifically amend the Code and at the discretion of the editor said provisions have been included herein as Div. 3, §§ 2-61–2-65. Subsequently, the title of "court administrator" was changed to "court administrator/marshal" and the title of this article was amended by § 2 of Ord. No. 278, adopted July 23, 1990.

Sec. 2-79. ~~Creation of department of municipal court services and office of court administrator/marshal.~~

There is created the department of municipal court services and the office of court administrator/marshal. The department of municipal court services, under the supervision and direction of the court administrator/marshal, shall be responsible for providing administrative and logistical support services to the municipal court, supervising all persons serving probationary sentences from the municipal court, and exercising such additional duties and responsibilities as shall be designated by the city council and through the city administrator.

(Code 1989, § 2-61; Ord. No. 266, § 1, 11-27-1989; Ord. No. 278, § 2, 7-23-1990)

Sec. 2-80. Appointment of court administrator.

The court administrator/marshal shall be recommended by the city administrator, appointed by the city council, and shall serve at the pleasure of the city council. The court administrator/marshal shall be jointly supervised by the city administrator, the solicitor and the municipal judge. The court administrator/marshal shall receive compensation and expenses as authorized by the city council. The court administrator/marshal shall be the executive head of the department of municipal court services, and shall devote his full time to his official duties.

(Code 1989, § 2-62; Ord. No. 266, § 2, 11-27-1989; Ord. No. 278, § 2, 7-23-1990)

Sec. 2-81. Duties of court administrator/marshal.³⁷

The court administrator/marshal shall perform the following duties, as well as such other duties as may be delegated to him by the city council:

- (1) Supervise and direct the operations of the department of municipal court services; supervise other personnel assigned to work in the department of municipal court services, including assigning job duties and evaluating job performance; develop and implement operational procedures for the department of municipal court services; ensure proper maintenance and handling of case files and court records; coordinate with appropriate individuals to provide for proper exchange of information and/or to resolve court-related problems; and perform similar activities.
- (2) Assist with the preparation of cases for court hearings to include reviewing cases for proper documentation, obtaining required records and reports, preparing accusations for signature, and discussing cases with the city solicitor, attorneys, and others, as needed; subpoena and interview witnesses to prepare for court proceedings; assist police officers with case preparation or testimony; assist with pre-trial conferences; review jail cases to recommend the scheduling of special hearings, as needed; and perform similar activities.
- (3) Attend court sessions and assist with the proceedings, to include resetting cases for trial calendars, verifying the presence of witnesses for cases, interviewing witnesses on minor cases, aiding the solicitor

³⁷ **Code 1989, § 2-63. Duties of court administrator / marshal.** We recommend striking this section if the subject matter is covered by the job description. *City elected to leave provision as is.*

with prosecution, recording the disposition of cases on the trial calendar, assisting the public with case-related problems, and reporting the failure of officers to appear in court to the chief of police; and perform similar activities.

- (4) Process the transfer of cases to other appropriate courts, to include preparation of commitment for cases to be transferred, reviewing case files for proper documentation, delivering bonds to the sheriff's office, advising bonding companies of cases transferred, and maintaining files on transferred cases; and perform similar activities.
- (5) Coordinate the processing of failure-to-appear cases to include notifying bonding companies on bond forfeitures, issuing warrants or license suspensions at the direction of the judge, maintaining contact with other agencies to facilitate locating wanted persons, and making extradition arrangements when necessary; and perform similar activities.
- (6) Serve court-issued warrants and other legal process; apprehend the subjects of such warrants and legal process as necessary; and perform all other functions and duties to carry out the foregoing and effectively serve as marshal of the court.

(Code 1989, § 2-63; Ord. No. 266, § 3, 11-27-1989; Ord. No. 278, § 1, 7-23-1990)

Sec. 2-82. Qualifications of court administrator/marshal; oath.

The court administrator/marshal shall be certified by the Georgia Peace Officers' Standards and Training Council, and shall have such other training, background experience and knowledge as the city council deems appropriate. Before entering on the duties of his office, the court administrator/marshal shall take an oath that he will honestly and faithfully discharge the duties of the office to the best of his skill, knowledge and ability without fear, favor or partiality to any party.

(Code 1989, § 2-64; Ord. No. 266, § 4, 11-27-1989; Ord. No. 278, § 2, 7-23-1990)

Sec. 2-83. General provisions.

- (a) This division shall not be construed as limiting or affecting the authority of the municipal court.
- (b) Any and all ordinances or parts of ordinances in conflict with this division are hereby repealed.

(Code 1989, § 2-65; Ord. No. 266, § 5(a), (b), 11-27-1989)

Secs. 2-84--2-109. Reserved.

ARTICLE III. BOARDS AND COMMISSIONS

~~Editor's note—Ordinance No. 317, adopted May 24, 1993, did not specifically amend this Code; hence, inclusion of §§ 1-6 as Ch. 2, Art III, §§ 2-81–2-86 was at the discretion of the editor.~~

Sec. 2-110. Definitions.³⁸

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:

City boards means those boards and commissions of the city not established pursuant to a specific state-enabling act. City boards and commissions presently include the planning commission, the board of appeals and the design review board.

Governing authority means the governing authority of the City of Alpharetta, which consists of a mayor and six councilmembers.

State-enabled boards means those boards and commissions within the city that are established pursuant to state-enabling acts containing mandatory provisions relative to the number of members, the method of appointment, the terms and certain minimum qualifications. The state-enabled boards presently include the recreation

³⁸ **Code 1989, § 2-81. Definitions.** We recommend adding introductory language to this provision for purposes of internal constituency. *City accepted.*

commission, the development authority and the downtown development authority.

(Code 1989, § 2-81; Ord. No. 317, § 1, 5-24-1993)

Sec. 2-111. Number of members, method of appointment and terms.

(a) *State-enabled boards.* The number of members, method of appointment and terms of members of state-enabled boards shall be as established in the state-enabling act creating such board. The current members of each state-enabled board, together with their respective dates of appointment, dates of term expiration, and, if applicable, the names of the councilmembers responsible for the appointments, are set forth in exhibit A attached to the ordinance from which this article is derived. Any board member whose term has expired shall continue to serve until a successor is appointed pursuant to the provisions of the state-enabling act and city ordinance applicable to such board.

(b) *City boards.* All city boards shall consist of seven members and two alternates. The mayor and each councilmember shall appoint one member to each board, to serve concurrently with and at the pleasure of the mayor or councilmember making the appointment. Alternates shall be elected by majority vote of the governing authority to serve at the pleasure of the majority. Unless sooner removed, each board member's term shall expire at the end of the term of the elected official responsible for his appointment. When a board vacancy occurs as a result of the expiration of an elected official's term, the successor to such elected official shall fill the vacancy by appointment at the first council meeting of the elected official's new term. Each alternate shall continue to serve until a majority of the governing authority names a replacement. No alternate shall have the automatic right to succeed any board member. The first appointments under this article shall be made at the July 12, 1993 council meeting. A list shall be read into the minutes of the meeting setting forth the city board members who are, effective July 12, 1993, appointed or reappointed, as the case may be, to their respective boards, to serve at the pleasure of the mayor or councilmembers listed opposite such board members' names. Also listed shall be the alternates who are, effective July 12, 1993, appointed or reappointed, to serve at the pleasure of the majority.

(Code 1989, § 2-82; Ord. No. 317, § 2, 5-24-1993)

Sec. 2-112. Qualifications.

In addition to the minimum qualifications for state-enabled board members set forth in the respective state-enabling acts, all state-enabled board members and city board members shall have the additional qualifications set forth in this section. All board members shall be at least 18 years of age. All board members shall be residents of the city, except for one member of the recreation commission who shall reside within the attendance district of Milton High School. No city employee or city official, elected or appointed, shall be eligible to serve as a board member. No individual shall serve on more than one board at any one time. Any board member desiring to run for city office shall resign from the board not less than 90 days prior to the election date.

(Code 1989, § 2-83; Ord. No. 317, § 3, 5-24-1993)

Sec. 2-113. Powers, duties and jurisdiction of boards and commissions.

The powers, duties and jurisdiction of boards and commissions shall be as set forth in the applicable state-enabling act and/or city ordinance pursuant to which the board or commission was established.

(Code 1989, § 2-84; Ord. No. 317, § 4, 5-24-1993)

Sec. 2-114. Bylaws.

The bylaws of each board and commission shall be established and approved from time to time by the city council, as provided in the city Charter.

(Code 1989, § 2-85; Ord. No. 317, § 5, 5-24-1993)

Sec. 2-115. Maintenance of current list of board members.

The city clerk or his designee shall be responsible for maintaining a current list of all members of boards and commissions, which list shall be presented to the mayor and council prior to the first regularly scheduled council meeting for each calendar year.

(Code 1989, § 2-86; Ord. No. 317, § 6, 5-24-1993)

Sec. 2-116. Existing ordinances.

The provisions of this article shall not be deemed to repeal in their entirety the existing city ordinances establishing various boards and commissions. However, the provisions of this article shall be deemed to amend and supplement the existing ordinances, and in the event of any conflict, the provisions of this article shall control.

(Code 1989, § 2-87; Ord. No. 317, § 7, 5-24-1993)

Sec. 2-88. Effective date.³⁹

~~This article shall become effective on July 12, 1993.~~

~~(Code 1989, § 2-88; Ord. No. 317, § 8, 5-24-1993)~~

Sec. 2-117. Deadline for appointment.

In the event of a vacancy in a city board, the most senior alternate shall serve until a new board member is appointed in accordance with the provisions of this article. All board vacancies shall be filled no later than 45 days after the vacancy, except that a vacancy resulting from the expiration of an elected official's term or from a vacancy in an elected official's office shall be filled no later than 45 days after such official's successor takes office. In the event that an elected official fails to make an appointment within the deadline provided in this article, the alternate then serving shall automatically succeed to fill the board vacancy. For the purposes of this article, an appointment occurs when the mayor or councilmember responsible for making the appointment ~~(i)~~ reads the name and address of the appointee into the record at a city council meeting, or ~~(ii)~~ delivers a letter or other written statement signed by the elected official to the city clerk setting forth the name and address of the appointee.

(Code 1989, § 2-89; Ord. No. 353, § 1, 9-26-1994)

Secs. 2-118--2-149. Reserved.**ARTICLE IV. CODE ENFORCEMENT BOARD***

***State law reference**--Local Government Code Enforcement Boards Act, O.C.G.A. §§ 36-74-1 through 36-74-3.

Editor's note--Ordinance No. 442, adopted June 5, 2000, did not specifically amend the Code; hence, inclusion of §§ 1-11 as Art. IV, §§ 2-116-2-126, was at the discretion of the editor.

Sec. 2-150. Short title; authority.

This article shall be known and may be cited as the "City of Alpharetta Code Enforcement Board Ordinance." This article is authorized by O.C.G.A. § 36-74-1 et seq.

(Code 1989, § 2-116; Ord. No. 442, § 1, 6-5-2000)

Sec. 2-151. Intent.

It is the intent of this article to promote, protect and improve the health, safety and welfare of the citizens of the city by the creation of an administrative board with authority to impose administrative fines and other non-criminal penalties to provide an equitable, expeditious, effective and inexpensive method of enforcing any codes and ordinances in force in the city, where a pending or repeated violation continues to exist.

(Code 1989, § 2-117; Ord. No. 442, § 2, 6-5-2000)

Sec. 2-152. Definitions.⁴⁰

~~As used in this article, the term:~~

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:

³⁹ **Code 1989, § 2-88. Effective Date.** We recommend striking this section as no longer needed.

City accepted.

⁴⁰ **Code 1989, § 2-118. Definitions.** We recommend adding introductory language to the provision for purposes of internal consistency. *City accepted.*

City of Alpharetta codes and ordinances means city zoning ordinances and resolutions, ordinances and resolutions enacting subdivision regulations, environmental ordinances and resolutions, state minimum standard codes provided for in O.C.G.A. § 8-2-25, ordinances and resolutions enacted pursuant to O.C.G.A. § 8-2-25, other ordinances and resolutions regulating the development of real property, and ordinances and regulations providing for control of litter and debris, control of junked or abandoned vehicles, and control of overgrown vegetation. Notwithstanding the above, the term "City of Alpharetta codes and ordinances" shall not include:

- (1) Those codes and ordinances requiring a permit, unless the alleged violator has failed to secure all necessary valid permits under said codes and ordinances; or
- (2) Any local amendments to the state minimum standard codes provided for in O.C.G.A. § 8-2-25 that have not been adopted in conformity with the requirements of O.C.G.A. § 8-2-25(c).

Code inspector means any authorized agent or employee of the City of Alpharetta whose duty it is to ensure code compliance.

~~(2) ——— City means the City of Alpharetta, Georgia.~~⁴¹

Enforcement board means the city code enforcement board.

Mayor and council means the mayor and council of the City of Alpharetta.

Violation involving the health or safety of a third party means a violation that creates a legitimate concern for the health and safety of a third-party occupant of a dwelling place or that creates an immediate and substantial danger to the environment.

(Code 1989, § 2-118; Ord. No. 442, § 3, 6-5-2000)

Sec. 2-153. Organization of the code enforcement board.

(a) The enforcement board shall consist of seven members appointed by resolution of the mayor and council. The mayor and council may also appoint up to two alternate members for the enforcement board, to serve on the board in the absence of board members.

(b) Members of the enforcement board shall be residents of the city. In making appointments to the enforcement board, the mayor and council shall make good faith efforts to appoint one or more individuals who have experience or expertise relevant to one or more of the municipal codes that are within the subject matter jurisdiction of the enforcement board, including individuals with property management and litter control experience; provided, however, that the authority and jurisdiction of the enforcement board shall not in any way be limited due to the absence from its membership of one or more individuals with such experience or expertise.

(c) Member terms, generally.

- (1) The initial appointments to the enforcement board shall be as follows: three members appointed for a term of two years each, and four members appointed for a term of four years each.
- (2) Upon the expiration of the initial terms specified in subsection (c)(1) of this section~~above~~, all terms shall be for three years.
- (3) A member may be reappointed by resolution of the mayor and council.
- (4) An appointment to fill any vacancy on the enforcement board shall be for the remainder of the unexpired term of office. If any member fails to attend two of three successive meetings without cause and without prior approval of the chairperson, the enforcement board shall declare the member's office vacant, and the mayor and council shall promptly fill such vacancy.
- (5) The members shall serve in accordance with the policies and procedures of the city and may be suspended and removed for cause. The mayor and council may, with or without cause, refuse to reappoint any member of the enforcement board at the expiration of his term of office.

⁴¹ **Code 1989, § 2-118. Definitions ("City").** We recommend striking this definition as it is covered in the General Provisions chapter. *City accepted.*

(d) The members of the enforcement board shall elect a chairperson, who shall be a voting member, from among the members of the board. The presence of four or more members shall constitute a quorum of the enforcement board. Members shall be compensated in the same manner as members of other boards and commissions of the city.

(Code 1989, § 2-119; Ord. No. 442, § 4, 6-5-2000)

Sec. 2-154. Enforcement procedures.

(a) It shall be the duty of the code inspector to initiate enforcement proceedings pursuant to the various codes; however, no member of the enforcement board shall have the power to initiate such enforcement proceedings.

(b) Except as provided in subsections (c) and (d) of this section, if a violation of any code or ordinance is found, the code inspector shall notify the violator and give him a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code inspector shall proceed with enforcement through the appropriate court or shall proceed with enforcement through the enforcement board. If the code inspector proceeds through the enforcement board, the code inspector shall notify the enforcement board and request a hearing. The enforcement board shall schedule a hearing, and written notice of such hearing shall be hand-delivered or made as provided in section 2-159 to said violator. At the option of the enforcement board, notice may additionally be served by publication as provided in section 2-159. If the violation is corrected and then recurs, or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the enforcement board, even if the violation has been corrected prior to the hearing, and the notice shall so state.

(c) If a repeat violation is found, the code inspector shall notify the violator but is not required to give the violator a reasonable time to correct the violation. The code inspector, upon notifying the violator of a repeat violation, shall notify the enforcement board and request a hearing. The enforcement board shall schedule a hearing and shall provide written notice pursuant to section 2-155~~125~~. The case may be presented to the enforcement board even if the repeat violation has been corrected prior to the hearing, and the notice shall so state.

(d) If the code inspector has substantial reason to believe a violation presents a serious threat to the public health, safety and welfare or if the violation is irreparable or irreversible in nature, the code inspector shall make a reasonable effort to notify the violator and may immediately notify the enforcement board and request a hearing.

(Code 1989, § 2-120; Ord. No. 442, § 5, 6-5-2000)

Sec. 2-155. Conduct of hearings.

(a) Upon request of the code inspector, or at such other times as may be necessary, the chairperson of the enforcement board may call a hearing of the enforcement board; a hearing also may be called by written notice signed by at least three members of the enforcement board. Minutes shall be kept of all hearings by the enforcement board, and all hearings and proceedings shall be open to the public. The mayor and council may provide or assign clerical and administrative personnel to assist the enforcement board in the proper performance of its duties.

(b) Each case before the enforcement board shall be presented by the city attorney or by the code inspector or other member of the administrative staff.

(c) The enforcement board shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded. The enforcement board shall take testimony from the code inspector and alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

(d) At the conclusion of the hearing, the enforcement board shall issue findings of fact, based on evidence of record and conclusions of law, and shall issue an order affording the proper relief consistent with powers granted in this article. The findings and conclusions shall be by motion approved by a majority of those members present and voting, except that at least four members of the enforcement board must vote in order for the action to be official. The order may include a notice that it must be complied with by a specified date and that a fine may be imposed if the order is not complied with by said date. A certified copy of such order may be recorded in the public records of the city and county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator, and, if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns. If an order is

recorded in the public records pursuant to this subsection and the order is complied with by the date specified in the order, the enforcement board shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required to issue such an order acknowledging compliance.

(Code 1989, § 2-121; Ord. No. 442, § 6, 6-5-2000)

Sec. 2-156. Powers.

The enforcement board shall have the power to:

- (1) Adopt rules for the conduct of its hearings, which rules shall, at a minimum, ensure that each side has an equal opportunity to present evidence and argument in support of its case;
- (2) Subpoena alleged violators and witnesses to its hearings, with the approval of the court with jurisdiction over a criminal violator of the municipal code or ordinance. Subpoenas may be served by an officer of the police department or by any other individual not less than 18 years of age;
- (3) Subpoena evidence to its hearings in the same way as provided in subsection (2) of this section, with the approval of the court with jurisdiction over a criminal violator of the municipal code or ordinance;
- (4) Take testimony under oath; and
- (5) Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.

(Code 1989, § 2-122; Ord. No. 442, § 7, 6-5-2000)

Sec. 2-157. Administrative fines and liens.

(a) The enforcement board, upon notification by the code inspector that an order of the enforcement board has not been complied with by the set time, may order the violator to pay an administrative fine in an amount specified in this section.

(b) Fine amounts.

- (1) An administrative fine imposed pursuant to this section for a violation involving the health or safety of a third party shall not exceed \$1,000.00 per day.
- (2) An administrative fine imposed pursuant to this section for a violation that is not a violation involving the health or safety of a third party shall not exceed a total of \$1,000.00.
- (3) In determining the amount of the fine, if any, the enforcement board shall consider the following factors:
 - a. The gravity of the violation;
 - b. Any actions taken by the violator to correct the violation; and
 - c. Any previous violations committed by the violator.
- (4) The enforcement board may reduce a fine imposed pursuant to this section.

(c) A certified copy of an order imposing an administrative fine may be recorded in the public records of any county, and thereafter shall constitute a lien against the land on which the violation exists and upon any real or personal property owned by the violator. Upon petition to the superior court, such order may be enforced in the same manner as a court judgment by the sheriffs of this state, including a levy against the personal property, but such order shall not be deemed to be a court judgment except for enforcement purposes. After three months from the filing of any such lien which remains unpaid, the enforcement board may request the city attorney to foreclose on the lien.

(Code 1989, § 2-123; Ord. No. 442, § 8, 6-5-2000)

Sec. 2-158. Appeals.

An aggrieved party, including the city, may appeal a final administrative order of the enforcement board to the superior court. Such an appeal shall be a hearing de novo. An appeal shall be filed within 30 days of the execution of the order to be appealed.

(Code 1989, § 2-124; Ord. No. 442, § 9, 6-5-2000)

Sec. 2-159. Notices.

(a) All notices required by this article shall be provided to the alleged violator by certified mail, return receipt requested; by hand-delivery by any law enforcement officer, code inspector, or other person designated by the city; or by leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age, and informing such person of the contents of the notice.

(b) In addition to providing notice as set forth in subsection (a) of this section, at the option of the enforcement board, notice may also be served by publication, as follows:

- (1) Notice may be published once during each week for four consecutive weeks (four publications being sufficient) in the newspaper in which the sheriff's advertisements are printed in the county. Proof of publication shall be made by affidavit of a duly authorized representative of the newspaper;
- (2) Notice by publication may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under subsection (a) of this section. Evidence that an attempt has been made to hand-deliver or mail notice as provided in subsection (a) of this section, together with proof of publication as provided in subsection (b) of this section, shall be sufficient to show that the notice requirements of this section have been met, without regard to whether or not the alleged violator actually received such notice.

(Code 1989, § 2-125; Ord. No. 442, § 10, 6-5-2000)

Sec. 2-160. Provisions supplemental.

It is the intent of this article to provide an additional or supplemental means of obtaining compliance with local codes. Nothing contained in this article shall prohibit the city, through its code inspector, from enforcing its codes by any other lawful means, including criminal and civil proceedings; provided, however, that the city shall not pursue a specific instance of an alleged violation of an ordinance against one violator before both the enforcement board and a magistrate, municipal or other court authorized to hear ordinance violations.

(Code 1989, § 2-126; Ord. No. 442, § 11, 6-5-2000)

Secs. 2-161--2-188. Reserved.**ARTICLE V. CODE OF ETHICS AND CONDUCT***

***State law reference**--Code of ethics for governmental service, O.C.G.A. § 45-10-1; conflicts of interest, O.C.G.A. § 45-10-10 et seq.

~~**Editor's note**—Ord. No. 587, §§ 1–18, adopted May 1, 2006, did not specify manner of inclusion; hence, inclusion as article V, §§ 2-141–2-158 is at the discretion of the editor.~~

Sec. 2-189. Act in the public interest.

Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of the city and not for any private or personal interest, and they will ensure fair and equal treatment of all persons, claims and transactions coming before the city council, boards and commissions.

(Code 1989, § 2-141; Ord. No. 587, § 1, 5-1-2006; Ord. No. 662, § 1, 5-21-2012)

Sec. 2-190. Comply with the law.

Members shall comply with the laws of the United States, the state, and the city in the performance of their public duties. These laws include, but are not limited to: the United States Constitution and state constitution; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and city ordinances and policies.

(Code 1989, § 2-142; Ord. No. 587, § 2, 5-1-2006; Ord. No. 662, § 2, 5-21-2012)

Sec. 2-191. Conduct of members.

The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of council, boards and commissions, the staff or the public.

(Code 1989, § 2-143; Ord. No. 587, § 3, 5-1-2006; Ord. No. 662, § 3, 5-21-2012)

Sec. 2-192. Respect for process.

Members shall perform their duties in accordance with the processes and rules of order established by the city council and boards and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the city council by city staff.

(Code 1989, § 2-144; Ord. No. 587, § 4, 5-1-2006; Ord. No. 662, § 4, 5-21-2012)

Sec. 2-193. Conduct of public meetings.

Members shall prepare themselves for public issues, listen courteously and attentively to all public discussions before the body, and focus on the business at hand. They shall refrain from interrupting other speakers, making personal comments not germane to the business of the body, or otherwise interfering with the orderly conduct of meetings.

(Code 1989, § 2-145; Ord. No. 587, § 5, 5-1-2006; Ord. No. 662, § 5, 5-21-2012)

Sec. 2-194. Decisions based on merit.

Members shall base their decisions on the merits and substance of the matters at hand.

(Code 1989, § 2-146; Ord. No. 587, § 6, 5-1-2006; Ord. No. 662, § 6, 5-21-2012)

Sec. 2-195. Communication.

Members shall publicly share substantive information that is relevant to a matter under consideration by the council or boards and commissions which they may have received from sources outside the public decision-making process.

(Code 1989, § 2-147; Ord. No. 587, § 7, 5-1-2006; Ord. No. 662, § 7, 5-21-2012)

Sec. 2-148. Conflict of interest.⁴²

~~In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest or personal relationship which may give the appearance of a conflict of interest. Where a conflict exists, members shall disclose the conflict and recuse themselves from participating in deliberations and decision-making regarding such matters.~~

~~(Code 1989, § 2-148; Ord. No. 587, § 8, 5-1-2006; Ord. No. 662, § 8, 5-21-2012)~~

Sec. 2-196. Gifts and favors.

(a) No member shall solicit or accept anything of value if it could reasonably be considered to influence the member in the discharge of official duties. This prohibition shall not apply to:

- (1) An occasional non-pecuniary gift with a value of less than \$250.00;
- (2) Admission to a breakfast, lunch, dinner, function or event;
- (3) Campaign contributions; or
- (4) Honorary or ex officio memberships in civic organizations.

(b) Gifts from any one source exceeding the cumulative value of \$250.00 in a fiscal year (July 1 through June 30) shall be disclosed in writing to the city clerk no later than ten days following the end of the fiscal year in which received. The disclosure shall state the amount or value of the gift and the name of the donor. These records shall be maintained by the city clerk and shall constitute an open record as that term is defined in the Georgia Open Records Act.

(Code 1989, § 2-149; Ord. No. 587, § 9, 5-1-2006; Ord. No. 662, § 9, 5-21-2012)

⁴² **Code 1989, § 2-1148. Conflict of interest.** We recommend striking this section as it is covered by O.C.G.A. title 45, ch. 10, art. 2. *City accepted.*

State law reference--Georgia Open Records Act, O.C.G.A. § 50-18-70 et seq.

Sec. 2-197. Confidential information.

Members shall respect the confidentiality of information concerning city property, personnel or proceedings of the city. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal interests.

(Code 1989, § 2-150; Ord. No. 587, § 10, 5-1-2006; Ord. No. 662, § 10, 5-21-2012)

Sec. 2-198. Use of public resources.

Members shall not use public resources not available to the public in general, such as city staff time, equipment, supplies or facilities, for private gain or personal purposes. Members shall not utilize the city's name or logo for the purpose of endorsing any business.

(Code 1989, § 2-151; Ord. No. 587, § 11, 5-1-2006; Ord. No. 662, § 11, 5-21-2012)

Sec. 2-199. Representation of private interests.

In keeping with their roles as stewards of the public interest, members of council shall not appear on behalf of the private interests of third parties before the council or any board or commission or proceeding of the city, nor shall members of boards and commissions appear before their own bodies or before the council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

(Code 1989, § 2-152; Ord. No. 587, § 12, 5-1-2006; Ord. No. 662, § 12, 5-21-2012)

Sec. 2-200. Advocacy.

Members shall represent the official policies or positions of the city council, board and commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state that they do not represent their body or the city, nor will they allow the inference that they do.

(Code 1989, § 2-153; Ord. No. 587, § 13, 5-1-2006; Ord. No. 662, § 13, 5-21-2012)

Sec. 2-201. Policy role of members.

Members shall respect and adhere to the structure of government of the city as outlined in the city Charter and policies and procedures. In this structure, the city council determines the policies of the city with the advice, information and analysis provided by the public, boards, commissions, and city staff. Members serving as liaisons to city departments shall serve to facilitate communications and information from those departments to the city council, but shall not direct the activities of the department directors. Members shall not interfere with the day-to-day administrative functions of the city or the professional duties of city staff, nor shall they impair the ability of staff to implement council policy decisions.

(Code 1989, § 2-154; Ord. No. 587, § 14, 5-1-2006; Ord. No. 662, § 14, 5-21-2012)

Sec. 2-202. Independence of boards and commissions.

Because of the value of the independent advice of boards and commissions to the public decision-making process, members of the council shall refrain from using their positions to influence unduly the deliberations or outcomes of board and commission proceedings.

(Code 1989, § 2-155; Ord. No. 587, § 15, 5-1-2006; Ord. No. 662, § 15, 5-21-2012)

~~Sec. 2-156. Positive work place environment.~~⁴³

~~Members shall support the maintenance of a positive and constructive work place environment for city employees and for citizens and businesses dealing with the city. Members shall recognize their special role in~~

⁴³ **Code 1989, § 2-156. Positive work place environment.** We recommend striking sections that are more in the nature of a personnel policy than a code section that can only be formally changed by ordinance. *City accepted.*

~~dealings with city employees and refrain from creating the perception of inappropriate direction to staff.~~
(Code 1989, § 2-156; Ord. No. 587, § 16, 5-1-2006; Ord. No. 662, § 16, 5-21-2012)

Sec. 2-203. Implementation.

As an expression of the standards of conduct for members expected by the city, the city code of ethics and conduct is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions. For this reason, ethical standards shall be included in the regular orientations for candidates for city council, applicants to boards and commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they have read and understood the city code of ethics and conduct.

(Code 1989, § 2-157; Ord. No. 587, § 17, 5-1-2006; Ord. No. 662, § 17, 5-21-2012)

Sec. 2-204. Compliance and enforcement.

The city code of ethics and conduct expresses standards of ethical conduct expected for members of the city council, boards and commissions. Members themselves have the primary responsibility to ensure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The chairs of boards and commissions and the mayor have the additional responsibility to intervene when members' actions appear to be in violation of the code of ethics and conduct. The city council may impose sanctions on members whose conduct does not comply with the city's ethical standards, such as oral or written reprimands, formal public censure, loss of liaison assignment or requests for resignation. The city council also may act to remove members of boards and commissions from office. Prior to imposing any formal sanctions against a city councilmember, the city council shall conduct a hearing. Any member who is the subject of a sanction hearing shall have the right to written notice of the allegations and the hearing date at least ten days prior to the hearing. The member shall have the right to present evidence and witnesses in opposition or extenuation.

(Code 1989, § 2-158; Ord. No. 587, § 18, 5-1-2006; Ord. No. 662, § 18, 5-21-2012)

Chapter 3
RESERVED

PROOFS

Chapter 4

ALCOHOLIC BEVERAGES*

***State law reference**--Georgia Alcoholic Beverage Code, O.C.G.A. § 3-1-1 et seq.; authority to adopt rules and regulations relating to manufacture, sale and distribution of distilled spirits, O.C.G.A. § 3-4-49.

~~Art. I. In General, §§ 3-1-3-39~~

~~Art. II. On-Premises Consumption of Alcoholic Beverages, §§ 3-40-3-49~~

~~Art. III. Private Clubs, §§ 3-50-3-59~~

~~Art. IV. Package Liquor, §§ 3-60-3-69~~

~~Art. V. Package Beer, Malt Beverages and Wine, §§ 3-70-3-79~~

~~Art. VI. Wholesaler, §§ 3-80-3-89~~

~~Art. VII. Brew Pubs, §§ 3-90-3-99~~

~~Art. VIII. Specialty Gift Shops, §§ 3-100-3-109~~

~~Art. IX. Licensed Alcoholic Beverage Caterers, §§ 3-110-3-119~~

~~Art. X. Publicly Owned Facilities, §§ 3-120-3-129~~

~~Art. XI. Annexed Areas, §§ 3-130-3-139~~

~~Art. XII. Special Events, §§ 3-140-3-149~~

~~Art. XIII. Public Entertainment Facility, §§ 3-150-3-159~~

~~Art. XIV. Ancillary Wine Tasting License, §§ 3-160-3-169~~

~~Art. XV. Miscellaneous Offenses, §§ 3-170-3-179~~

~~Art. XVI. Special Provisions and Exceptions Within Downtown District, §§ 3-180-3-189~~

~~Art. XVII. Breweries, §§ 3-190-3-199~~

~~Art. XVIII. Special Provisions and Exceptions Within Certain Mixed-Use Developments, §§ 3-200-3-203~~

ARTICLE I. IN GENERAL**Sec. 4-1. Definitions.**

~~As used in this chapter, the following terms shall have the respective meanings ascribed to them:~~

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:⁴⁴

Alcoholic beverage means all alcohol, distilled spirits, beer, malt beverages, wine and fortified wine as defined in this section.

Alcoholic beverage caterer means any retail dealer licensed to sell alcohol and who provides alcohol at special events or special events facilities.

Art gallery means a retail establishment primarily engaged in, and which derives at least 70 percent of its total annual gross sales from, the sale or display of art books, paintings, sculptures, or other works of art; but specifically excluding libraries, book stores, theaters, and establishments where the display of works of art is incidental to its primary use.

⁴⁴ **Code 1989, § 3-1. Definitions.** We recommend adding introductory language to this provision for purposes of internal consistency. *Change accepted by City.*

Art studio means a retail establishment primarily engaged in providing instruction in painting, sculpture, drawing, photography, craft work, fiber art, or other visual or graphic art techniques, and which derives at least 70 percent of its total annual gross sales from the sale of such services and art products related to such services; but specifically excluding body art studios and tattoo parlors.

Beer and 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, also known as Japanese rice wine.

Brew pub means any eating establishment in which malt beverages are manufactured, subject to the barrel production limitation prescribed in section 4-188. In calculating the total annual gross food and beverage sales for any such establishment for the purpose of determining whether the establishment constitutes an eating establishment as defined herein, barrels of malt beverages sold to licensed wholesale dealers, as authorized pursuant to subparagraph (4) of paragraph (b) of section 4-188(2)d, or to the public for consumption off the premises in accordance with subparagraphs (1) and (4) of paragraph (b), paragraph (c) and paragraph (d) of section 4-188(2)a and (2)d, (3) and (4), shall not be used.

Distilled spirits means any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume, including, but not limited to, all fortified wine.

Eating establishment means an establishment which is licensed to sell distilled spirits, malt beverages, or wines and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food.

Fixed salary means the amount of compensation paid to any member, officer, agent or employee of a bona fide private club as may be fixed for such person by its members at a prior annual meeting or by the governing body of the club out of the general revenue of the club, and shall not include a commission on any profits from the sale of alcoholic beverages. For the purpose of this definition, tips or gratuities which are added to the bills under club regulation shall not be considered as profits from the sale of alcoholic beverages.

Fortified wine means any alcoholic beverage containing more than ~~24~~ 21-percent alcohol by volume made from fruits, berries or grapes, either by natural fermentation or by natural fermentation with brandy added. The term "fortified wine" includes, but is not limited to, brandy.⁴⁵

Licensee means the individual to whom a license is issued or, in the case of partnership or corporation, all partners, officers and directors of the partnership or corporation.

Liter means a metric measurement currently used by the United States.

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

- (1) In the case of distilled spirits, any person engaged in distilling, rectifying or blending any distilled spirits; provided, however, that a vintner who blends wine with distilled spirits to produce a fortified wine shall not be considered a manufacturer of distilled spirits; and
- (2) In the case of malt beverages, any brewer; and in the case of wine, any vintner.⁴⁶

Package means a bottle, can, keg, barrel or other original consumer container.

Premises means the definite closed or partitioned-in locality, whether a room, shop, building, restaurant or club, wherein activities permitted by this chapter are conducted.

Private club means any nonprofit association organized under the laws of this state which:

⁴⁵ **Code 1989, § 3-1. Definitions ("Fortified wine").** We recommend modifying definition to reflect current language of O.C.G.A. § 3-1-2. *Change accepted by City.*

⁴⁶ **Code 1989, § 3-1. Definitions ("Manufacturer").** We recommend modifying definition to reflect current language of O.C.G.A. § 3-1-2. *Change accepted by City.*

- (1) Has been in existence at least one year prior to the filing of its application for a license to be issued pursuant to this chapter;
- (2) Has at least 75 regular dues-paying members; and
- (3) Owns, hires or leases a building space within a building for the reasonable use of its members with:
 - a. A suitable kitchen and dining room space and equipment; ~~and~~
 - b. A sufficient number of employees for cooking, preparing and serving meals for its members and guests; and
 - c. ~~Has~~ No member, officer, agent or employee directly or indirectly receiving, in the form of salary or other compensation, any profits from the sale of alcoholic beverages beyond a fixed salary.

Retailer or retail dealer, except as to distilled spirits, means any person who sells alcoholic beverages, either in unbroken packages or for consumption on the premises, at retail only to consumers and not for resale. With respect to distilled spirits, the term "retailer" or "retail dealer" means any person who sells distilled spirits in unbroken packages at retail only to consumers and not for resale.

Supermarket means a retail market which:

- (1) Does not sell or offer for sale any of the following: distilled spirits, tobacco products, lottery tickets or related games of chance;
- (2) Maintains at all times that it is open an inventory of saleable food products including meats, dairy, vegetables, fruits, dry goods and beverages;
- (3) Has an interior floor space and storage areas of at least 15,000 square feet, of which more than 50 percent of such interior floor area is devoted to the display for sale of food products;
- (4) Sells prepared food;
- (5) Has a full service kitchen consisting of at least a four-compartment pot sink, a stove or grill permanently installed, and a refrigerator; and
- (6) Employs not less than 15 employees who work at least 35 hours per week on the premises.

Wholesaler or wholesale dealer means any person who sells alcoholic beverages to other wholesale dealers, to retail dealers or to retail consumption dealers.

Wine means any alcoholic beverage containing not more than 24 ~~21~~-percent alcohol by volume made from fruits, berries or grapes, either by fermentation or by natural fermentation with brandy added. The term "wine" includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines and like products. The term "wine" does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of the term "wine" contained in this section.⁴⁷

Wine bar means a type of eating establishment with a floor area not exceeding 2,000 gross square feet, which serves food and only beer, wine and non-alcoholic beverages, and where the sale of food consumed on the premises constitutes at least 40 percent of gross sales of the establishment.

(Code 1989, § 3-1; Ord. No. 218-A, §§ 1.002, 1.031, 9-22-1986; Ord. No. 679, § 2, 7-15-2013; Ord. No. 722, § 1, 3-21-2016; Ord. No. 740, § 1, 5-16-2017)

State law reference--Definitions, O.C.G.A. §§ 3-1-2, 3-4-1.

Sec. 4-2. Sale subject to conditions; license constitutes privilege.

- (a) Alcoholic beverages may be sold in the city under a license granted by the city council upon the terms

⁴⁷ **Code 1989, § 3-1. Definitions ("Wine").** We recommend modifying definition to reflect current language of O.C.G.A. § 3-1-2. *Change accepted by City.*

and conditions hereafter provided.

(b) All licenses shall be a mere grant or privilege to carry on the business during the terms of the license subject to all terms and conditions imposed by the city ordinances and state law.

(c) All licenses hereunder shall have printed on the front these words: "LICENSE NON-TRANSFERABLE, SUBJECT TO BE REVOKED IF ABUSED."

(Code 1989, § 3-2; Ord. No. 218-A, § 1.001, 9-22-1986; Ord. No. 573, 9-6-2005)

State law reference--Dealing in alcoholic beverages declared a privilege, O.C.G.A. § 3-3-1; discretion and due process; authority of city as to licensing, O.C.G.A. § 3-3-2.

Sec. 4-3. Sale or possession for purpose of sale without license or beyond boundaries of premises covered by license.

No person shall sell or possess for the purpose of sale any alcoholic beverage unless such person has a license from the city to sell or possess for sale alcoholic beverages, or sell or make deliveries beyond the boundaries of the premises covered by the license.

(Code 1989, § 3-3; Ord. No. 218-A, § 1.003, 9-22-1986)

Sec. 4-4. Display of license at place of business.

The city license shall at all times be kept plainly exposed to view at the place of business of the licensee.

(Code 1989, § 3-4; Ord. No. 218-A, § 1.004, 9-22-1986)

State law reference--Display of license, O.C.G.A. § 3-3-3.

Sec. 4-5. Separate application and separate license for each location of sale.

A separate application shall be made for each location and a separate license shall be obtained.

(Code 1989, § 3-5; Ord. No. 218-A, § 1.005, 9-22-1986)

Sec. 4-6. License applications.

(a) All persons, as owners, desiring to engage in activities permitted by this chapter, shall make written application to the council for the appropriate license on forms prescribed by the director of public safety, and filed with the director of public safety. All applications shall be accompanied by a certified check for the full amount of the license fee, together with a separate check or cash in the amount of \$350.00 to defray investigative and administrative costs. If the application is denied, or if the applicant withdraws the application prior to its approval, the license fee (without interest) shall be refunded, but the \$350.00 investigative fee shall be retained.

(b) The application shall include, but shall not be limited to: the name and address of the applicant; the proposed business to be carried on; if a partnership, the names and residence addresses of the partners; if a corporation, the names and addresses of the officers, the name and address of the agent for service of process, the name and address of the manager, and the names and addresses of all shareholders holding more than ten percent of any class of corporate stock, or any other entity having a financial interest in each entity which is to own or operate the establishment. If the manager changes, the applicant must furnish the city clerk with the name and address of the new manager and other information as requested within ten days of such change. The applicant shall also disclose whether the applicant (its partners, if a partnership; its officers, manager, and shareholders having more than ten percent of any class of corporate stock, if a corporation) has been convicted of any felony, misdemeanor, or a violation of any municipal ordinance.

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

(d) The department of public safety or its designee shall review the application to determine compliance with city regulations and laws and to investigate the character and reputation of the applicant. If the director of public safety or his designee determines that the application appears to meet the requirements of applicable law, the director of public safety shall forward the application to the city clerk, who shall schedule and conduct a public hearing as provided in subsection (f) of this section.

(e) As a prerequisite to the issuance of any license, the applicant shall furnish a complete set of fingerprints to be forwarded to the state bureau of investigation and to the Federal Bureau of Investigation, as specified in O.C.G.A. § 3-3-2(c).

(f) The city clerk shall prepare and cause to be published a notice of each pending application, which notice shall include the date the application will be considered by the city clerk, the location or street number of the premises where the applicant proposes to conduct activities permitted by this chapter, and the name of the applicant, and if a partnership, the name of the partners, and if a corporation, the names of the president, secretary and treasurer of such corporation. The applicant shall pay the publication costs. The notice shall be published in a newspaper of general circulation within the city, and shall appear once a week for two weeks immediately preceding consideration of the application by the city clerk. Each applicant for a license for consumption on the premises of alcoholic beverages shall, at such applicant's expense, post on the premises where the activities permitted by such license are to be conducted, continuously for a period of not less than ten days prior to consideration of the application by the city clerk, a notice of the pending application, meeting the following minimum specifications: this notice shall be painted or printed in black letters three inches or more in height, against a white background, on a wooden or metal sign, and having a surface of not less than 12 square feet, and shall be placed with the base of the sign not more than three feet from the ground on the most conspicuous part of the premises, facing the most frequently traveled road, street or highway abutting same, and not more than ten feet therefrom. The sign shall state clearly the nature and purpose of the application, the date and hour and place of the city clerk hearing, and the name of the person making the application. If, after conducting the public hearing, the city clerk determines that the application meets the requirements of this chapter, the city clerk shall place the application on the consent agenda of the next available city council meeting. The license shall be issued following approval of the consent agenda.

(g) The city shall have the authority to prescribe forms for new or renewal applications. All applicants shall furnish data, information and records as required by the city and shall ensure compliance with the provisions of this chapter. Failure to furnish such data shall automatically serve to dismiss the application with prejudice.

(h) Any untrue or misleading information contained in, or material statement omitted from, an original, renewal or transfer application for a license shall be cause for the denial or revocation thereof.

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

(j) Each applicant shall certify that the applicant has read this chapter, and if a license is granted, each licensee shall maintain a copy of this chapter on the premises and shall require each of the licensee's employees to be familiar with this chapter.

(Code 1989, § 3-6; Ord. No. 218-A, § 1.006, 9-22-1986; Ord. No. 513, § 1, 12-2-2002; Ord. No. 566, 4-18-2005; Ord. No. 573, 9-6-2005; Ord. No. 679, §§ 1, 3, 7-15-2013)

Sec. 4-7. Inspection of licensed establishments by the department of public safety.

Sworn officers of the city department of public safety shall have the authority to inspect establishments licensed under the alcoholic beverage ordinances of the city during the hours in which the premises are open for business. These inspections shall be made for the purpose of verifying compliance with the requirements of this chapter and state law. This section is not intended to limit the authority of any other city officer to conduct inspections authorized by other provisions of law.

(Code 1989, § 3-7; Ord. No. 218-A, § 1.007, 9-22-1986; Ord. No. 679, § 1, 7-15-2013)

Editor's note--Ord. No. 679, § 1, adopted July 15, 2013, changed the title of section 3-7 from "Inspection of licensed establishments by the police department" to "Inspection of licensed establishments by the department of public safety." The historical notation has been preserved for reference purposes.

Sec. 4-8. Audits.

The city shall have the authority to conduct an audit of the books and records of any licensee to ensure the licensee's compliance with the provisions of this chapter. In such event, the city shall notify the licensee of the date, time and place of the audit.

(Code 1989, § 3-8; Ord. No. 218-A, § 1.008, 9-22-1986; Ord. No. 573, 9-6-2005)

Sec. 4-9. Licensing qualifications.

(a) No license for the sale of alcoholic beverages shall be granted to any person who is not a citizen of the United States or an alien lawfully admitted for permanent residence.

(b) No retailer or consumption on premises license will be granted to any person who is not a resident of a county or municipality within the state where the sale of distilled spirits is authorized.

(c)(1) If the applicant is a partnership or corporation, the provisions of this section shall apply to all its partners, officers, managers and majority stockholders. Notwithstanding the foregoing, the provisions of subsections (a) and (b) of this section shall be waived for a corporation, if the following shall be established:

- a. All majority stockholders of the corporation shall meet all the provisions of this section other than those provided in subsections (a) and (b); and
- b. The corporation:
 1. Is qualified and registered to do business within the state;
 2. Has and continuously maintains in the county a registered agent who is a resident of the county, and upon whom any process, notice or demand required or permitted by law or under this chapter to be served upon the licensee may be served; ~~and~~
 3. Consents to being subject to the jurisdiction and venue of the courts in this county. The licensee shall file written proof of compliance with the foregoing, as well as its agent's written consent to serve as agent and its consent to be subject to the jurisdiction and venue of the courts in this county with the director of public safety in such form as the director of public safety may prescribe; and
- c. The corporation must meet one of the following criteria:
 1. The corporation must have a net worth of not less than \$5,000,000.00 as determined on the basis of the corporation's most recent audited financial statement, prepared within 12 months of the date upon which the applicant applies for a license hereunder; ~~or~~
 2. The corporation owns real property within the city in which it holds an equity value of not less than \$1,000,000.00 and the city shall be the sole determinant of such equity value; or
 3. The corporation must have obtained a surety bond issued by a surety company authorized to do business in this state or have established a joint trust account with a licensed and insured bank or savings institution located in this state for the purpose of indemnifying the city from damages it may suffer as a result of a violation of this chapter or any obligation arising therefrom. The amount of the bond or trust account shall be an amount not less than \$75,000.00. Should the corporation obtain a surety bond, it shall be in favor of the city and the city may bring an action under the bond to recover damages suffered. Should the corporation choose to set up a trust account, it shall be set up jointly in the name of the corporation and the city, and shall require the authorization of both the corporation and the city before any funds may be withdrawn therefrom.

(2) If the licensee shall be a corporation, the license shall be issued jointly to the corporation and to the majority stockholders, if such stockholders are individuals; provided, however, that if stock in the corporation is traded on any of the national stock exchanges, the license shall be issued jointly to the corporation and its agent registered under the provisions of this section. Where the majority stockholder is not an individual, then the license shall be issued jointly to the corporation and its agent registered under the provisions of this section. In the case of a partnership, the license will be issued to one of the partners.

(d) No license for the sale of alcoholic beverages shall be granted to any person who, within five years prior to the filing of the application for such license, has been convicted under any federal, state or local law, of any misdemeanor involving moral turpitude, or of any felony. For the purposes of this section, a plea of nolo contendere shall constitute a conviction.

(e) No license for the sale of alcoholic beverages shall be granted to any person who is a city employee or

an elected or appointed city official, or who is a spouse or minor child of a city employee or an elected or appointed city official. It shall be unlawful for such person to have a financial interest in any such city license, or in any establishment licensed under the provisions of this chapter.

~~—Reserved.~~

(f) No license for the sale of alcoholic beverages shall be granted to any person who has had any city license revoked within two years prior to the filing of the application.

(g) The director of public safety may decline to issue a license when any person having any interest in the operation or control of such establishment does not meet the same character requirements as herein set forth for the licensee.

(h) All licensed establishments must have and continuously maintain in the county a registered agent upon whom any process, notice or demand required or permitted by law or under this chapter to be served upon the licensee may be served. This person must be a resident of the county. The licensee shall file the name of such agent, along with the written consent of such agent, with the director of public safety in such form as the director may prescribe.

(i) In determining whether or not any license shall be granted, in addition to the other provisions of this chapter, the following shall be considered in the public interest and welfare:

(1) If the applicant holds or has previously held a license to sell alcoholic beverages, whether or not such applicant has violated any law, regulation or ordinance relating to such license or the business conducted pursuant to such license; and

(2) Whether the applicant has previously had a license to sell alcoholic beverages suspended or revoked.

(Code 1989, § 3-9; Ord. No. 218-A, § 1.009, 9-22-1986; Ord. No. 515, § 1, 1-21-2003; Ord. No. 679, § 4, 7-15-2013)

Sec. 4-10. Compliance and fee payment prior to license issuance; term of license; proration of fees; no refund.

(a) Before a license shall be granted, the applicant shall comply with all city rules and regulations pertaining to the sale of alcoholic beverages, and each applicant shall pay a license fee in accordance with the scale fixed, from time to time, by the city council and kept on file in the office of the city clerk.

(b) All licenses shall be granted for the full calendar year or for the number of months remaining in the calendar year. Any applicant granted a license before July 1 shall pay the full license fee without proration. License fees for licenses granted on or after July 1 shall be prorated based on the number of months remaining in the calendar year. A partial month shall be counted as a full month.

(c) License fees are not refundable.

(Code 1989, § 3-10; Ord. No. 218-A, § 1.010, 9-22-1986)

Sec. 4-11. Nonprofit civic organization's temporary permit.

Any bona fide nonprofit civic organization may be issued a temporary permit authorizing the organization to sell alcoholic beverages for consumption on the premises or to sell wine at retail for off-premises consumption, or both, for a period not to exceed three days, subject to all laws and ordinances regulating the time for selling such beverages. The temporary permit shall be valid for only the place specified in the permit and no more than two permits may be issued to the applicant organization in any one calendar year. The organization must make application to the director of public safety and pay the fee that may be established from time to time by the city council. As used in this section, the term "bona fide nonprofit civic organization" means an entity which is exempt from federal income tax pursuant to the provisions of 26 USC § 501(c), 501(d) or 501(e).

(Code 1989, § 3-11; Ord. No. 218-A, § 1.036, 9-22-1986; Ord. No. 679, § 5, 7-15-2013)

~~**Editor's note** Ord. No. 679, § 5, adopted July 15, 2013, changed the title of section 3-11 from "Nonprofit civic organization's temporary license" to "Nonprofit civic organization's temporary permit." The historical notation has been preserved for reference purposes.~~

Sec. 4-12. Excise tax--Malt beverages.

(a) There is hereby levied and imposed upon the sale of malt beverages within the city, a specific excise tax

as follows:

- (1) Where malt beverages, commonly known as tap or draft beer, are sold in or from a barrel or bulk container, a tax of \$6.00 on each container sold containing not more than 15 1/2 gallons, and a proportionate tax at the same rate on all fractional parts of 15 1/2 gallons.
- (2) Where malt beverages are sold in bottles, cans, or other containers except barrel or bulk containers, a tax of \$0.05 per 12 ounces, and a proportionate tax at the same rate on all fractional parts of 12 ounces.

(b) The excise taxes provided for in this section shall be imposed upon and shall be paid by the licensed wholesale dealer in malt beverages. Each wholesale dealer selling malt beverages within the city shall file a report with the city by the tenth day of each month showing for the preceding calendar month the exact quantities of malt beverages, by size and type of container, sold during the month within the city. Each such wholesale dealer shall remit to the city by 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) Wholesale dealers failing to remit excises taxes due and payable to the city as outlined in subsection (b) of this section shall be charged a ten percent penalty, and interest shall accrue at the rate of one percent per month (12 percent per annum) until all fees are collected by the city.

(Code 1989, § 3-12; Ord. No. 141, § 1, 4-28-1975; Ord. No. 573, 9-6-2005)

State law reference--Local excise tax on malt beverages required, O.C.G.A. § 3-5-80.

Sec. 4-13. Same--Wine.

(a) There is hereby levied and imposed upon the sale of wine within the city a specific excise tax in the amount of \$0.22 per liter, and a proportionate tax at the same rate on all fractional parts of a liter.

(b) The taxes imposed by this section shall not be levied with respect to:

- (1) Wine sold to and used by established and recognized churches and synagogues for use in sacramental services only;
- (2) Any sale of wine which is exempt from taxation by the state under the Constitution of the United States;
- (3) Wine sold to persons outside the state for resale or consumption outside the state; or
- (4) Wine which contains less than one-half of one percent alcohol.

(c) The excise taxes provided for in this section shall be imposed upon and shall be paid by the licensed wholesale dealer of wine. Each wholesale dealer selling wine within the city shall file a report with the city by the tenth day of each month showing for the preceding calendar month the exact quantities of wine, by size and type of container, sold during the month within the city. Each such wholesale dealer shall remit to the city by 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.

(d) Wholesale dealers failing to remit excise taxes due and payable to the city as outlined in subsection (c) of this section shall be charged a ten percent penalty, and interest shall accrue at the rate of one percent per month (12 percent per annum) until all fees are collected by the city.

(Code 1989, § 3-13; Ord. No. 104, § 35, 2-14-1967; Ord. No. 573, 9-6-2005)

State law reference--Local excise tax on wine, O.C.G.A. § 3-6-60.

Sec. 4-14. Same--Distilled spirits sold by the package.

(a) There is hereby levied and imposed a specific excise tax on the sale of distilled spirits by the package within the city in the amount of \$0.22 per liter of distilled spirits, excluding fortified wine, and a proportionate tax at the same rate on all fractional parts of a liter.

(b) The excise taxes provided for in this section shall be imposed upon and shall be paid by the licensed wholesale dealer of distilled spirits. Each wholesale dealer selling distilled spirits within the city shall file a report with the city by the tenth day of each month showing for the preceding calendar month the exact quantities of distilled spirits, by size and type of container, sold during the month within the city. Each such wholesale dealer

shall remit to the city by 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) Wholesale dealers failing to remit excise taxes due and payable to the city as outlined in subsection (b) of this section shall be charged a ten percent penalty, and interest shall accrue at the rate of one percent per month (12 percent per annum) until all fees are collected by the city.

(Code 1989, § 3-14; Ord. No. 573, 9-6-2005)

State law reference--Local excise tax on the sale of distilled spirits by the package, O.C.G.A. § 3-4-80.

Sec. 4-15. Same--Distilled spirits sold by the drink.

(a) There is hereby levied and imposed a specific excise tax on the sale of distilled spirits in the amount of three percent of the charge to the public for the beverages.

(b) The excise tax imposed in subsection (a) of this section shall not apply to the sale of fermented beverages made in whole or in part from malt or any similar fermented beverage.

(c) The excise taxes provided for in this section shall be imposed upon and shall be paid by the retailer or retail dealer of distilled spirits sold by the drink. Each retailer or retail dealer selling distilled spirits by the drink within the city shall file a report with the city by the tenth day of each month showing for the preceding calendar month the exact quantities of distilled spirits sold, by the drink, during the month. Each such retail dealer shall remit to the city by 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.

(d) Retailers or retail dealers collecting the tax authorized by this section shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting, and paying the amount due, if the amount is not delinquent at the time of payment. The rate of the deduction shall be three percent of the amount due, only if the amount due was not delinquent at the time of payment.

(e) Retail dealers failing to remit excise taxes due and payable to the city as outlined in subsections (c) and (d) of this section shall be charged a ten percent penalty, and interest shall accrue at the rate of one percent per month (12 percent per annum) until all fees are collected by the city.

(Code 1989, § 3-15; Ord. No. 573, 9-6-2005)

State law reference--Local excise tax on distilled spirits sold in private clubs, O.C.G.A. § 3-4-130.

Sec. 4-16. Same--Distilled spirits in private clubs.

(a) The excise taxes imposed in sections 4-12, 4-13 and 4-14 are applicable to sales of malt beverages, wine, and distilled spirits to private clubs located within the corporate limits of the city. Those taxes are imposed upon and shall be paid by the licensed wholesale dealers in malt beverages, wine and distilled spirits, respectively.

(b) The three percent excise tax imposed in section 4-15 on the sale of distilled spirits by the drink is applicable to private clubs located within the corporate limits of the city. Those taxes shall be paid by the licensed private club selling mixed drinks.

(c) Each private club selling distilled spirits by the drink within the city shall file a report with the city by the tenth day of each month showing for the preceding calendar month the exact quantities of distilled spirits, sold by the drink, during the month. Each such private club shall remit to the city by 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.

(d) Private clubs collecting the tax authorized by this section shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting, and paying the amount due, if the amount is not delinquent at the time of payment. The rate of the deduction shall be three percent of the amount due, only if the amount due was not delinquent at the time of payment.

(e) Private clubs failing to remit excise taxes due and payable to the city as outlined in subsections (b), (c) and (d) of this section shall be charged a ten percent penalty, and interest shall accrue at the rate of one percent per month (12 percent per annum) until all fees are collected by the city.

(Code 1989, § 3-16; Ord. No. 573, 9-6-2005)

State law reference--Local excise tax on private club distilled spirits sales required, O.C.G.A. § 3-7-60.

Sec. 4-17. Distance requirements.

- (a) No person may sell or offer to sell alcoholic beverages:
 - (1) Within 200 feet of any private residence, unless such residence is itself in a commercial district;
 - (2) Within 300 feet of any public library or branch thereof;
 - (3) Within 300 feet of the property line of any church, shrine, chapel of a mortuary or other place used exclusively for religious services, and any school grounds or college campus;
 - (4) Within 300 feet of that portion of a public park which is habitually used for recreational purposes; or
 - (5) Within 200 feet of a regular stop as designated by the county board of education where a school bus for the transportation of school children in the public schools of the county shall take on or discharge school children.

The schools or colleges referred to herein shall include only such state, county, city, church or other schools as teach the subjects commonly taught in the common schools and colleges of this state. A school bus stop is defined as a designated place where five or more children board the bus.

(b) For premises that are located or proposed to be located in the central business district (as defined in section 1.4.2 of the Unified Development Code), distance shall be measured from such residence, library, property line, park or school bus stop by the straight line distance to the nearest public sidewalk, street or highway, then along such sidewalk, street or highway by the nearest route to the front door of the premises from which alcoholic beverages are to be sold. For premises that are located or proposed to be located in all other areas of the city, distance shall be measured from such residence, library, property line, park or school bus stop by the straight line distance to the point of the premises nearest to such residence, library, property line, park or school bus stop. Every license application shall include a scale drawing of the location of the proposed premises, showing the distance of the uses described in this section and a certificate of a registered land surveyor or professional engineer that the location complies with these distance requirements.

~~— No license in effect as of the enactment of the ordinance from which this chapter is derived shall be revoked before its date of expiration, nor shall its renewal be denied by reason of the method of measurement set out in this section, if such license was granted in reliance on another method of measurement. No application for a license or renewal shall have been denied by reason of the method of measurement set out in this section, if such application was pending on such enactment date.~~⁴⁸

(c) The distance requirements of this section pertaining to colleges are intended to apply to the main or primary campus or grounds of a college. For various reasons, a college may occasionally lease subordinate space away from its main campus or grounds to conduct its activities (a subordinate facility). For the purposes of determining compliance with the distance requirements of this section, a subordinate facility shall not be considered a college if all of the following conditions are met:

- (1) The college is occupying the subordinate facility as a tenant under a lease agreement;
- (2) The amount of square footage leased to the college at the subordinate facility is less than 20 percent of the cumulative square footage of the buildings occupied by the college at its primary facility;
- (3) The subordinate facility is located in a commercially-zoned district; and
- (4) The subordinate facility is not adjacent or contiguous to the primary facility of the college.

⁴⁸ **Code 1989, § 3-17. Distance Requirements.** We recommend that the transitory language in this provision be stricken as obsolete. *Change accepted by City.*

Notwithstanding the foregoing, no license for the sale of alcoholic beverages shall be granted with respect to an establishment that is located in the same building as a subordinate facility or within 50 feet of a subordinate facility.

(d) The city council, after notice and a public hearing, may grant a variance to the minimum distance requirements between a private residence and an establishment seeking an on-premises consumption license if there exists one or more of the conditions set forth in subsection (d)(1) of this section, below and all of the conditions set forth in subsection (d)(2) of this section below:

- (1)
 - a. The establishment is designed to be an integral part of planned mixed use development;
 - b. The establishment is located within a shopping center with an aggregate leasable area of 50,000 square feet or more;
 - c. The primary entrance of the establishment is not directly visible along the line of measurement and is physically separated from the residence;
 - d. There are other licensed establishments of a similar nature in the immediate vicinity;
 - e. The residence is not a single-family detached residence.
- (2)
 - a. There are practical or economic difficulties in carrying out the strict letter of the distance requirements;
 - b. The request is not based primarily on the desire to reduce the cost of developing the site;
 - c. The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site, and will not substantially interfere with or injure the rights of others whose property would be affected by the variance;
 - d. The proposed variance will not be detrimental to the public health, safety or welfare, result in additional expense, or the creation of nuisances, or conflict with other applicable law.

(e) The city council, after notice and a public hearing, may grant a variance to the minimum distance requirements between a school grounds or college campus and an eating establishment (as the term "eating establishment" is used in section 4-47 of this chapter) seeking an on-premises consumption license, provided that all of the conditions set forth below exist:

- (1) The location for which a license to sell alcoholic beverages for on-premises consumption is being sought has previously been operated as an eating establishment licensed by both the city and the state for the sale of alcoholic beverages for on-premises consumption within the five years immediately preceding the application for the new license;
- (2) The primary entrance to the eating establishment is physically separated, either by a street, a fence, shrubbery, a parking lot, another building, or some other form of physical barrier, from the school grounds or college campus which is in close proximity to the eating establishment;
- (3) There are practical or economic difficulties in carrying out the strict letter of the distance requirements, including the fact that the proposed premises from which alcoholic beverages for on-premises consumption would be sold already contains a commercial kitchen;
- (4) The request is not based primarily on the desire to reduce the cost of developing the site;
- (5) The proposed variance will not substantially diminish the property value in, nor alter the essential character of, the area surrounding the site, and will not substantially interfere with or injure the rights of others whose property would be affected by the variance;
- (6) The proposed variance will not be detrimental to the public health, safety or welfare, result in additional expense, or the creation of nuisances, or conflict with other applicable law;
- (7) The proposed variance will have no material effect on the use of the property on which the school grounds or college campus is located as either a school grounds or college campus.

(Code 1989, § 3-17; Ord. No. 218-A, § 1.011, 9-22-1986; Ord. No. 512, § 1, 12-2-2002; Ord. No. 524, § 1, 3-3-2003; Ord. No. 532, § 1, 12-15-2003; Ord. No. 643, § 1, 7-19-2010)

State law reference--Sales near churches, etc., O.C.G.A. § 3-3-21.

Sec. 4-18. Condition of premises.

(a) All licensed premises shall be kept clean and shall be in full compliance with all ordinances and regulations of the city, county and state.

(b) The county health department shall have the authority to inspect regularly the licensed premises to determine whether the licensed premises is in compliance with all city, county and state health rules and regulations, and report any violation to the city clerk.

(c) The city department of public safety shall have the authority to inspect regularly the licensed premises to determine whether the licensed premises is in compliance with all city, county and state fire regulations, and report any violations to the city clerk.

(d) The director of public safety or his designee shall have the authority to inspect regularly the licensed premises to determine whether the licensed premises is in compliance with all technical codes of the city.

(e) The city department of public safety shall have the authority to inspect periodically the licensed premises to determine if the licensed premises is in compliance with all provisions of this chapter, and report any violation to the city clerk.

(Code 1989, § 3-18; Ord. No. 218-A, § 1.012, 9-22-1986; Ord. No. 679, §§ 1, 6, 7-15-2013)

Sec. 3-19. Reserved.

Editor's note—Section 1 of Ord. No. 288, adopted Sept. 9, 1991, deleted § 3-19, which pertained to prohibited conduct on licensed premises and derived from Ord. No. 218-A, § 1.013, adopted Sept. 22, 1986. Provisions relative to adult entertainment establishments, nudity, etc., are included in Ch. 12, Art. V.

(Code 1989, § 3-19)

Sec. 4-19. Renewal of license.

All licenses granted hereunder shall expire on December 31 of each year. A licensee who desires to renew his license shall file a renewal application accompanied by the requisite license fee with the city upon forms prescribed by the city on or before November 15 of each year without penalty, and not later than December 15. Applications for renewal filed after November 15 and on or before December 15 shall be subject to a penalty of ten percent of the license fee. No renewal license shall be granted on applications filed after December 15, but such applications shall be treated as an initial application and the applicant shall be required to comply with all rules and regulations for the granting of licenses as if no previous license had been issued. Failure of a licensee to comply with any section of this Code shall subject the licensee to non-renewal of the license.

(Code 1989, § 3-20; Ord. No. 218-A, § 1.014, 9-22-1986; Ord. No. 573, 9-6-2005)

Sec. 4-20. Transfer of license.

(a) No license for the sale of alcoholic beverages shall be transferable, except as otherwise provided herein.

(b) In case of the death of a licensee, the establishment shall be allowed to continue to sell alcoholic beverages for a period of 45 days from the date of death, or until expiration of the license, or until approval of a new licensee, whichever shall first occur, provided that no sale of alcoholic beverages shall be allowed until such time as a personal representative of the estate, appointed by a probate court of competent jurisdiction, shall make application for authorization with the city clerk.

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

(d) Nothing in this section, however, shall prohibit one or more of the partners in a partnership holding a

license to withdraw from the partnership in favor of one or more of the partners who were partners at the time of the issuance of the license. This section shall not prohibit transfer of stock between persons who held stock in the corporate owner at the time of issuance of the license, nor shall it prohibit transfers of stock which do not result in any person increasing such person's stock holdings to a total of ten percent or more of any class of stock.

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

(f) Except as provided above, any change in the ownership of any entity owning a licensed establishment shall cancel and revoke any license issued hereunder automatically, without the necessity of any hearing.

(g) Violation of this section shall result in revocation of the license being used and a fine as provided in section 1-8. No license will be issued to the old or the new owner in the city for one year from the date of the violation.

(Code 1989, § 3-21; Ord. No. 218-A, § 1.015, 9-22-1986)

Sec. 4-21. Prohibited sales.

(a) Except as otherwise authorized by law, no licensee shall sell or permit to be sold alcoholic beverages to any person under 21 years of age.

(b) No licensee shall permit on the licensed premises the sale, barter, exchange, giving, providing or furnishing of alcoholic beverages to any person who is in a state of noticeable intoxication.

(c) No licensee shall permit the sale of alcoholic beverages on Sunday, except as otherwise provided in this chapter. ~~The sale of alcoholic beverages in the city shall be permitted on election days in accordance with the provisions of O.C.G.A. § 3-3-20.~~⁴⁹

(d) No licensee authorized to sell alcoholic beverages by the package shall sell or permit to be sold any single beer, wine cooler or similar alcoholic beverage that is customarily packaged for sale as part of a four-pack, six-pack, 12-pack, or similar package, unless such single beer, wine cooler or similar alcoholic beverage is displayed for sale in an enclosed case, cabinet or other structure located not closer than 20 feet from the front door of the premises and not closer than 20 feet from any cash register in the premises. The intent of this subsection is to prohibit sales of single beers, wine coolers or similar alcoholic beverages from open, cooled containers such as ice-filled buckets, tubs, or barrels and to prohibit such sales from other containers located within 20 feet of the front door and cash registers of the premises.

(Code 1989, § 3-22; Ord. No. 218-A, § 1.016, 9-22-1986)

State law reference--Local authorization as to Sunday sales, O.C.G.A. § 3-3-7.

Sec. 4-22. Under-age persons on licensed premises.

(a) No licensee shall permit any person under 21 years of age to be in, frequent or loiter about the licensed premises unless such person is accompanied by a parent, legal guardian or custodian; provided, however, that such person shall be permitted in eating establishments or private clubs as defined herein without being accompanied by a parent, legal guardian or custodian, and provided further, that this section shall not apply to persons who are employees under the terms of this chapter.

(b) No licensee shall allow or require a person in such person's employment under 18 years of age to dispense, serve, sell or take orders for any alcoholic beverages.

(c) No licensee shall employ any person under the age of 21 years to work as an entertainer in any licensed establishment, unless such person has obtained written, notarized permission from such person's parents or legal guardian, nor shall any licensee allow any such person to work without such proof of permission.

⁴⁹ **Code 1989, § 3-22. Prohibited sales.** We recommend striking this language, at one time O.C.G.A. § 3-3-20 prohibited alcoholic beverage sales on election day, but allowed local governing authorities to permit. The statute has been amended so that the sale of alcoholic beverages on election day is longer prohibited. *Change accepted by City.*

(d) In the event a supermarket, convenience store, brewery or drugstore employs persons under 21 years of age who will or may sell or handle alcoholic beverages which are sold for consumption off the premises, the following regulation is hereby imposed: ~~Upon the adoption of Ordinance No. 260 and at all times thereafter,~~ All employees under 21 years of age shall request proper age identification from any person attempting to purchase alcoholic beverages and appearing to be 25 years of age or less.⁵⁰

(e) In addition to the above, the following regulations shall be imposed and shall apply to all persons becoming employed by such a supermarket, convenience store, brewery or drugstore ~~after the adoption of Ordinance No. 260.~~⁵¹

- (1) For the first six months of employment, an employee under 21 years of age shall be on probationary status. During probationary status, the employee shall be trained and supervised periodically with respect to the procedure for requesting proper age identification and declining to sell alcoholic beverages to those under 21 years of age failing to produce proper identification.
- (2) During an employee's probationary status period, the employee's supervisor shall periodically monitor and review the employee's request of proper age identification and decision to sell or not to sell alcoholic beverages to various customers. Should an employee, during his probationary status period, be found to sell or attempt to sell alcoholic beverages to any person under 21 years of age, the supermarket, convenience store, brewery or drugstore employing such employee shall be required to terminate the employee.

(f) In addition to the above requirements, all supermarkets, convenience stores, breweries and drugstores selling alcoholic beverages of any kind shall post a notice no smaller in size than eight inches by ten inches in a conspicuous place on the premises, which provides as follows: "Pursuant to local ordinance, employees are required to request proper age identification before selling alcoholic beverages."

(Code 1989, § 3-23; Ord. No. 218-A, § 1.017, 9-22-1986; Ord. No. 260, § 1, 7-10-1989; Ord. No. 359, § 1, 4-10-1995)

State law reference--Furnishing, etc., to minors, O.C.G.A. § 3-3-23; persons under 18 years of age not allowed or required to serve, sell, or take orders for alcoholic beverages, O.C.G.A. § 3-3-24.

Sec. 4-23. Advertising.

(a) Except as otherwise authorized in this section, no outdoor advertising or signs promoting the sale of alcoholic beverages, or the prices of such beverages, shall be permitted on the exterior of any licensed premises, or on the windows or elsewhere in the premises that may be viewed from the outside. The posting of signage identifying the name of the licensed premises, which may include "beer," "wine," or similar terms, shall not constitute a violation of this section.

(b) Lighted signs advertising beer and wine may be placed on the furthest back wall of a licensed premises.

(Code 1989, § 3-24; Ord. No. 218-A, § 1.018, 9-22-1986; Ord. No. 679, § 7, 7-15-2013)

State law reference--Advertisement of prices, O.C.G.A. § 3-4-26.

Sec. 4-24. Required signs; posted information.

(a) In addition to other postings required herein or by law, all licensees shall post in a prominent location on licensed premises, in a manner whereby it may be easily viewed by patrons, an approved sign setting forth or summarizing the laws of the city and the state in regard to the sale of alcoholic beverages to underage, intoxicated or pregnant persons. Each such sign shall be of a size and configuration approved by the director of public safety, and shall include either the language of the applicable Code sections or summaries approved by the director of public safety. The department of public safety is authorized to design and have printed approved signs, which shall be made available to licensees at a price to be established by the director of public safety.

⁵⁰ **Code 1989, § 3-23. Underage persons on licensed premises.** We recommend that the transitory language in this provision be stricken as obsolete. *Change accepted by City.*

⁵¹ **Code 1989, § 3-23. Underage persons on licensed premises.** *Id.* *Change accepted by City.*

(b) All licensees shall display in prominent places or on their menus, their current prices of alcoholic beverages, by the drink. Any price change must remain valid for seven consecutive calendar days. The licensee shall furnish to any customer who so desires an itemized bill of charges, which shall not exceed the established price list.

(c) All licensees shall indicate plainly the price of all alcoholic beverages exposed for sale by tags or labels on the bottles or containers or on the shelf immediately below the space in which the containers are placed.

(Code 1989, § 3-25; Ord. No. 218-A, § 1.019, 9-22-1986; Ord. No. 679, § 1, 7-15-2013)

Sec. 4-25. Contents of bottles.

Except during the initial bottling by the manufacturer, it shall be unlawful for any licensee to add to the contents of a bottle or to refill empty bottles or in any other manner to misrepresent the quantity, quality or brand name of any alcoholic beverage.

(Code 1989, § 3-26; Ord. No. 218-A, § 1.020, 9-22-1986)

Sec. 4-26. Furnishing to, purchase of, or possession by person under 21 years of age of alcoholic beverages.

The provisions of O.C.G.A. § 3-30-23, as amended from time to time, shall govern with respect to underage sales and possession of alcoholic beverages.

(Code 1989, § 3-27; Ord. No. 679, § 8, 7-15-2013)

~~**Editor's note**—Ord. No. 679, § 8, adopted July 15, 2013, amended section 3-27 in its entirety to read as herein set out. Formerly, section 3-27 pertained to the failure to request and properly check identification, and derived from Ord. No. 218-A, § 1.021, adopted September 22, 1986; Ord. No. 428, § 1, adopted September 20, 1999; Ord. No. 431, § 1, adopted September 20, 1999; Ord. No. 453, § 1, adopted September 20, 1999, and Ord. No. 456, § 1, adopted November 20, 2000.~~

Sec. 4-27. Retailer to purchase from licensed wholesaler only.

No retailer shall purchase alcoholic beverages from any person not a wholesaler licensed by both the state and city under this chapter. No wholesaler shall sell any alcoholic beverage to anyone other than a retailer licensed by both the state and city under this chapter. Retail and wholesale dealers licensed under the provisions of this chapter shall be required to demonstrate compliance with this section to the city upon written receipt of a request for information.

(Code 1989, § 3-28; Ord. No. 218-A, § 1.022, 9-22-1986; Ord. No. 573, 9-6-2005)

Sec. 4-28. Revocation, suspension or other penalty.

(a) The city clerk shall be authorized to suspend or revoke an alcoholic beverage license or impose other penalties upon the licensee under the conditions set forth in this section. However, no revocation, suspension or other penalty shall be imposed without first providing a licensee the notice, hearing and appeal rights as more specifically provided in section 4-29.

(b) Sufficient grounds for the suspension or revocation of a license or the imposition of other penalties include, but are not limited to, the following:

- (1) A licensee has failed to open for business within six months after approval of the license; provided, however, prior to the expiration of such period, the city clerk may extend the time in which a licensee is required to open for business by up to six months, upon the timely receipt of a written request from a licensee for such an extension. ~~A licensee has failed to open for business within six (6) months after approval of the license.~~
- (2) After opening for business, a licensee has ceased to operate the business for a period of three consecutive months. ~~A licensee has ceased to operate the business for a period of three (3) consecutive months.~~
- (3) A licensee's state license or permit for the sale of alcoholic beverages has been revoked.
- (4) A licensee, or such licensee's employee or agent, has sold alcoholic beverages during a period of suspension.
- (5) A licensee gave false or misleading information in the original application or renewal process.

- (6) A licensee has failed to pay any fee, license fee, fine or other amount of money due to the city under this chapter or any other licensing ordinance of the city.
- (7) A licensee, or such licensee's employee or agent, has served or sold any alcoholic beverage to any person that the licensee or the licensee's employee or agent knew or should have known to be under the age of 21 years.
- (8) A licensee, or such licensee's employee or agent, has served or sold any alcoholic beverage to any person that the licensee or the licensee's employee or agent knew or should have known to be in a state of intoxication.
- (9) A licensee has failed to maintain any and all of the general qualifications applicable to the initial issuance of a license as set forth in section 4-9.
- (10) A licensee has violated any other law, ordinance or regulation governing the operation of establishment license to sell alcoholic beverages or which is reasonably related to the operation of such establishments.
- (11) A licensee, or such licensee's employee or agent, has violated any other provision of this alcoholic beverage chapter.

(c) Subject to the notice, hearing and appeal rights of a licensee as provided in section 4-29, the city clerk is authorized, but not required, to revoke the license of any licensee found to be in violation of this chapter. In lieu of revocation, the clerk is also authorized to suspend the license of a licensee violating any provision of this chapter. In the event that the clerk elects to suspend a license, such license shall be suspended for three days for the first violation and 30 days for a second violation occurring within any consecutive 12-month period. For a third violation occurring within any consecutive 12-month period, the license shall be revoked. In lieu of revocation or suspension, the city clerk is also authorized, but not required, to accept a voluntary offer of a civil monetary penalty from the licensee, not to exceed \$1,000.00 per violation. No licensee or any other applicant may apply for a license for the same premises during any period of suspension or revocation. In determining the severity of any sanction imposed under this section, the city clerk may take into consideration any documented evidence that the licensee has, on prior occasions, undertaken proactive efforts to promote compliance with the provisions of this chapter, including the provisions of this chapter prohibiting the sale or serving of alcohol to minors. Documented evidence of such activities shall include, but shall not be limited to, written evidence that the licensee has promptly reported violations or attempted violations of this chapter.

(Code 1989, § 3-29; Ord. No. 218-A, § 1.023, 9-22-1986; Ord. No. 359, § 2, 4-10-1995; Ord. No. 373, 3-25-1996; Ord. No. 722, § 2, 3-21-2016)

Sec. 4-29. Hearing procedures; appeal.

(a) Prior to imposing any sanction authorized by section 4-28, the city clerk shall provide written notice to the licensee specifying the licensee's alleged violations of this chapter and the date, time and place of the hearing to be held before the city clerk to determine if the violations have occurred. The date of the hearing shall be not less than five nor more than 30 days after the date of the written notice. At the request of the city clerk, the city council may appoint a hearing examiner to perform the duties of the city clerk under section 4-28 and ~~this section 3-30 of this chapter~~. Hearings shall be conducted under rules issued by the city clerk, which shall be consistent with rules applied in administrative proceedings, and shall ensure that each party may present evidence, cross-examine witnesses and be represented by legal counsel. All testimony shall be sworn. The city shall have the responsibility to present evidence sufficient to carry the burden of proof by a preponderance of the evidence. Following the hearing, the city clerk shall prepare a written order to include findings, conclusions and sanctions (if any). A copy of the order shall be forwarded by certified mail to the licensee the same date it is filed in the office of the city clerk, with additional copies furnished to the city administrator and the director of public safety.

(b) The order issued by the clerk in accordance with the procedures outlined above shall be stayed for a period of ten days after the issuance of the order. During this ten-day period, the licensee shall have the right to file an appeal to the city council. If the licensee files a timely appeal, the city clerk's order shall be stayed until the appeal is heard or withdrawn. If the licensee does not file a timely appeal, the city clerk's order shall be final.

(c) The notice of appeal to the city council shall be in writing and accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The grounds for the appeal

shall be limited to issues that were addressed in the hearing. Upon receipt of a notice of appeal, the city clerk shall submit the entire record of the case to the city council and may also submit a memorandum in response to the memorandum filed by the licensee. The clerk shall place the appeal on the agenda of the next regular city council meeting occurring not less than ten nor more than 30 days after receipt of the appeal, unless the appellant stipulates to another date. The appellant shall have the right to be represented by legal counsel. At the hearing, the city council will receive oral arguments on the written memoranda and the evidence in the record. The right to offer oral argument may be waived. No additional evidence or arguments shall be permitted at the council meeting, and the council shall base its decision on the memoranda, oral arguments (if any) and other evidence in the record. Following the appeal hearing, the council may sustain, overrule or modify the order of the city clerk. In lieu of suspension or revocation, the city council may impose a fine upon any licensee, ~~such fine~~ not to exceed \$1,000.00 for each violation occurring on the licensed premises. The city council shall also have the option to refer the matter to the clerk for a de novo hearing, or for the taking of additional evidence on specific points, and in either of such cases, the city clerk shall proceed as provided in this chapter. If the city council does not refer the matter back to the clerk, the decision of the mayor and council shall be final, and the appellant shall have the right to seek a writ of certiorari to the superior court of the county within 30 days of the final action of the mayor and city council. The final action of the city council shall be reduced to a written order signed by the mayor. The original of the mayor's order shall be filed in the record of the case, and a copy of the order shall be included in the minutes of the city council meeting. It shall be the responsibility of the clerk to provide a copy of the order to the appellant.

(Code 1989, § 3-30; Ord. No. 218-A, § 1.024, 9-22-1986; Ord. No. 373, 3-25-1996; Ord. No. 679, § 1, 7-15-2013)

Secs. 4-30--4-46. Reserved.

ARTICLE II. ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES

Sec. 4-47. Locations where prohibited.

- (a) No alcoholic beverages may be sold by the drink for consumption on the premises where sold except in:
- (1) Eating establishments regularly serving prepared food, with a full-service kitchen consisting of a four-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the county health department and the city fire marshal, prepared to serve food every hour they are open;
 - (2) Supermarkets or wine bars, where these establishments are permitted to seat 45 or more persons pursuant to applicable building, fire and safety codes in effect for the city;
 - (3) Cigar shops;
 - (4) Art galleries or art studios; or
 - (5) Hotels, motels or high-rise office and apartment buildings.

When located in hotels, motels and high-rise office and apartment buildings, every entrance to the establishment shall be from a public lobby, hallway, mall or other publicly-used interior portion of the primary use structure. Unless otherwise expressly exempted in this chapter from this requirement, establishments not located in hotels or motels shall derive a minimum of 50 percent of their total annual gross food and beverage sales from the sale of prepared meals or food (except that wine bars shall derive a minimum of 40 percent). Hotels or motels containing such establishments shall derive a minimum of 50 percent of their total annual gross income from the sales of prepared meals or food and from the rental of rooms for overnight lodging. For the purposes of this chapter, the term "hotel" or the term "motel" means an establishment that contains not less than 35 separate rooms for overnight lodging.

(b) On or before the 20th day of each calendar month, each such establishment shall file a report of the previous calendar month's operation with the office of the director of finance verifying compliance with the above provisions. Such reports shall be filed on forms designated by the city. These forms are also used to report excise taxes on the sale of distilled spirits by the drink, which are also due by the tenth day of each calendar month. Any licensed establishment that fails to meet the appropriate percentage requirements for two consecutive months shall be subject to immediate revocation. An audit may be required at any time to ensure compliance with these provisions. Nothing in this section shall be deemed to prohibit hotel room service of alcoholic beverages.

(Code 1989, § 3-40; Ord. No. 218-A, § 1.025, 9-22-1986; Ord. No. 573, 9-6-2005; Ord. No. 659, § 1, 12-19-2011; Ord. No. 679, §§ 1, 9, 7-15-2013; Ord. No. 740, § 2, 5-16-2017)

Sec. 4-48. Hours of sale.

Alcoholic beverages shall not be sold for consumption on the premises except:

- (1) Monday through Saturday, between the hours of 9:00 a.m. and 2:00 a.m. of the following day; and
- (2) On Sunday from 12:30 p.m. until 2:00 a.m. on Monday in any licensed establishment which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food, or which derives a minimum of 50 percent of its total annual gross income from the rental of rooms for overnight lodging.

(Code 1989, § 3-41; Ord. No. 218-A, § 1.026, 9-22-1986; Ord. No. 740, § 3, 5-16-2017)

Sec. 4-49. Consumption sales only.

(a) Except as may be otherwise expressly provided in this chapter, establishments holding a license to sell alcoholic beverages for consumption on the premises shall not hold a license for the sale of alcoholic beverages by the package.

(b) The foregoing prohibition, however, shall not apply with respect to the following:

- (1) Supermarkets and brew pubs, as defined in section 4-1; provided, however, no such license shall include or authorize the sale of distilled spirits by the package; and
- (2) Eating establishments, as defined in section 4-1, may sell wine by the package for off-premises consumption, provided that no more than ten percent of the interior floor area of the establishment is devoted to the display of package wine and no more than ten percent of the establishment's revenues derived from the sale of alcoholic beverages is derived from package wine sales. Notwithstanding the foregoing, the sales of wine by the package for off-premises consumption shall not be used in calculating the total annual gross food and beverage sales for the establishment for the purpose of determining whether the establishment constitutes an eating establishment as set forth in section 4-1.

(c) For the purposes of this chapter, where a person holds a license to sell alcoholic beverages by the package, including distilled spirits, at one establishment, and a license to sell alcoholic beverages for consumption on the premises at a contiguous establishment, and the licensed premises of each establishment are physically separate from the other, with the only interconnectivity between the establishments (if any) being an inside connecting service door or passageway, such establishments shall be considered separate and distinct establishments, provided that:

- (1) Each establishment operates under a trade name different from the other;
- (2) All business transactions are kept separate;
- (3) Each establishment must operate in compliance with all other provisions of this chapter and all other laws and regulations applicable to such business;
- (4) Each establishment has a separate entrance for the public and the establishments share no common entrance;
- (5) The inside connecting service door or passageway (if any) must be located behind the bar or service counter of each establishment or otherwise so situated or maintained as to be reasonably accessible only to the licensee or employees of the establishments, and only the licensee and employees of the establishments may use such door or passageway; and
- (6) All other conditions required by state regulations applicable to such contiguous operations are met.

(Code 1989, § 3-42; Ord. No. 218-A, § 1.027, 9-22-1986; Ord. No. 679, § 10, 7-15-2013; Ord. No. 694, § 1, 9-15-2014; Ord. No. 701, § 1, 2-23-2015; Ord. No. 722, § 3, 3-21-2016; Ord. No. 740, § 4, 5-16-2017)

Sec. 4-50. Regulations as to employees; permit.

The following regulations regarding employees shall apply to all establishments holding a license for

consumption of alcoholic beverages on the premises:

- (1) An employee shall meet the same character requirements as set forth in the general requirements for the licensee, except for the residency requirements.
- (2) No person shall be employed by an establishment holding a license hereunder until such person has been fingerprinted or cleared by the department of public safety and a permit issued indicating that such person is eligible for this employment. The permit issued to a person under this section shall be either of the following:
 - a. Alcoholic beverage permit, which shall be issued only to a person who must be 21 years of age or older, and who sells, serves or dispenses alcoholic beverages;
 - b. Non-alcoholic beverage permit, which shall be issued to a person whose employment includes, but is not limited to, host, hostess, doorman and bouncer.
- (3) No permit shall be issued until such time as a signed application has been filed with the director of public safety and a search of the criminal record of the applicant completed. Such application shall include, but shall not be limited to, the name, date of birth and prior arrest record of the applicant, though the fact of an arrest record shall be used for investigative purposes only, and shall give rise to no presumption or inference of guilt. Due to the inclusion of arrest information, these applications shall be regarded as confidential and shall not be produced for public inspection without a court order.
- (4) The director of public safety shall have a complete and exhaustive search made relative to any police record of the person fingerprinted or cleared. In the event there is no record of a violation of this article, the director of public safety shall issue a permit to the employee, stating that the person is eligible for employment. If it is found that the person fingerprinted or cleared is not eligible for employment, the director of public safety shall notify the employer that this person is not eligible for employment.
- (5) It shall be the duty of all persons holding any license to sell alcoholic beverages to file with the director of public safety the name of the establishment, the license number and a list of all employees, with their home addresses and home telephone numbers.
- (6) All permits issued through administrative error or through an error in completion of a background investigation can be terminated by the director of public safety or the city clerk.
- (7) This section shall not be construed to include employees whose duties are limited solely to those of busboy, cook or dishwasher.
- (8) No licensee shall allow any employee required to hold a permit to work on the licensed premises unless the licensee has on file, on the premises, the current, valid permit of each such employee.
- (9) In the event that any permit holder leaves the employ of a licensed establishment, the licensee shall immediately surrender the permit to the city department of public safety.
- (10) All permits issued hereunder remain the property of the city and shall be produced for inspection upon the demand of any officer of the city department of public safety.
- (11) Unless waived or modified by the director of public safety, the provisions of this section relative to employees shall also apply to any of the licensee's volunteers or contractors engaged in the service of alcohol.

(Code 1989, § 3-43; Ord. No. 218-A, § 1.028, 9-22-1986; Ord. No. 622, § 1, 5-19-2008; Ord. No. 679, § 1, 7-15-2013)

State law reference--Age of employees, O.C.G.A. § 3-3-23; persons under 18 years of age not allowed or required to serve, sell, or take orders for alcoholic beverages, O.C.G.A. § 3-3-24, ~~3-3-24~~.

Sec. 4-51. Open area, sidewalk, deck and patio sales.

The consumption and/or sale of alcoholic beverages may be allowed in open areas, sidewalks, decks, patios or similar unenclosed spaces on or about the premises of an establishment licensed to sell alcohol for consumption on the premises if written application is made to and approved by the director of public safety, or his designee, under such conditions as the director may deem appropriate for the protection of public health, safety and welfare, including, but not limited to, maximum capacity, ingress and egress.

(Code 1989, § 3-44; Ord. No. 218-A, § 1.029, 9-22-1986; Ord. No. 679, § 11, 7-15-2013)

Editor's note—Ord. No. 679, § 11, adopted July 15, 2013, changed the title of section 3-44 from "Open area and patio sales" to "Open area, sidewalk, deck and patio sales." The historical notation has been preserved for reference purposes.

Sec. 4-52. Happy hour promotions prohibited.

(a) No licensee, or employee or agent of a licensee, shall engage in any of the following practices in connection with the sale or other disposition of alcoholic beverages for consumption on the premises:

- (1) The giving away of any alcoholic beverage in conjunction with the sale of any other alcoholic beverage;
- (2) The sale of two or more alcoholic beverages for a single price, including the sale of all such beverages a customer can or desires to drink at a single price;
- (3) Selling, offering to sell or delivering to any person any alcoholic beverage at a price less than one-half the price customarily charged for such alcoholic beverage, provided, nothing contained herein shall be construed to prohibit reducing the price of a drink by up to one-half the price customarily charged;
- (4) Requiring or allowing the purchase of a second or subsequent alcoholic beverage at the same time another alcoholic beverage is purchased or before the first such beverage has been consumed, by any one person;
- (5) Increasing the volume of alcoholic beverage contained in a drink without proportionately increasing the price customarily charged for such beverage.

It is the intent of this section to prohibit activities typically associated with promotions referred to as "happy hour."

(b) As used in this section, the phrase "customarily charged" means the price regularly charged for such alcoholic beverage during the same calendar week.

(Code 1989, § 3-45; Ord. No. 218-A, § 1.030, 9-22-1986)

Sec. 4-53. Brown-bagging or BYOB prohibited; exceptions.⁵²

(a) It is prohibited for any person to bring his own alcoholic beverage (brown-bagging) into any retail establishment, without regard to whether such establishment is licensed to sell alcoholic beverages, for consumption on such premises.

(b) Exceptions. The foregoing prohibition in subsection (a) of this section is subject to the following specific exceptions:

- (1) *Furnishing of wine by a patron of a restaurant.* Any restaurant which is licensed to sell wine for consumption on the premises may permit a patron to bring into the restaurant one unopened bottle of wine for consumption on the premises. In order for this provision to apply, the restaurant must establish a policy for permitting same and must charge a minimum corkage fee of \$10.00 per bottle. Nothing in this section shall be deemed to require a restaurant to establish such a policy. Any wine not consumed at a restaurant shall be disposed of at the premises and not carried out in an open container, unless the restaurant is able to reseal and repackage the opened bottle of wine in accordance with section 4-54.
- (2) *Patrons participating in cooking classes.* This section shall not prohibit any person who is participating in a cooking class offered by a retail establishment from bringing one unopened bottle of wine into the retail establishment to consume with the meal prepared as part of such class, provided:
 - a. The retail establishment has a policy permitting a patron participating in a cooking class to bring an unopened bottle of wine into the retail establishment for consumption on the premises by the patron;
 - b. The retail establishment does not charge a corking or other fee for same;

⁵² **Code 1989, § 3-46. Furnishing of wine by patron to restaurant.** *City elected to keep fee provision as is.*

- c. The price of a cooking class offered by the retail establishment does not vary based on whether class participants will be permitted to bring wine into the retail establishment for consumption on the premises;
- d. No employee of the retail establishment under the age of 18 years shall be working in the establishment during the times such classes are offered; and
- e. The retail establishment has an established closing time of no later than 10:00 p.m. Any opened bottle of wine not consumed at the retail establishment during the cooking class shall be disposed of at the premises and not carried out in an open container. All other applicable state and city laws, regulations and ordinances which address the use and serving of alcoholic beverages shall apply to this subsection.

(c) For the purposes of this section, the term "retail establishment" shall not include a private hotel room or similar guest room or a private club.

(Code 1989, § 3-46; Ord. No. 649, § 1, 5-16-2011; Ord. No. 679, § 12, 7-15-2013; Ord. No. 740, § 5, 5-16-2017)

~~Editor's note—Ord. No. 679, §§ 12, 13, adopted July 15, 2013, redesignated the former sections 3-54 and 3-55 as sections 3-46 and 3-47. The historical notation of sections 3-54 and 3-55 have been preserved for reference purposes.~~

Sec. 4-54. Removal of wine from restaurant by patron.

Notwithstanding any other contrary provision of the ordinance from which this section derives, any restaurant which is licensed to sell wine for consumption on the premises may permit a patron to remove one unsealed bottle of wine per patron for consumption off the premises, if the patron has purchased a meal and consumed a portion of the bottle of wine with such meal on the restaurant's premises. A partially consumed bottle of wine that is to be removed from the premises must be securely resealed by the licensee or its employees before removal from the premises. The partially consumed bottle of wine shall be placed in a bag or other container that is secured in such a manner that it is visibly apparent if the container has been subsequently opened or tampered with, and a dated receipt for the bottle of wine or corkage fee and meal shall be provided by the licensee and attached to the container. If transported in a motor vehicle, the container with the resealed bottle of wine shall be placed in a locked glove compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk.

(Code 1989, § 3-47; Ord. No. 649, § 1, 5-16-2011; Ord. No. 679, § 13, 7-15-2013)

State law reference--Removal of wine from restaurant by patron, O.C.G.A. § 3-6-4.

~~Note: See editor's note at section 3-46.~~

Secs. 4-55--4-81. Reserved.

ARTICLE III. PRIVATE CLUBS*

***State law reference**--Sale of distilled spirits by private clubs, O.C.G.A. § 3-7-1 et seq.

Sec. 4-82. Exception for art galleries and art studios.

An art gallery or art studio may obtain a license for the sale of alcoholic beverages for consumption on the premises without meeting the requirement that the establishment provides a full-service kitchen serving prepared foods or derives a minimum of 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food, provided that no more than ten percent of the establishment's total annual gross sales are derived from the sale of alcoholic beverages.

(Ord. No. 740, § 6, 5-16-2017)

Sec. 4-83. Conditions to selling.

(a) Private clubs may sell and dispense alcoholic beverages upon compliance with all applicable ordinances and regulations of the city governing the sale of such beverages (except as expressly exempted therein) and upon payment of such license fees and taxes as may be required by the existing ordinances, rules and regulations of the city.

(b) Community service organizations which are chartered by Congress as patriotic, mutual-help, or war-time veterans' organizations shall be specifically exempted from section 4-16 of this chapter. Compliance with all other regulations of this chapter is required for such organizations.

(Code 1989, § 3-50; Ord. No. 218-A, § 1.032, 9-22-1986; Ord. No. 573, 9-6-2005)

Sec. 4-84. Private clubs exempt from percentage sales of food requirements.

Private clubs shall not be required to derive a certain percentage of annual gross receipts from the sale of prepared food.

(Code 1989, § 3-51; Ord. No. 218-A, § 1.033, 9-22-1986)

Sec. 4-85. Hours of sale.

Alcoholic beverages shall not be sold for consumption on the premises except between the hours of 9:00 a.m. and 2:00 a.m., Monday through Saturday, and on Sunday from 12:30 p.m. to 2:00 a.m.

(Code 1989, § 3-52; Ord. No. 218-A, § 1.034, 9-22-1986)

Sec. 4-86. Regulations as to employees.

The employee regulations set forth in section 4-50 pertaining to establishments holding a license for consumption on the premises shall also apply to private clubs licensed for consumption on the premises.

(Code 1989, § 3-53; Ord. No. 218-A, § 1.035, 9-22-1986)

~~Note: See editor's note at section 3-46.~~

Secs. 4-87--4-115. Reserved.

ARTICLE IV. PACKAGE LIQUOR*

*State law reference--Distilled spirits, O.C.G.A. § 3-4-40 et seq.

Sec. 4-116. Types of establishments where retail sale permitted.

(a) No distilled spirits by the package shall be sold at retail except in:

(1) Retail establishments devoted exclusively to the retail sale of alcoholic beverages by the package;

(2) Retail establishments in which space has been set aside devoted exclusively to the retail sale of distilled spirits by the package, with ingress and egress provided directly to and only to the exterior of the building in which the facility is located and not to any other enclosed part of the building in which the facility is located, except as provided in subsection (a)(3) of this section; or

(3) In hotels, motels and high-rise office buildings where every public entrance to this use shall be from a lobby, hallway or other interior portion of the primary use structure.

(b) Nothing in this section shall prohibit the retail sale within these establishments of liquid commodities and mixes normally used in the preparation and serving of distilled spirits.

(Code 1989, § 3-60; Ord. No. 218-A, § 1.037, 9-22-1986; Ord. No. 740, § 7, 5-16-2017)

Sec. 4-117. Coin-operated or amusement machines prohibited; exception.

No retail dealer in liquors shall permit on such person's premises any slot machines of any kind or character or any coin-operated machines or any machine operated for amusement purposes. However, cigarette vending machines may be permitted.

(Code 1989, § 3-61; Ord. No. 218-A, § 1.038, 9-22-1986)

Sec. 4-118. Hours of sale.

Retail package licensees licensed to sell packaged distilled spirits may engage in the package sale of distilled spirits only between the hours of 9:00 a.m. and 11:45 p.m., ~~on~~ Monday through Saturday, and only between the hours of 12:30 p.m. and 11:30 p.m. on Sunday. These hours are to be determined by the standard of time in effect at the time of the sale.

(Code 1989, § 3-62; Ord. No. 218-A, § 1.039, 9-22-1986; Ord. No. 650, § 1, 6-13-2011)

Sec. 4-119. Regulations as to employees.

The following regulations as to employees shall apply to all establishments holding a license for package liquor:

- (1) An employee shall meet the same character requirements as set forth in the general requirements for the licensee, except for the residency requirements.
- (2) No person shall be employed by an establishment holding a license hereunder until this person has been fingerprinted or cleared by the department of public safety and has been issued a permit by the department of public safety indicating that the person is eligible for this employment.
- (3) No permit shall be issued until such time as a signed application has been filed with the director of public safety, and a search of the criminal record of the applicant completed. Such application shall include, but shall not be limited to, the name, date of birth and prior arrest record of the applicant, though the fact of an arrest record shall be used for investigative purposes only, and shall give rise to no presumption or inference of guilt. Due to the inclusion of arrest information, these applications shall be regarded as confidential and shall not be produced for public inspection without a court order.
- (4) The director of public safety shall have a complete and exhaustive search made relative to any police record of the person fingerprinted or cleared. In the event there is no record of a violation of this chapter or other applicable law, the director of public safety shall issue a permit to the employee, stating that the person is eligible for employment. If it is found that the person fingerprinted or cleared is not eligible for employment, the director of public safety shall notify the employer that this person is not eligible for employment.
- (5) It shall be the duty of all persons holding any license to sell alcoholic beverages to file with the director of public safety the name of the establishment and the license number and a list of all employees, with their home addresses and home telephone numbers.
- (6) All permits issued through administrative error or through an error in completion of a background investigation can be terminated by the director of public safety or the city clerk.
- (7) No licensee shall allow any employee required to hold a permit to work on the licensed premises unless the licensee has on file, on the premises, the current, valid permit of each such employee.
- (8) In the event that any permit holder leaves the employ of a licensed establishment, the licensee shall immediately surrender the permit to the director of public safety.
- (9) All permits issued hereunder remain the property of the city, and shall be produced for inspection upon the demand of any officer of the department of public safety.

(Code 1989, § 3-63; Ord. No. 218-A, § 1.040, 9-22-1986; Ord. No. 679, § 1, 7-15-2013)

Secs. 4-120--4-136. Reserved.

ARTICLE V. PACKAGE BEER, MALT BEVERAGES AND WINE

~~*Editor's note—Ord. No. 664, § 1, adopted April 16, 2012, repealed and reenacted article V in its entirety to read as herein set out. Formerly, article V, §§ 3-70–3-72, pertained to package beer and wine, and derived from Ord. No. 218-A, §§ 1.041–1.043, adopted September 22, 1986, and Ord. No. 650, § 1, adopted June 13, 2011.~~

Sec. 4-137. Type of retail establishment.

No package beer, malt beverage or wine shall be sold at retail except in the following types of retail establishments, subject to such establishments holding a license to sell beer, malt beverages or wine (as applicable) by the package:

- (1) Establishments which meet the same requirements applicable to establishments where distilled spirits may be sold (section 4-116);
- (2) Establishments maintaining 80 percent of the floor space and storage area in a manner which is devoted

principally to the retail sale of other products and located in zoning districts in which these establishments are permitted as a conforming use or in districts where existing establishments exist as a nonconforming use;

(3) Supermarkets, as defined in section 4-1;

(4) Establishments which are duly licensed by the city to operate as a brew pub; or

(5) Eating establishments licensed to sell alcoholic beverages for consumption on the premises which sell wine by the package in accordance with the provisions set forth in section 4-49(b); provided, however, package sales shall be limited to wine only.

~~No packaged beer, wine or malt beverage shall be sold at retail except in:~~

~~— Establishments duly licensed by the city to sell packaged beer, malt beverages and wine, and which meet the same requirements applicable to establishments where distilled spirits may be sold (section 3-60), or~~

~~— Establishments maintaining eighty (80) percent of the floor space and storage area in a manner which is devoted principally to the retail sale of other products and located in zoning districts in which these establishments are permitted as a conforming use or in districts where existing establishments exist as a nonconforming use.~~

(Code 1989, § 3-70; Ord. No. 664, § 1, 4-16-2012; Ord. No. 722, § 4, 3-21-2016)

Sec. 4-138. Hours of sale.

Retail package licensees licensed to sell packaged malt beverages, beer and wine may engage in the packaged sale of malt beverages, beer and wine only between the hours of 9:00 a.m. and 11:45 p.m., ~~on~~ Monday through Saturday, and only between the hours of 12:30 p.m. and 11:30 p.m. on Sunday. These hours are to be determined by the standard of time in effect at the time of the sale.

(Code 1989, § 3-71; Ord. No. 664, § 1, 4-16-2012)

Sec. 4-139. Use of tags or labels to indicate prices.

Retailers shall indicate plainly, by tags or labels on the bottle or containers or on the shelf immediately below where the containers are placed, the prices of all beer, malt beverages and wine exposed or offered for sale.

(Code 1989, § 3-72; Ord. No. 664, § 1, 4-16-2012)

Sec. 4-140. Regulations as to coin-operated or amusement machines, and regulations as to employees.

The provisions applicable to coin-operated or amusement machines applicable to retail establishments devoted to the retail sale of distilled spirits (section 4-117) and regulations as to employees applicable to retail package licenses licensed to sell packaged distilled spirits (section 4-119) are also applicable to retail establishments licensed to sell beer, malt beverages and wine.

(Code 1989, § 3-73; Ord. No. 664, § 1, 4-16-2012)

Sec. 4-141. Growlers.

(a) The sale of growlers in compliance with this article is authorized for those certain types of establishments designated in subsections (1), (3) and (4) of section 4-137, which are licensed to sell malt beverages, but not distilled spirits, by the package. The filling of growlers with malt beverage drawn from a tap on a barrel, cask, tank, or keg on the premises shall not constitute the breaking of a package as contemplated by O.C.G.A. § 3-3-26 or other provisions of this chapter. The term "growler" means a container made of a material customary to the industry provided that the container is capable of being sealed with a tamper-proof cap, top or other seal for the purpose of complying with open container laws, and further provided that the container does not exceed 68 ounces and is filled by a licensee or employee of the licensed establishment with malt beverage drawn from a barrel, cask, tank, or keg. Growlers may only be filled from barrels, casks, tanks, or kegs procured by the licensee from a person who is licensed or authorized to do business as a wholesaler under this chapter. Notwithstanding any other provision of this chapter to the contrary, in the case of a brew pub holding a license to sell malt beverages by the package, growlers may be filled from barrels, casks, tanks, or kegs of malt beverages manufactured on the licensed premises, subject to the barrel production limitation prescribed in section 4-188. Only professionally sanitized and sealed

growlers may be filled and made available for retail sale. Each growler must be securely sealed and removed from the premises in its original sealed condition. Except as authorized in accordance with an ancillary tasting permit as hereinafter provided, consumption on the premises is strictly prohibited; however, this prohibition shall not apply with respect to sales pursuant to a license for consumption on the premises, provided that no filled growlers may be consumed on the premises.

~~— The sale of growlers in compliance with this article is authorized for establishments defined in subsection 3-70(1) authorized to sell alcoholic beverages excluding distilled spirits, by the package. The filling of growlers by means of a capped keg shall not constitute the breaking of a package as contemplated by O.C.G.A. § 3-3-26 or other provisions of this article. The term "growler" means a bottle made of glass or other material customary to the industry provided that the bottle is capable of being sealed with a screw cap or flip top and then sealed for the purpose of complying with open container laws, and further provided that the bottle does not exceed sixty-four (64) ounces and is filled by a licensee or employee of the licensed establishment with beer from a keg. Growlers may only be filled from kegs procured by the licensee from a duly licensed wholesaler. Only professionally sanitized and sealed growlers may be filled and made available for retail sale. Each growler must be securely sealed and removed from the premises in its original sealed condition. Except as hereinafter provided, consumption on the premises is strictly prohibited.~~

(b) The holder of a package malt beverage license, with or without a package wine license, but in no event with a package distilled spirits license, shall be eligible for an ancillary growler malt beverage tasting license to provide samples of growler malt beverages offered for sale to customers under the conditions set forth in this section. Growler malt beverage sampling shall be on limited occasions when a customer requests a sample of a growler malt beverage offered for sale within the premises, or in conjunction with growler malt beverage education classes and sampling designed to promote growler and malt beverage appreciation and education. Growler malt beverage tasting for customers shall only be conducted at a counter area constituting no more than ten percent of the entire floor area of the premises. Growler malt beverage sampling for customers shall be limited to no more than one time per day per customer for a period not to exceed two consecutive hours. Samples shall not exceed four ounces, and no customer shall consume more than 16 ounces in any two-hour period. Only the licensee or an employee shall open and handle unpackaged malt beverages, and samples shall only be poured by the licensee and/or an employee. No open growler container shall be removed from the licensed premises. Not more than two times per week for a period not to exceed two consecutive hours, the holder of an ancillary growler malt beverage tasting license may conduct educational classes and sampling for class participants. All conditions of sampling set forth in this section shall apply to such classes, except for the limitation on floor areas where the classes can be conducted. Growler malt beverage sampling and tasting is only permitted within the designated interior portion of the premises. The annual fee for an annual growler malt beverage tasting license shall be \$50.00, and may be revised, by resolution of the mayor and council, from time to time.

(c) The holder of a package malt beverage license, with or without a package wine license, but in no event with a package distilled spirit license, who is authorized to sell growlers and whose premises are located in the downtown district shall, in conjunction with city-sponsored special events within the downtown district, be authorized to sell malt beverages in 16-ounce plastic containers in the same manner as consumption on the premises licenses in the downtown district, except that such sales shall only take place outside the premises in a tent directly adjacent to the premises. The exact location and set-up of the tent shall be subject to the review of the director of public safety, or his designee, for public safety compliance.

(Code 1989, § 3-74; Ord. No. 664, § 1, 4-16-2012; Ord. No. 679, § 14, 7-15-2013; Ord. No. 722, § 5, 3-21-2016)

Secs. 4-142--4-165. Reserved.

ARTICLE VI. WHOLESALER

Sec. 4-166. Special provisions applicable to wholesale license.

(a) No person who has any direct financial interest in a license for the retail sale of distilled spirits shall be allowed to have any interest or ownership in any wholesale distilled spirit license.

(b) No retailer shall purchase any alcoholic beverage from any person other than a wholesaler licensed under this article. No wholesaler shall sell any distilled spirits to any person other than a retailer licensed under this

chapter.

(c) No alcoholic beverage shall be delivered to any retail sales outlet in the city except by a duly licensed wholesaler. The name of the wholesaler distributor shall be clearly marked on the delivery vehicle.

(Code 1989, § 3-80; Ord. No. 218-A, § 1.044, 9-22-1986)

Sec. 4-167. Hours of sale.

Wholesalers shall not engage in the sale of alcoholic beverages except between 8:00 a.m. and 11:45 p.m., Monday through Saturday.

(Code 1989, § 3-81; Ord. No. 218-A, § 1.045, 9-22-1986)

Secs. 4-168--4-187. Reserved.

ARTICLE VII. BREW PUBS

Sec. 4-188. Exception for brew pubs.

A limited exception to the provisions of this chapter which implement and enforce the three-tier system for the manufacture, distribution and sale of malt beverages established under state law shall exist for owners and operators of brew pubs, subject to the following terms and conditions:

- (1) No individual or person shall be permitted to own or operate a brew pub without first obtaining a proper brew pub license from the city council pursuant to the procedures set forth in article I of this chapter, and each brew pub licensee shall comply with all other applicable state and local license requirements;
- (2) A brew pub license authorizes the holder of such license to:
 - a. Manufacture on the licensed premises not more than 10,000 barrels of malt beverage in a calendar year solely for retail sale;
 - b. Operate an eating establishment that shall be the sole retail outlet for such malt beverages;
 - c. Operate an eating establishment that may offer for sale for consumption on the premises any other alcoholic beverages produced by other manufacturers which are authorized for retail sale under this chapter, including wine, distilled spirits, and malt beverages, provided that such alcoholic beverages are purchased from a licensed wholesaler; and, provided further, that in addition to draft beer manufactured on the premises, each brew pub licensee shall offer for sale commercially available canned or bottled malt beverages from licensed wholesalers; and
 - d. Notwithstanding any other provision of this section, sell up to a maximum of 5,000 barrels annually of such malt beverage to licensed wholesale dealers. Under no circumstances shall such malt beverages be sold by a brew pub licensee to any person holding a retail consumption dealer's license or a retailer's license for the purpose of resale;
- (3) Possession of a brew pub license shall not prevent the holder of such license from obtaining a license for the sale of alcoholic beverages by the package, excluding distilled spirits, for the same premises;
- (4) A brew pub license does not authorize the holder of such license to sell alcoholic beverages by the package for consumption off the premises; and
- (5) A brew pub licensee shall:
 - a. Pay all state and local license fees and excise taxes applicable to individuals or persons licensed as manufacturers, retailers, and, where applicable, wholesalers under this title; and
 - b. Measure malt beverages manufactured on the premises and otherwise comply with applicable rules and regulations respecting excise and enforcement tax determination of such malt beverages as required by state and local law.

— For all purposes of this section, a "brew pub" is defined as an eating establishment in which beer or malt beverages are manufactured or brewed for retail consumption on the premises and solely in draft form.

- ~~— Notwithstanding any other provision of this chapter to the contrary, a limited exception from section 3-40 shall exist for owners and operators of brew pubs provided that:~~
 - ~~— No individual shall be permitted to own or operate a brew pub without first obtaining a proper brew pub license from the council pursuant to the same procedures as are set forth in section 3-6, and each brew pub license holder shall comply with all other applicable state and local license requirements; and~~
 - ~~— A brew pub license authorizes the holder of such license to (i) manufacture on the licensed premises not more than five thousand (5,000) barrels of beer in a calendar year solely for retail on the premises and solely in draft form; and (ii) operate an eating establishment that shall be the sole retail outlet for such beer and may offer for sale any other alcoholic beverages produced by other manufacturers which are authorized for retail sale under this chapter, provided that such alcoholic beverages are purchased from a licensed wholesaler for consumption on the premises only; and, provided, further, that in addition to draft beer manufactured on the premises, each brew pub licensee shall offer for sale commercially available canned or bottled malt beverages from licensed wholesalers.~~
- ~~— Possession of a brew pub license shall not prevent the holder of such license from obtaining any other license available under this chapter for the same premises.~~
- ~~— A brew pub license does not authorize the holder of such license to sell alcoholic beverages by package for consumption off the premises.~~
- ~~— A brew pub licensee shall pay all state and local license fees and excise taxes applicable to individuals licensed under this chapter as manufacturers, retailers, and, where applicable, wholesalers.~~
- ~~— Except as set forth above in this section, a brew pub license holder shall be subject to all provisions of this chapter.~~

(Code 1989, § 3-90; Ord. No. 373, 3-25-1996; Ord. No. 722, § 6, 3-21-2016)

Secs. 4-189--4-214. Reserved.

ARTICLE VIII. SPECIALTY GIFT SHOPS

Sec. 4-215. Exception for specialty gift shops.

(a) For all purposes of this section, the term "specialty gift shop" shall be defined as any retail gift shop that derives not more than 15 percent of its gross sales from the sale of packaged gift baskets or similar items containing unbroken containers of wine or beer.

(b) Notwithstanding any other provision of this chapter to the contrary, a limited exception to the provisions of sections 4-6 and 4-137 shall exist for the owners of specialty gift shops, provided that the owner shall first obtain a specialty gift shop alcohol permit as hereinafter provided, and ~~(ii) the only sale of alcohol by the owner is through the sale of gift items as specified in subsection (a) of this section above and not for consumption on the premises.~~

(c) All persons desiring to engage in activities permitted by this section shall make written application to the director of public safety for a specialty gift shop alcohol permit on forms prescribed by the director of public safety, and filed with the director of public safety. All applications shall be accompanied by a certified check for \$150.00. If the application is denied, or if the applicant withdraws the application prior to its approval, the license fee (without interest) shall be refunded. The application shall include the name and address of the applicant, the address of the business location, and the name and address of the manager. If the manager changes, the applicant must furnish the director of public safety with the name and address of the new manager and the information as requested within ten days of such change. The applicant must meet the character requirements of this chapter. All applications shall be

sworn to by the applicant before a notary public or other officer authorized to administer oaths.⁵³

(d) The director of public safety shall prepare and cause to be published a notice of each pending application, which notice shall include the date the application will be considered by the clerk, the location or street number of the premises where the applicant proposes to conduct activities permitted by this section and the name of the applicant. The applicant shall pay the publication costs. The notice shall be published in a newspaper of general circulation within the city, and shall appear once a week for two weeks immediately preceding consideration of the application by the clerk.

(e) If the clerk grants the applicant a specialty gift shop alcohol permit, it shall be valid for one year from the date of issuance. The director of public safety shall have authority to prescribe forms for new or renewal applications. All applicants shall furnish data, information or records as required by the director of public safety to ensure compliance with the provisions of this chapter. Failure to furnish such data shall automatically serve to dismiss the application with prejudice.

(f) Any untrue or misleading information contained in, or material statement omitted from, an original or renewal application for a specialty gift shop alcohol permit shall be cause for the denial or revocation thereof.

(g) In all instances in which an application is denied under the provisions of this section, the applicant may not re-apply for a new license for at least one year from any final date of such denial.

(h) Each applicant shall certify that the applicant has read this section, and if a specialty gift shop alcohol permit is granted, each licensee shall maintain a copy of this section on the premises and shall require each of the licensee's employees to be familiar with this section. Notwithstanding any other provision of this chapter, all of the applicant's employees must be at least 18 years of age to sell any gift item containing alcohol.

(i) Except as set forth in this section, a holder of a specialty gift shop alcohol permit must comply with all other provisions set forth in this chapter.

(Code 1989, § 3-100; Ord. No. 373, 3-25-1996; Ord. No. 679, § 15, 7-15-2013)

Secs. 4-216--4-238. Reserved.

ARTICLE IX. LICENSED ALCOHOLIC BEVERAGE CATERERS*

***State law reference**--Sales off premises for catered functions, O.C.G.A. § 3-11-1 et seq.

Editor's note--Ord. No. 679, § 16, adopted July 15, 2013, amended article IX in its entirety to read as herein set out. Formerly, article IX pertained to licensed caterers, and derived from Ord. No. 373, adopted March 25, 1996.

Sec. 4-239. Licensed alcoholic beverage caterers.

- (a) License requirements; resident caterers.
- (1) Any caterer who possesses a valid city license to sell or otherwise dispense malt beverages, wine or distilled spirits by the drink for consumption on the premises within the city may apply for an off-premises license that permits sales of the same off premises at authorized catered events or functions.
- (2) Any caterer who possesses a valid city license to sell malt beverages, wine or distilled spirits by the package for consumption off the premises within the city may apply for an off-premises license that permits sales of the same class of alcoholic beverages by the drink off premises at authorized catered events or functions.
- (3) Each off-premises catering license authorized herein shall be valid through December 31 of the year for which it is issued. The fee for each license shall be set by resolution of the city council, and this fee shall remain in effect until modified or amended by subsequent resolution.
- (4) In order to distribute or sell malt beverages, wine or distilled spirits at an authorized catered function, a

⁵³ **Code 1989, § 3-100. Exception for specialty gift shops.** We recommend adding the generic language for purposes of internal consistency and for ease of modification. *City elected to keep fee provision as is.*

licensed alcoholic beverage caterer shall file an application for an off-premises event permit with the director of public safety at no additional fee. The application shall include the name of the caterer, the date, address and time of the event, the caterer's license number and any other information the city deems necessary to review a request for such permit.

- (5) It shall be unlawful for any person to engage in, carry on or conduct the sale or distribution of alcoholic beverages off premises and in connection with the catered event or function without first having obtained a license and event permit as provided herein.

- (b) Permit requirements; nonresident caterers.

- (1) A nonresident alcoholic beverage caterer shall submit an application for an off-premises event permit to the director of public safety or his designee. The fee for each such permit shall be \$50.00, as authorized by O.C.G.A. § 3-11-3 (or such fee as may be authorized by any future amendment or revision thereto).

- (2) An application for an off-premises event permit shall include the name of the caterer, the licensed alcoholic beverage caterer's state and local license number and expiration date, the date, address, time, and name of the event and the quantity and type of alcoholic beverages to be transported from the licensee's primary location to the location of the authorized catered event or function.

- (3) The original off-premises permit shall be kept in the vehicle transporting the alcoholic beverages to the catered event or function.

- (4) It shall be unlawful for a licensed alcoholic beverage caterer to distribute, sell, or otherwise dispense alcoholic beverages off premises except as authorized by the off-premises event permit.

- (c) A licensed alcoholic beverage caterer may sell or otherwise dispense only that which is authorized by his alcoholic beverage license. For example, if the alcoholic beverage caterer possesses a valid license to sell malt beverages, he may sell or otherwise dispense only malt beverages at the authorized catered event or function.

- (d) Sunday sales. An alcoholic beverage caterer wishing to cater an event or function on a Sunday must possess a valid Sunday sales license and comply with the requirements of state law with respect to the service of alcoholic beverages on Sunday.

- (e) Excise taxes are imposed upon the sale of alcoholic beverages by resident caterers as provided in this chapter. Excise taxes are imposed upon the total of individual alcoholic beverages served by a nonresident caterer in the amount set forth in this chapter, and shall be paid within 30 days after the conclusion of the catered event or function.

(Code 1989, § 3-110; Ord. No. 679, § 16, 7-15-2013)

Secs. 4-240--4-256. Reserved.

ARTICLE X. PUBLICLY-OWNED FACILITIES*

***State law reference--**Sale of alcoholic beverages at publically-owned facilities, O.C.G.A. § 3-8-1 et seq.

Sec. 4-257. Exception for publicly-owned facilities.

- (a) Notwithstanding any other provision of this chapter to the contrary, a limited exception to sections 4-6 and 4-47 of this chapter, shall exist for that person or entity possessing a public facilities permit, as hereinafter defined.

- (b) For all purposes of this section, the term "public facilities" means:

- (1) An historic structure owned by the city and operated as a welcome center by a local historical society or similar nonprofit organization; or
- (2) Property and/or facilities owned by the city and operated by the city as an equestrian center.

- (c) Any person or entity desiring to engage in activities permitted by this section shall make written application to the director of public safety for the appropriate public facilities permit on forms prescribed by the director of public safety, and filed with the director of public safety. All applications shall be accompanied by a public facilities permit fee of \$50.00. If the application is denied, or if the applicant withdraws the application prior

to its approval, the license fee, without interest, shall be refunded. The application shall include, but shall not be limited to: the name and address of the applicant, the date, address and times of the proposed event and the location of the public facility. All applications shall be sworn to by the applicant before a notary public or other officer authorized to administer oaths.

(d) If such public facilities permit is granted by the director of public safety, it shall be good only for the specified event at the specified address and times set forth in the application, not to exceed five days for an equestrian center and one day for a welcome center.

(e) A public facilities permit for an equestrian center shall only permit the permit holder to serve (not sell) alcoholic beverages in a hospitality tent or similar structure previously approved by the director of public safety, and the alcoholic beverages may only be consumed on the premises of such hospitality tent or similar structure.

(f) A public facilities permit for a welcome center shall only permit the holder to serve (not sell) alcoholic beverages within the premises of the welcome center, and the alcoholic beverages may only be consumed on the premises of the welcome center.

(g) A public facilities permit shall only be issued to a caterer licensed under the provisions of this chapter, or to an individual who meets the character requirements of this chapter; provided, however, that no more than two permits per calendar year shall be issued to an individual who is not a licensed caterer.

(h) The director of public safety shall have authority to prescribe forms for applications. Failure to furnish any requested data shall automatically serve to dismiss the application with prejudice.

(i) Any untrue or misleading information contained in, or material statement omitted from, an original or renewal application for a public facilities permit shall be cause for the denial or revocation thereof.

(j) Except as set forth above in this section, a public facilities permit holder must comply with all of the provisions set forth in this chapter.

(Code 1989, § 3-120; Ord. No. 373, 3-25-1996; Ord. No. 679, § 17, 7-15-2013)

Secs. 4-258--4-277. Reserved.

ARTICLE XI. ANNEXED AREAS

Sec. 4-278. Annexed areas.

Any person, ~~persons~~, establishment, partnership, corporation or other entity which holds a license from the county for the sale, manufacture, package or distribution of alcoholic beverages and which is located in an area annexed by the city, shall have 30 days from the effective date of the annexation to apply for the appropriate licenses and permits under this chapter. The applicant shall pay all applicable fees and costs for the equivalent license to the city. The applicant, however, shall be entitled to a credit for the amount of any license fee paid to the county in the year of annexation.

(Code 1989, § 3-130; Ord. No. 373, 3-25-1996)

Secs. 4-279--4-304. Reserved.

ARTICLE XII. SPECIAL EVENTS*

***State law reference**--Special events use permit, O.C.G.A. § 3-14-1 et seq.

***Editor's note**--Ord. No. 679, § 18, adopted July 15, 2013, amended article XII in its entirety to read as herein set out. Formerly, article XII pertained to nonprofit civic organizations, and derived from Ord. No. 373, adopted March 25, 1996.

Sec. 4-305. Special temporary outside events.

(a) Establishments duly licensed by the city to sell alcoholic beverages for consumption on the premises must submit an application and site plan to the director of public safety or his designee to engage in outside special events. A special event temporary permit shall authorize the retail consumption licensee to sell alcoholic beverages for consumption on the premises for a period not to exceed the hours otherwise specified in this chapter. The applicant must meet the following requirements:

- (1) The licensed establishment must have an existing license for the sale of alcoholic beverages for consumption on the premises. The entrances and exits to the event must be through controlled entry points which allow for easy monitoring of patrons entering and leaving the event.
 - (2) A site plan must be submitted to and approved by the director of public safety as well as the city fire marshal for approval. If the site plan provides for an area to accommodate more than 25 persons, a crowd control and security plan must be submitted to the director of public safety for approval. The community development department and city fire marshal must approve any temporary structures.
 - (3) A signed and notarized letter from the property owner must be submitted to the director of public safety authorizing the use of the property for the event.
 - (4) The outside event shall not exceed two days.
 - (5) All outside events for an individual licensed establishment will be restricted to two events per year.
 - (6) A non-refundable fee of \$150.00 per event must be paid at the time of filing of the application.
 - (7) The completed application must be submitted to the director of public safety no less than 20 days prior to the scheduled event.
- (b) Nothing in this section shall be construed to waive or appeal any other requirements ordained under this Code.
- (c) The licensee or the licensee's employee shall supervise all aspects of the special event pertaining to the handling and storage of alcoholic beverages and the distribution of alcoholic beverages to consumers. The licensee shall be responsible for compliance with all aspects of this article and state law, and liable for infractions thereof.
- (Code 1989, § 3-140; Ord. No. 679, § 18, 7-15-2013)

Secs. 4-306--4-328. Reserved.

ARTICLE XIII. PUBLIC ENTERTAINMENT FACILITY

~~*Editor's note~~ Ord. No. 575, § 1, adopted Oct. 3, 2005, amended the Code with the addition of a new article XIII, section 3-140. In order to avoid duplication of section numbers, the provisions of said ordinance have been included herein as article XIII, section 3-150, at the discretion of the editor.

Sec. 4-329. Consumption on premises license for public entertainment facilities.

A license to sell alcoholic beverages for consumption on the premises may be issued to the owner and/or operator of a public entertainment facility with a seating capacity in excess of 5,000 persons, including stadiums, arenas, coliseums, amphitheaters and auditoriums ("public entertainment facility"). Except as provided in this section, all applicants and license holders for public entertainment facilities shall meet all licensing qualifications established pursuant to this article, and must comply with all state statutes governing the sale of alcoholic beverages and all sections of this article and other city ordinances governing sales. Public entertainment facilities shall be required to comply with the percentage sales requirements applicable to consumption on the premises licensees under this article, but in determining such compliance, the revenue from the sale of tickets shall be combined with the revenue derived from the sale of prepared meals or food. In addition, food must be served during any period of time that alcoholic beverages are served. Alcoholic beverages may be sold during the hours authorized for other consumption on the premises licensees holding licenses pursuant to this article, except that Sunday sales shall be limited to the hours of 12:30 p.m. to 11:30 p.m.

(Code 1989, § 3-150; Ord. No. 575, § 1, 10-3-2005)

Secs. 4-330--4-346. Reserved.

ARTICLE XIV. ANCILLARY WINE TASTING LICENSE

Sec. 4-347. Conditions of license issuance.

The holder of a package wine license, with or without a package malt beverage license, but in no event with a package distilled spirits license, with licensed premises having a minimum of 200 square feet of floor space dedicated to the display of wine offered for sale, shall be eligible for an ancillary wine tasting license to sell or

provide samples or tastings of wine offered for sale by the package to customers for consumption on the premises under the following conditions:

- (1) The licensee shall maintain on the premises and offer for sale by the package at least 25 different brands of wine.
- (2) Wine sampling and tasting for customers shall only be conducted at a wine counter area constituting no more than 20 percent of the entire floor area of the premises.
- (3) Wine samples shall not exceed two ounces, and no customer shall consume more than eight ounces in any calendar day.
- (4) Wine bottles shall be opened only by the licensee or an employee, and samples shall only be poured by the licensee and/or an employee.
- (5) No open containers of wine shall be removed from the licensed premises.
- (6) Wine sampling and tasting is only permitted within the enclosed portion of the premises.
- (7) Wine sampling and tasting is only permitted during the hours the licensed premises are authorized to provide package sales of alcoholic beverages; provided, however, no wine sampling and tasting shall be permitted on Sunday.
- (8) Wine sampling and tasting shall not be permitted prior to the city's approval of a package license holder's application for an ancillary wine tasting license and the package license holder's payment of the subject license fee. The annual fee for an ancillary wine tasting license shall be \$250.00, which fee may be revised from time to time by resolution of the mayor and council.

(Code 1989, § 3-160; Ord. No. 598, § 1, 7-10-2006; Ord. No. 740, § 8, 5-16-2017)

Secs. 4-348--4-367. Reserved.

ARTICLE XV. MISCELLANEOUS OFFENSES

Sec. 4-368. Alcohol consumption near package stores.

(a) *Generally.* It shall be unlawful for any person to open or to consume all or any part of any type of alcoholic beverage within 100 feet of any retail store where alcoholic beverages are sold in package form or within the boundary lines of the property on which such retail store is located, whichever constitutes the greater distance.

(b) *Enforcement.* The ~~police~~ department of police shall be responsible for the enforcement of this section.

(Code 1989, § 3-170; Ord. No. 622, § 2, 5-19-2008)

Sec. 4-369. Drinking in public places.

No person shall drink or consume all or any part of an alcoholic beverage in or on a street, sidewalk, alley, mall, parking lot or structure, motor vehicle, public grounds or other public place unless the place has been licensed or permitted for that purpose under this article.

(Code 1989, § 3-171; Ord. No. 622, § 2, 5-19-2008)

Secs. 4-370--4-396. Reserved.

ARTICLE XVI. SPECIAL PROVISIONS AND EXCEPTIONS WITHIN DOWNTOWN DISTRICT

Sec. 4-397. General.

The provisions of this article are intended to set forth certain exceptions and provisions applicable only to licensees whose establishments are located within the downtown district (as hereinafter defined) holding licenses to sell alcoholic beverages for consumption on the premises. Except as specifically set forth in this article, all such licensees remain subject to all other provisions of the city's alcoholic beverage chapter.

(Code 1989, § 3-180; Ord. No. 658, § 1, 8-22-2011)

Sec. 4-398. Minimum distance requirements within downtown district.

The minimum distance requirements for on-premises consumption establishments in the downtown district shall be 50 feet from all of the establishments and locations designated in subsection 4-17(a), and measured in accordance with the provisions set forth in subsection 4-17(b). For the purpose of distance requirements, the downtown district shall not be deemed to include establishments not physically located within the district.

(Code 1989, § 3-180.1; Ord. No. 668, § 1, 8-6-2012)

Sec. 4-399. Waiver procedure and standards.

An establishment that desires to locate within the downtown district and cannot meet the distance requirements specified above may file an application for a waiver or reduction of the minimum distance requirements with the city council. The city council, after notice and a public hearing, may grant a waiver or reduction to the minimum distance requirements if it determines that the proposed variance will not substantially diminish the property value, nor alter the essential character of the area surrounding the site, and will not substantially interfere with or injure the rights of others whose property would be affected by the variance. The city council may also impose any conditions which it finds to be necessary to protect the best interest of the surrounding property of the city. Conditions may include, but not be limited to, the hours of operation, parking and landscaping requirements and, with respect to residentially zoned areas, whether the establishment is physically separated or well buffered from adjacent residentially zoned areas. A location that has been granted a waiver or reduction of distance by the city council shall not be required to obtain a new waiver or reduction of distance as a result in change of tenancy, ownership or management, unless a change in use occurs for a time period of 12 months or more.

(Code 1989, § 3-180.2; Ord. No. 668, § 1, 8-6-2012)

Sec. 4-400. Definition of downtown district.

For the purpose of this article only, the downtown district is defined as follows: the area of the city bounded on the north by the northern right-of-way of Church Street, then traveling southward along the western right-of-way of Canton/Roswell Street to the intersection with Old Milton Parkway, then traveling along the northern right-of-way of Old Milton Parkway eastward to the intersection with State Route 9/Main Street, then traveling northward along the eastern boundary of State Route 9/Main Street to the southern right-of-way of Marietta Street, then by a line drawn to the east to the intersection of Haynes Bridge Road and Thompson Street, then northward along the western right-of-way of Haynes Bridge Road to the intersection of Academy Street, then proceeding westward along the southern right-of-way of Academy Street to the intersection of State Route 9/Main Street, there to travel northward along the western right-of-way of State Route 9/Main Street to the intersection with Church Street. For the purposes of this definition, any licensed establishment, the property of which abuts the described boundaries, shall be considered to be located within the district.

(Code 1989, § 3-181; Ord. No. 658, § 1, 8-22-2011; Ord. No. 694, § 2, 9-15-2014)

Sec. 4-401. Outside consumption of alcoholic beverages permitted.

(a) *One drink on-street limit.* Any establishment licensed to sell alcoholic beverages by the drink for consumption on the premises is authorized to dispense an alcoholic beverage in a paper or plastic cup, or other container other than a can, bottle, or glass, for removal from the premises; provided, however, that no establishment shall dispense to any person more than one such alcoholic beverage at a time for removal from the premises, and no person shall remove at one time more than one such alcoholic beverage from the licensed premises.

(b) *Size limited to a maximum of 16 ounces.* No container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed 16 fluid ounces in size. No person shall hold in possession on the streets and sidewalks, in parks and squares, or in other public places within the defined area any open alcoholic beverage container which exceeds 16 fluid ounces in size. Nothing set forth in this subsection shall be construed to permit the possession of open alcoholic beverages in any public place within the downtown district except as otherwise expressly authorized under this section.

(c) *Drinking from can, bottle, or glass prohibited.* It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass, or to possess in an open can, bottle, or glass any alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public or private.

(d) *Purchase from licensed premises within downtown district.* Alcoholic beverages consumed pursuant to this provision must be purchased from a licensed premises within the downtown district.

(e) *Consumption limited to certain areas in downtown district.* No alcoholic beverage purchased pursuant to this provision may be consumed outside of the downtown district, upon any sidewalk adjacent to a church, school or park (unless specifically authorized by the city in conjunction with a city event or other event authorized by the city) or upon any private property without the express written consent of the property owners.

(f) *Consumption limited to lawful hours of operation.* No alcoholic beverage purchased pursuant to this provision shall be consumed except within the authorized hours of sale of the establishment where purchased.

(g) *Festivals; special events.* Unless otherwise specified by this article or the terms of a special event permit issued by the city, the provisions of this article shall also apply to special events and festivals.

(h) *Public parks and squares in the downtown district.* Beer and wine, but not distilled spirits, may be consumed in public parks and squares located in the downtown district, including on the sidewalks adjacent thereto, but only when same is specifically authorized by the city in conjunction with a city event or under a special event permit issued by the city. Further, beer or wine consumed pursuant to the foregoing provision must be purchased from an alcoholic beverage licensee holding a permit to sell beer or wine at the subject city or special event. Except as otherwise expressly authorized pursuant to the foregoing provisions of this subsection, no person shall possess any open alcoholic beverage container in a public park or square located within the downtown district.

(Code 1989, § 3-182; Ord. No. 658, § 1, 8-22-2011; Ord. No. 742, § 1, 6-19-2017)

Sec. 4-402. Alcohol/food sales ratio.

A licensed establishment located within the downtown district shall derive a minimum of 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food.

(Code 1989, § 3-183; Ord. No. 658, § 1, 8-22-2011)

Sec. 4-403. No abrogation of other laws.

The provisions of this article shall not be deemed to abrogate or otherwise impact any state law or local ordinance pertaining to public drunkenness, disorderly conduct, driving with an open container or under the influence of alcohol, or similar laws.

(Code 1989, § 3-184; Ord. No. 658, § 1, 8-22-2011)

Sec. 4-404. Licensed establishments with food trucks/mobile food vendors.

A licensed establishment within the downtown district may utilize one or more food trucks/mobile vendor trucks to satisfy the requirement of a full-service kitchen (article II, section 4-47) and alcohol/food sales ratio (article II, section 4-47 and article XVI, section 4-402) under the terms of this section. The food trucks/mobile food vendors must be:

- (1) Licensed under chapter 10, article X;
- (2) Located on the same private property premises as the licensed establishment;
- (3) Generally incorporated into the operation of the licensed establishment; and
- (4) Available, open and prepared to serve food every hour that alcoholic beverages are offered for sale from any portion of the premises.

(Ord. No. 728, § 1, 9-19-2016)

Secs. 4-405--4-421. Reserved.

ARTICLE XVII. BREWERIES*

***State law reference**--Dealing in malt beverages at wholesale and retail prohibited without a license from local governing authority, O.C.G.A. § 3-5-40.

Sec. 4-422. 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:⁵⁴

Brewer means a manufacturer of malt beverages.

Brewery means a place where malt beverages are manufactured or brewed.

(Code 1989, § 3-190; Ord. No. 673, § 1, 3-25-2013)

State law reference--Definitions, O.C.G.A. § 3-5-1.

Sec. 4-423. Brewer license authorized.

Brewers' licenses are authorized in the city; provided, however, that no individual shall be permitted to own or operate a brewery without first obtaining a proper brewer's license from the city in the manner provided in this chapter, and each holder of a brewer's license shall comply with the provisions of this chapter and all applicable state statutes, including rules and regulations promulgated by the department of revenue.

(Code 1989, § 3-191; Ord. No. 673, § 1, 3-25-2013)

Sec. 4-424. License fee.

The license fee for a brewer shall be \$500.00 annually. The license fee may be amended from time to time by resolution adopted by the mayor and city council of the city.

(Code 1989, § 3-192; Ord. No. 673, § 1, 3-25-2013)

Sec. 4-425. Exceptions for breweries.

(a) As a limited exception to the provisions of this chapter which implement and enforce the three-tier system for the manufacture, distribution and sale of malt beverages established under state law, a brewer's license authorizes the holder of such license to sell directly to the public on its licensed premises up to 3,000 barrels of malt beverage manufactured on such licensed premises per year for:

(1) Consumption on the premises; and

(2) Consumption off the premises (sales by the package), provided that such sales by the package shall not exceed a maximum of 288 ounces per consumer, per day.

(b) Such retail sales are permitted on the days and at the times that the retail sale of malt beverages for consumption on the premises or by the package, as applicable, is authorized for other retailer licensees under this chapter. Under no circumstances shall such malt beverages be sold by a licensed brewer to a licensed retailer or retail consumption dealer for the purpose of resale. Any brewer engaging in the retail sales of malt beverages pursuant to this section shall remit all state and local excise taxes to the proper tax collecting authority. For the purposes of this article, the term "barrel" means 31 gallons of malt beverage.

(Code 1989, § 3-193; Ord. No. 673, § 1, 3-25-2013; Ord. No. 740, § 9, 5-16-2017)

Editor's note--The effective date of this provision is September 1, 2017.

Secs. 4-426--4-448. Reserved.

ARTICLE XVIII. SPECIAL PROVISIONS AND EXCEPTIONS WITHIN CERTAIN MIXED USE DEVELOPMENTS

Sec. 4-449. General.

The provisions of this article are intended to set forth certain exceptions and provisions applicable only to licensees whose establishments are located within certain large mixed use development districts, as hereinafter defined, holding licenses to sell alcoholic beverages for consumption on the premises. Except as specifically set

⁵⁴ **Code 1989, § 3-190. Definitions.** We recommend adding introductory language to this provision for purposes of internal consistency. *Change accepted by City.*

forth in this article, all such licensees remain subject to all other provisions of the city's alcoholic beverage chapter. (Code 1989, § 3-200; Ord. No. 679, § 19, 7-15-2013)

Sec. 4-450. Definition of mixed use development district.

For the purposes of this article only, the term "mixed use development district" is defined as follows:

- (1) The development contains a minimum of 50 acres.
- (2) The development is zoned to include not less than 350,000 square feet of retail and restaurants, 500,000 square feet of office space, 200 rental or single-family homes, and 300 hotel rooms.

(Code 1989, § 3-201; Ord. No. 679, § 19, 7-15-2013)

Sec. 4-451. Minimum distance requirements within mixed use districts.

The minimum distance requirements for on-premises consumption establishments in a mixed use district are waived.

(Code 1989, § 3-202; Ord. No. 679, § 19, 7-15-2013)

Sec. 4-452. Outside consumption of alcoholic beverages permitted.

(a) The provisions of section 4-401 regarding outside consumption of alcoholic beverages are authorized within mixed use development districts and the provisions of section 4-401 are incorporated herein by reference.

(b) In the event that a mixed use development is managed by an on-site management company, such management company may conduct outside special events within common/open areas of the development, provided that the company utilizes a licensed caterer for such events and meets the requirements of section 4-305, except for the limitation on the number of events.

(Code 1989, § 3-203; Ord. No. 679, § 19, 7-15-2013)

Chapter 5
RESERVED

PROOFS

Chapter 6

ANIMALS*⁵⁵

***State law reference**--Licensing and regulation of dogs; rabies control, O.C.G.A. § 31-19-1 et seq.; cruelty to animals, O.C.G.A. § 16-12-4; Georgia Animal Protection Act, O.C.G.A. § 4-11-1 et seq.

Sec. 6-1. County regulations--Adopted.

The county regulations, as amended, pertaining to rabies and animal control are hereby adopted and incorporated herein by reference, and the same shall be fully enforceable within the city. A copy of such rabies and animal control regulations is on file in the office of the city clerk.

(Code 1989, § 4-1; Res. of 8-10-1987)

~~**Editor's note**--There is presently in effect an agreement with the county for animal control by the county, dated Oct. 1, 1975.~~

Sec. 6-2. Same--Penalty.

The section of the county regulations pertaining to rabies and animal control relating to the penalty for violation of the control act is amended by striking same, and inserting in lieu thereof, the following:

"(G) Penalties. Any person who violates any provision of this rabies control ordinance shall be deemed to have violated a valid city ordinance and shall be punished as provided in section 1-8 of this Code of Ordinances."

(Code 1989, § 4-2)

⁵⁵ **Code 1989, Ch.4. Animals and Fowl.** We recommend renaming this chapter "Animals" to conform to the standard MCC Code Format. *Change accepted.*

Chapter 7
RESERVED

PROOFS

Chapter 8

BUILDINGS AND BUILDING REGULATIONS*

***State law reference**--Authority to adopt technical codes, Ga. Const. art. IX, § II, ¶ III(a)(12); State minimum standard codes, O.C.G.A. § 8-2-20(9)(B)(i); enforcement of minimum state construction codes, O.C.G.A. § 8-2-26; construction standards generally, O.C.G.A. § 8-2-1 et seq.

ARTICLE I. IN GENERAL**Sec. 8-1. Definitions**⁵⁶

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

Building official or building inspector means the qualified building official or qualified building inspector as designated by the city.

Code enforcement officer means the qualified code enforcement official as designated by the city.

Sec. 8-2. Building official.

The term "building official" as used in this chapter, the building code and other codes adopted herein, shall mean any officer of the city designated by the city council as having the duty to enforce the building regulations of the city.

(Code 1989, § 5-1; Ord. No. 188-A, § 4, 2-28-1983; Ord. No. 247, § A, 9-26-1988)

Sec. 8-3. Enforcement officers.

The building official and fire marshal shall have the power and duty to enforce the provisions of this chapter. All fees provided herein shall be paid to the city clerk. Except as otherwise provided herein, all permits shall be issued by the building official.

(Code 1989, § 5-2; Ord. No. 188-A, § 6, 2-28-1983; Ord. No. 247, § A, 9-26-1988)

Sec. 8-4. Interpretation of chapter.

Wherever in the building regulations it is provided that anything must be done to the approval of or subject to the direction of the building official or any other officer of the city, this shall be construed to give such officer only the discretion of determining whether the rules and standards established by ordinance have been complied with; and no such provision shall be construed as giving any officer discretionary powers as to what such regulations or standards shall be, or power to require conditions not prescribed by ordinance or to enforce ordinance provisions in an arbitrary or discriminatory manner.

(Code 1989, § 5-3; Ord. No. 188-A, § 8, 2-28-1983)

Sec. 8-5. Conflict of regulations.⁵⁷

~~In situation where any provision of current codes are in conflict with or less stringent than other standards in force, the more stringent standards shall prevail.~~

(a) If any of the publications listed in section 8-2914-4 are adopted as a state minimum code pursuant to O.C.G.A. § 8-2-20 et seq., then the edition adopted by the state shall control. If any of the publications listed in

⁵⁶ **Code 1989, Sec. No. Definitions.** We recommend adding this provision to the section for purposes of comprehensive coverage of the subject matter and internal consistency. *City accepted.*

⁵⁷ **Code 1989, § 5-5. Conflict of regulations.** We recommend changing the language of this provision, for purposes of conformity with the standard MCC code format and for comprehensive coverage of the subject matter. *City accepted.*

section 14-1 are less stringent than the state minimum codes promulgated pursuant to O.C.G.A. § 8-2-20 et seq., the state minimum code shall control.

(b) A copy of each of the publications listed in section 8-2914-1, as adopted by the state, is filed in the city clerk's office and available for review by the public. The same is adopted and incorporated as fully as if set out at length herein, and from the date on which the ordinance from this section is derived shall take effect, the provisions thereof shall be controlling within the corporate limits of the city.

(Code 1989, § 5-5; Ord. No. 225, § A, 1-26-1987)

Secs. 8-6--8-28. Reserved.

ARTICLE II. CODES ADOPTED

Sec. 8-29. ~~Building codes adopted—Building.~~⁵⁸

(a) Unless otherwise provided for by subsequent ordinance or another provision of this Code, the city hereby adopts and incorporates by reference, as if set out at length herein, the latest editions of the state minimum standard codes enumerated in O.C.G.A. § 8-2-20(9)(B), as adopted and amended by the department of community affairs.

- (1) International Building Code, 2012 Edition, with 2014 and 2015 Georgia amendments.
- (2) International Residential Code, 2012 Edition, with 2014 and 2015 Georgia Amendments.
- (3) International Fire Code, 2012 Edition, with Georgia Amendments 2014.
- (4) International Plumbing Code, 2012 Edition, with Georgia Amendments 2014 and 2015 Georgia Amendments.
- (5) International Mechanical Code, 2012 Edition, with Georgia Amendments 2014 and 2015 Georgia Amendments.
- (6) International Fuel Gas Code, 2012 Edition, with Georgia Amendments 2014 and 2015 Georgia Amendments.
- (7) National Electrical Code, 2011 Edition.
- (8) International Energy Conservation Code, 2009 Edition, with Georgia Supplements and Amendments 2011 and 2012.
- (9) International Swimming Pool and Spa Code, 2012 Edition, with Georgia Amendments 2014.
- (10) Sprinkler: City Domestic Sprinkler Installation Code (Ordinance Number 220, latest revision).⁵⁹
- (11) Accessibility (voluntary): Georgia Accessibility Code, Rules and Regulations of the Georgia Safety Fire Commissioner, Chapter 120-3-20, latest revision.
- (12) Industrialized buildings: Industrialized Buildings Rules of Georgia Commissioner of Community Affairs, O.C.G.A. § 110-2, latest revision.
- (13) Manufactured housing: Rules and Regulations of the Georgia Safety Fire Commissioner, Chapter 120-3-7, latest revision.
- (14) Site walls, walks, and drives: City Unified Development Code (UDC), section 4.4.5, or a site-specific

⁵⁸ **Code 1989, § 5-4. Codes adopted—Building.** We recommend modifying the language of this provision in order to adopt by reference more current editions of the state minimum codes, for purposes of conformity with O.C.G.A. §§ 8-2-20(9)(B) ("Definitions") and 8-2-25 ("Certain codes to have state-wide application"). *City accepted.*

⁵⁹ **Code 1989, § 5-4. Codes Adopted--Building.** Subsections 10-14 are not mandatory state codes, but were listed on the Alpharetta, GA website (<http://www.alpharetta.ga.us/docs/default-source/community-dev/buildings-inspections/residential-building-permitting-procedures.pdf>). Please advise if the city wishes to update the versions of these codes or wants to omit them altogether. *City elected to keep them as is.*

drawing by a Georgia architect or professional engineer.

(b) If any of the publications listed in subsection (a) of this section are adopted as a state minimum code pursuant to O.C.G.A. § 8-2-20 et seq., then the edition adopted by the state shall control. If any of the publications listed in subsection (a) of this section are less stringent than the state minimum codes promulgated pursuant to O.C.G.A. § 8-2-20 et seq., then the state minimum code shall control.

(c) A copy of each of the publications listed in subsection (a) of this section, as adopted by the state, is filed in the clerk's office and the building official's office and available for review by the public. The same is adopted and incorporated as fully as if set out at length herein, and from the date on which the ordinance from which this section is derived shall take effect, the provisions thereof shall be controlling within the city.

~~The following codes are hereby adopted by reference as the regulations governing the construction of buildings and other structures in the city, fire prevention, gas, plumbing, mechanical and electrical installations, swimming pools, energy and other matters, copies of which codes shall be kept on file in the city clerk's office and the building official's office for inspection:~~

- ~~— Residential construction. Applies to detached one and two family dwellings and one family townhouses not more than three stories in height and accessory structures located upon residential sites within the city permitted on/after 1/1/2001.~~
- ~~— Administration: In cases of conflict between codes/ordinances, the more restrictive shall apply.~~
 - ~~The Code of the City of Alpharetta, Georgia (10-23-89), latest revision.~~
 - ~~1994 Standard Building Code, Chapter 1 - Administration.~~
 - ~~The Zoning Ordinance of Alpharetta, Georgia (3-9-87), latest revision.~~
- ~~— Building: 1995 CABO 1 and 2 Family Dwelling Code, with 2000 and 2001 Ga. Amendments.~~
- ~~— Mechanical: 1995 CABO 1 and 2 Family Dwelling Code, with 2000 Ga. Amendments.~~
- ~~— Gas piping: 1995 CABO 1 and 2 Family Dwelling Code, with 2000 Ga. Amendments.~~
- ~~— Plumbing: 2000 Standard Plumbing Code, with 2001 Ga. Amendments (International Plumbing Code).~~
- ~~— Electrical: 1999 National Electrical Code, with 2000 Ga. Amendments.~~
- ~~— Energy: 1995 Model Energy Code, with 1997 Ga. Amendments, Reprinted 1/1/2000.~~
- ~~— Sprinkler: City Domestic Sprinkler Installation Code (Ordinance No. 220, latest revision).~~
- ~~— Pools: 1994 Standard Swimming Pool Code, with 1999 Ga. Amendments and without chapter 1, reprinted 1/1/2000.~~
- ~~— Soils erosion: Alpharetta Soil Erosion and Sediment Control Ordinance No. 272, latest revision.~~
- ~~— Accessibility: Georgia Accessibility Code (Ga. Fire Safety Comm. Rules and Regs. 120-3-20).~~
- ~~— Industrialized buildings: Industrialized Buildings Rules of the Georgia Commissioner of Community Affairs OCGA 110-2, latest edition.~~
- ~~— Manufactured housing: Georgia Insurance Fire Commissioner Rules and Regulations for Manufactured Homes, O.C.G.A. § 120-3-7, latest edition.~~
- ~~— Site walls, walks, drives: City standard drawings or site specific drawings by a Georgia Architect or P.E.~~
- ~~— Commercial construction. Applies to all commercial/industrial type construction and their accessory structures not meeting the CABO Code definition of residential construction and for all building plans approved/permitted on or after 1/1/2001.~~

- ~~— Administration: (in cases of conflict between codes/ordinances, the more restrictive shall apply)~~
 - ~~The Code of the City of Alpharetta, Georgia (10-23-89), latest revision.~~
 - ~~1994 Standard Building Code, Chapter 1 Administration.~~
 - ~~The Zoning Ordinance of Alpharetta, Georgia (3-9-87), latest revision.~~
- ~~— Building: 1994 Standard Building Code, with 2000 Ga. Amendments.~~
- ~~— Mechanical: 2000 Standard Mechanical Code with 2001 Ga. Amendment (2000 International Mechanical Code).~~
- ~~— Gas piping: 2000 Standard Gas Code, with 2001 Ga. Amendment (2000 International Gas Code).~~
- ~~— Plumbing: 2000 Standard Plumbing Code, with 2001 Ga. Amendments. (2000 International Plumbing Code).~~
- ~~— Electrical: 1999 National Electrical Code, with 2000 Ga. Amendments.~~
- ~~— Energy: 1995 Model Energy Code, with 1997 Ga. Amendments, Reprinted 1/1/2000.~~
- ~~— Fire safety: 1994 Standard Fire Prevention Code, with 2000 Ga. Amendments; 1997 Life Safety Code (NFPA 101); City Domestic Sprinkler Installation Code Ordinance No. 220, latest revision.~~
- ~~— Pools: 1994 Standard Swimming Pool Code, with 1999 Ga. Amendments and without Chapter 1. Reprinted 1/1/2000.~~
- ~~— Soils erosion: Alpharetta Soil Erosion and Sediment Control Ordinance No. 272, latest revision.~~
- ~~— Accessibility: Georgia Accessibility Code (Ga. Fire Safety Comm. Rules and Regs. 120-3-20).~~
- ~~— Industrialized buildings: Industrialized Buildings Rules of the Georgia Commissioner of Community Affairs OCGA 110-2, latest edition.~~
- ~~— Site walls, walks, drives: City Standard Drawings or site-specific drawings by a Georgia Architect or P.E.~~
- ~~— The International Property Maintenance Code, 2003 Edition, as locally amended, a true and correct copy of which is attached to the ordinance from which this subsection is derived, is hereby adopted as the property maintenance code of the city for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code attached to the ordinance from which this subsection is derived are hereby referred to, adopted and made a part hereof, as if fully set out in this subsection.~~

(Code 1989, § 5-4; Ord. No. 188-A, § 4, 2-28-1983; Ord. No. 247, 9-26-1988; Res. No. 868, 2-19-2001; Ord. No. 533, § 1, 12-15-2003)

Editor's note—There exists a "Design Standards Ordinance," dated May 9, 1988, encompassing the "Williamsburg" look in the business district.

Secs. 8-30--8-46. Reserved.

ARTICLE III. INTERNATIONAL PROPERTY MAINTENANCE CODE

Sec. 8-47. International Property Maintenance Code.

The city adopts, by reference, as if fully set forth herein, the latest edition of the International Property Maintenance Code, as adopted and amended by the state department of community affairs, and as further amended by Ordinance Number 735.

(Ord. No. 735, § 3, 3-20-2017)

Secs. 8-48--8-67. Reserved.

ARTICLE IV. EXCAVATING AND TRENCHING*

***State law reference**--Blasting or excavating near underground gas pipes and utility facilities, O.C.G.A. § 25-9-1 et seq.

Editor's note—Ord. No. 274, §§ 1–10, adopted April 9, 1990, did not specifically amend the Code and at the discretion of the editor said provisions have been included herein as Art. VII, §§ 5-141–5-150.

Sec. 8-68. Definitions.

For the purpose of this article, the following words shall have the following meanings:

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:⁶⁰

~~Certificate~~ means the certificate issued by the City of Alpharetta upon satisfactory completion of a mandatory training/educational program regarding excavation and trenching safety practices, such program to be provided by the City of Alpharetta or other agency sponsored program as recognized by the Alpharetta Fire Chief.⁶¹

~~Certificate holder~~ means the holder of the certificate identified in the definition of "certificate" above.

Excavation means any manmade cavity or depression in the Earth's surface, including its sides, walls, or faces, formed by earth removal and producing unsupported earth conditions by reasons of the excavation. If installed forms or similar structures reduce the depth-to-width relationship, an excavation may become a trench.

OSHA means the U.S. Department of Labor, Occupational Safety and Health Administration, or its successor agency.

Supervisory personnel means any person who has the responsibility for layout, oversight, superintending, directing or controlling of an excavation or trenching site.

Trench means a narrow excavation made below the surface of the ground. In general, the depth is greater than the width, but the width of a trench is not greater than 15 feet.

(Code 1989, § 5-141; Ord. No. 274, § 1, 4-9-1990)

Sec. 8-69. Prohibition.

No individual, partnership, corporation, or other entity of any kind whatsoever shall engage in any excavation or trenching except in compliance with the provisions of this article, and in compliance with any applicable laws of the state or of the United States, or any rules and regulations of the U.S. Department of Labor, Occupational Safety and Health Administration, or any other state or federal governmental entity or department promulgating rules and regulations applicable to excavating and trenching.

(Code 1989, § 5-142; Ord. No. 274, § 2, 4-9-1990)

⁶⁰ **Code 1989, § 5-141. Definitions.** We recommend adding introductory language to this provision for purposes of internal consistency. *City accepted.*

⁶¹ **Code 1989, § 5-141. Definitions ("Certificate").** *City elected to strike provision as no such program exists.*

Sec. 8-70. Adoption of OSHA safety and health regulations.

All safety and health regulations adopted by OSHA with regard to excavating and trenching operations, particularly part 1926, subpart P - Excavations, Trenching, and Shoring, sections 1926.650, 1926.651, 1926.652, and 1926.653 of the Code of Federal Regulations, as the same now exist or may be hereafter amended, are adopted as a part of this article the same as if quoted verbatim herein.

(Code 1989, § 5-143; Ord. No. 274, § 3, 4-9-1990)

~~Sec. 5-144. Certificate required.~~⁶²

~~— No equipment operator or supervisory personnel shall participate in any excavation or trenching or in any way work in an excavation or trench unless such person holds a valid certificate from the City of Alpharetta evidencing satisfactory completion of a required educational program on safe trench/excavation practices. No other person shall participate in or work in any excavation or trenching site unless a certificate holder is present at the excavation or trench site where work is being performed.~~

~~— In the event any person who holds a valid certificate is found to be in violation of the safety standards and requirements on any job site, the certificate may be revoked after notice and hearing as herein provided. In the event of revocation, the certificate may be reinstated one time upon repeat by the person of the educational program required for issuance of the initial certificate.~~

~~(Code 1989, § 5-144; Ord. No. 274, § 4, 4-9-1990)~~

Sec. 8-71. Permit required.

~~(a)~~ No excavating or trenching shall be performed until a permit or authorization for same has been obtained from the city. Any applicant will be required to acknowledge receipt and understanding of safety requirements before any permit will be issued. All such permits shall be conspicuously posted upon the job site.

~~(b) No permit or authorization shall be issued unless an authorized agent of the applicant holds a certificate.~~

~~(Code 1989, § 5-145; Ord. No. 274, § 5, 4-9-1990)~~

Sec. 8-72. Inspection.

The city shall periodically inspect trench/excavation sites. Such inspectors shall, among other things, verify the presence of the required permit, ~~verify existence of required certificates,~~ and verify compliance to OSHA safety standards hereinabove adopted.

~~(Code 1989, § 5-146; Ord. No. 274, § 6, 4-9-1990)~~

Sec. 8-73. Violations.

~~(a) Violations of this article may result in revocation or suspension of any certificate issued hereunder.~~

(a) Violations of this article may result in revocation or suspension of any permit issued hereunder as hereinabove set out.

(b) A notice of violation shall be issued for any deficiency. Upon receipt of such notice, the deficiency shall be corrected immediately.

(c) All excavation and trenching work upon any job site shall cease immediately ~~when there is trench activity by any person who is not a certificate holder, and/or when the deficiencies cannot be corrected immediately, and/or when there is a refusal or failure to correct immediately, and/or when such work is being done without a permit.~~

(d) If deficiencies identified in a notice of violation are not corrected, the building permit, land disturbance permit or any other permit issued by the city may be suspended or revoked for due cause upon the conditions herein identified for revocation of permit.

(e) Flagrant and/or repeated violations shall be reported by the city to OSHA for action by that agency.

⁶² **Code 1989, § 5-144. Certificate required.** *City elected to strike provision as no such program exists.*

(Code 1989, § 5-147; Ord. No. 274, § 7, 4-9-1990)

Sec. 8-74. Appeals.

Any individual, partnership, corporation or other entity whose permit has been suspended or revoked may appeal such suspension or revocation by filing a written notice of appeal with the city clerk. Such appeal must be filed within ten days of the notice of suspension or revocation. The city council shall hear and determine the appeal, and the decision of the council shall be final.

(Code 1989, § 5-148; Ord. No. 274, § 8, 4-9-1990)

Sec. 8-75. Penalties.

~~In addition to the suspension or revocation penalties of section 5-144,~~ Any individual, partnership, corporation or other entity, or any employee of any such entity, who violates any provision of this article shall be punished by a fine not to exceed \$500.00, or by imprisonment for a period not to exceed 30 days, or both. Each day any violation of any provision of this article shall continue shall constitute a separate offense.

(Code 1989, § 5-149; Ord. No. 274, § 9, 4-9-1990)

Sec. 8-76. Miscellaneous provisions.

(a) ~~Severability.~~ The provisions of this article are severable, and if any provision or section is determined to be invalid by a court of competent jurisdiction, the remaining provisions of this article shall remain in full force and effect.

(b) ~~Effective date; conflicts.~~ This article shall become effective immediately upon it's the adoption of the ordinance from which this article is derived. All ordinances or parts of ordinances in conflict with this article are hereby repealed. The provisions of this article are not intended to abrogate or eliminate other requirements which may be set forth in the zoning ordinance, the subdivision regulations, the design standards and similar ordinances; provided, however, where the provisions of this article impose greater requirement, the provisions of this article shall govern.

(Code 1989, § 5-150; Ord. No. 274, § 10, 4-9-1990)

Secs. 8-76--8-95. Reserved.

ARTICLE VIII. WATER CONSERVING PLUMBING DEVICES-HIGH-EFFICIENCY PLUMBING FIXTURES^{*63}

***State law reference**--Water efficiency requirements, O.C.G.A. § 8-2-1 et seq.; flow rate restrictions on plumbing fixtures, O.C.G.A. § 8-2-3.

Editor's note--Ordinance No. 280, adopted Jan. 28, 1991, did not specifically amend the Code; hence, inclusion of §§ 1-7, 10 as Art. VIII, §§ 5-181-5-188, was at the discretion of the editor.

Sec. 8-96. Purpose.

It is the purpose of this article to require the use of ultra-low-flow fixtures in all new construction, or when replacing plumbing fixtures during renovation or remodeling of existing buildings, and to require the labeling of plumbing fixtures with information regarding flow rates for the purpose of conserving water, to maintain the integrity of drinking water supplies and to reduce wastewater flows.

(Code 1989, § 5-181; Ord. No. 280, § 1, 1-28-1991)

Sec. 8-97. Definitions.

The following words shall have the attached definitions within the context of this ordinance:

⁶³ **Code 1989, Ch. 5, Article VIII. Water Conserving Plumbing Devices.** We recommend changing the name of this article to "High-Efficiency Plumbing Fixtures" for purposes of subject matter consistency and to conform to O.C.G.A. § 8-2-3. *Change accepted.*

(a) 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 indicates a different meaning.⁶⁴

Commercial building means any type of building other than residential.

Plumbing fixtures. ~~Any toilet, urinal, showerhead, bathroom lavatory and kitchen faucet, and replacement aerators,~~ means a device that receives water, waste, or both, and discharges the water, waste, or both into a drainage system. The term "plumbing fixture" includes a kitchen sink, utility sink, lavatory, bidet, bathtub, shower, urinal, toilet, water closet, or drinking water fountain.⁶⁵

Residential building means any building or unit of a building intended for occupancy as a dwelling, but shall not include a hotel or motel.

Toilet ~~Any fixture consisting of a water flushed bowl and a seat, used for the disposal of human waste.~~ means a water closet.⁶⁶

Urinal means any fixture consisting of a water-flushed bowl used for the disposal of human waste.

Water closet means a fixture with a water-containing receptor that receives liquid and solid body waste, and on actuation, conveys the waste through an exposed integral trap into a drainage system.⁶⁷

(b) The definitions set forth in O.C.G.A. § 8-2-3 (high-efficiency plumbing fixtures), shall be effective as definitions of the words, terms and phrases used in this article. All words, terms and phrases used herein, other than those specifically defined elsewhere in this article, shall have the respective meanings ascribed to them in O.C.G.A. § 8-2-3, and shall have the same scope and effect that the same words, terms and phrases have where used in O.C.G.A. § 8-2-3.⁶⁸

(Code 1989, § 5-182; Ord. No. 280, § 2, 1-28-1991)

Sec. 8-98. Standards.⁶⁹

(a) No plumbing fixture shall be installed which does not meet the standards listed in this section or the state minimum plumbing code, whichever is stricter. This includes all plumbing fixtures installed in newly constructed buildings or when replacing plumbing fixtures during remodeling or renovations of existing buildings, except as noted in section 8-9934-105.

(b) The standards are as follows:

(1) A water closet or toilet that:

a. Is a dual flush water closet that meets the following standards:

1. The average flush volume of two reduced flushes and one full flush may not exceed 1.28 gallons;
2. The toilet meets the performance, testing, and labeling requirements prescribed by the following standards, as applicable:
 - (i) American Society of Mechanical Engineers Standard A112.19.2-2008; and

⁶⁴ **Code 1989, § 5-182. Definitions.** We recommend adding introductory language to this provision for purposes of internal consistency. *Change accepted.*

⁶⁵ **Code 1989, § 5-182. Definitions ("Plumbing fixtures").** We recommend modifying the language of this provision to conform to O.C.G.A. § 8-2-3. *Change accepted.*

⁶⁶ **Code 1989, § 5-182. Definitions ("Toilet").** *Id.* *Change accepted.*

⁶⁷ **Code 1989, § 5-182. Definitions ("Water Closet").** We recommend adding this definition to conform with O.C.G.A. § 8-2-3. *Change accepted.*

⁶⁸ **Code 1989, § 5-182. Definitions.** We recommend adding this language to the provision, for purposes of conformity with O.C.G.A. § 8-2-3. *Change accepted.*

⁶⁹ **Code 1989, § 5-183. Standards.** We recommend adding this language to the provision, for purposes of conformity with O.C.G.A. § 8-2-3. *Change accepted.*

- (ii) American Society of Mechanical Engineers Standard A112.19.14-2006, Six-Liter Water Closets Equipped with a Dual Flushing Device; and
- 3. Is listed to the WaterSense™ Tank-Type High Efficiency Toilet Specification; or
- b. Is a single flush water closet, including gravity, pressure-assisted, and electro-hydraulic tank types, that meets the following standards:
 - 1. The average flush volume may not exceed 1.28 gallons;
 - 2. The toilet must meet the performance, testing, and labeling requirements prescribed by the American Society of Mechanical Engineers Standard A112.192/CSA B45.1 or A112.19.14; and
 - 3. The toilet must be listed to the WaterSense™ Tank-Type High Efficiency Toilet Specification;
- (2) A shower head that allows a flow of no more than an average of 2 1/2 gallons of water per minute at 60 pounds per square inch of pressure;
- (3) A urinal and associated flush valve that:
 - a. Uses no more than one-half gallon of water per flush;
 - b. Meets the performance, testing, and labeling requirements prescribed by the American Society of Mechanical Engineers Standard A112.19.2/CSA B45.1;
 - c. For flushing urinals, meets all WaterSense™ specifications for flushing urinals; and
 - d. Where non-water urinals are employed, complies with American Society of Mechanical Engineers Standard A112.19.3/CSA B45.4 or American Society of Mechanical Engineers Standard A112.19.19/CSA B45.4. Non-water urinals shall be cleaned and maintained in accordance with the manufacturer's instructions after installation. Where non-water urinals are installed, they shall have a water distribution line roughed-in to the urinal location at a minimum height of 56 inches (1,422 millimeters) to allow for the installation of an approved backflow prevention device in the event of a retrofit. Such water distribution lines shall be installed with shut-off valves located as close as possible to the distributing main to prevent the creation of dead ends. Where non-water urinals are installed, a minimum of one water-supplied fixture rated at a minimum of one water supply fixture unit shall be installed upstream on the same drain line to facilitate drain line flow and rinsing;
- (4) A lavatory faucet or lavatory replacement aerator that allows a flow of no more than 1 1/2 gallons of water per minute at a pressure of 60 pounds per square inch in accordance with American Society of Mechanical Engineers Standard A112.18.1/CSA B.125.1 and listed to the WaterSense™ High-Efficiency Lavatory Faucet Specification; and
- (5) A kitchen faucet or kitchen replacement aerator that allows a flow of no more than two gallons of water per minute.

~~No plumbing fixture shall be installed which does not meet the standards listed in subsection (1). This includes all plumbing fixtures installed in newly constructed buildings or when replacing plumbing fixtures during remodeling or renovation of existing buildings, except as noted in section 5-185.~~

~~— All plumbing fixtures installed under the provisions of this article shall not exceed the following maximum water use rates:~~

~~— Toilets, gallons per flush 1.6~~

~~— Urinals, gallons per flush 1.0~~

~~— Showerhead, gallons per minute 2.5~~

~~— Kitchen faucets, gallons per minute 2.5~~

~~— Bathroom and lavatory faucets, gallons per minute 2.0~~

~~— The flow restriction device in a showerhead must be a permanent and integral part of the~~

~~showerhead and must not be removable to allow flow rates in excess of that stated in this article.~~

~~— Lavatory faucets located in restrooms intended for use by the general public shall be of the metering or self-closing type, in addition to the flow requirements listed in this article.~~

(Code 1989, § 5-183; Ord. No. 280, § 3, 1-28-1991)

Sec. 5-184. Product labeling.⁷⁰

~~All toilets, urinals, showerhead and faucets shall be clearly labeled by the manufacturer to indicate the maximum flow rate or water usage of the fixture. The water use rate of the fixture shall be certified by the manufacturer based on independent test results and using sixty (60) psi for showerhead. The label shall be affixed to the fixture and remain there until the proper building and/or plumbing inspections have been conducted. Also, the product packaging must be clearly marked to identify water use rates when offered for retail sale.~~

~~(Code 1989, § 5-184; Ord. No. 280, § 4, 1-28-1991; Ord. No. 285, § 1, 5-13-1991)~~

Sec. 8-99. Exceptions.⁷¹

New construction and the repair or renovation of an existing building shall be exempt from the requirements of this article when:

- (1) The repair or renovation of the existing building does not include the replacement of the plumbing or sewage system servicing toilets, faucets or showerheads within such existing buildings;
- (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 showerheads required by this part 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 persons with disabilities;
 - b. Specifically designed to withstand unusual abuse or installation in a penal institution; or
 - c. Toilets for juveniles.

~~The following fixture uses or applications shall be exempt from the standards of this article:~~

- ~~— Showers and faucets installed for safety purposes, such as emergency eye wash stations, etc.~~
- ~~— Plumbing fixtures specifically designed for use by the physically handicapped.~~
- ~~— Fixtures specifically designed to withstand unusual abuse or for installation in correctional facilities which may require more water for proper operation.~~
- ~~— Instances of building renovation where significant plumbing modifications would be required to accommodate the lower flows or for specialized purposes which cannot be accommodated by existing technology. Exceptions under subsection 3(d) must be obtained from the chief building official.~~

~~(Code 1989, § 5-185; Ord. No. 280, § 5, 1-28-1991)~~

Sec. 8-100. Penalties for violation.

(a) Any person who violates any provision of this article shall be subject to a fine not to exceed \$500.00 for each violation. Each violation shall constitute a separate offense and each day that such violation continues shall

⁷⁰ **Code 1989, § 5-184. Product Labeling.** We recommend striking this provision as the same subject matter is covered under § 5-183(1)(A)(ii), (1)(B)(ii), and (3)(B). *Change accepted.*

⁷¹ **Code 1989, § 5-185. Exceptions.** We recommend adding this language to the provision, for purposes of conformity with O.C.G.A. § 8-2-3. *Change accepted.*

constitute a separate offense.

(b) Any building or plumbing contractor, or any builder, or any contractor, or any developer who violates the provisions of this article shall be subject to suspension of his business license for a period not to exceed 90 days. (Code 1989, § 5-186; Ord. No. 280, § 6, 1-28-1991)

Sec. 8-101. Compliance and enforcement.

In addition to the penalty provided in section ~~8-1005-186~~, the city may take other actions as described below to compel compliance, and may maintain an action or proceeding in any court of competent jurisdiction to compel compliance with, or restrain any violation of, this article:

- (1) Compliance with the requirements for installation and labeling at the time of installation in section ~~8-985-183~~ shall be determined by the chief building official, and compliance shall be a condition for receipt of any certificate of occupancy.
- (2) The city (or the county in those areas where the county provides water service) may deny any service connections to an establishment which does not comply with the standards set forth in section ~~8-985-183~~.
- (3) Compliance with the requirement in section ~~8-985-184~~, regarding the labeling of plumbing fixtures offered for retail sale, shall be determined by the chief building official. The city shall have access to all establishments which offer for retail sale or sell plumbing fixtures at retail for the purposes of determining compliance with section ~~8-985-184~~.

(Code 1989, § 5-187; Ord. No. 280, § 7, 1-28-1991)

~~Sec. 5-188. Effective date.~~⁷²

~~This article shall be effective April 1, 1992, for residential buildings and July 1, 1992, for commercial buildings.~~

~~(Code 1989, § 5-188; Ord. No. 280, § 10; 1-28-1991; Ord. No. 285, § 2, 5-13-1991)~~

Secs. 8-102--8-134. Reserved.

ARTICLE VI. MOVING OF BUILDINGS

Sec. 8-135. Permit--Required; application; investigation.

(a) Required. It shall be unlawful for any person to move or cause to be moved any building in, into, through, or from the city without first obtaining a permit therefor from the building official. Such permit shall be known as a house moving permit.

(b) Application for permit. Any person desiring such a permit shall file with the building official an application therefor in writing on a form to be furnished by the city for that purpose. Such application shall specify the following:

- (1) The character and size of the building to be moved;
- (2) The reason for moving;
- (3) The use, purpose and occupancy for which such building or structure is to be used;
- (4) The location from which and to which such building is to be moved;
- (5) A plot plan showing the proposed location of the building upon the property to which such building is to be moved, provided such location is in the city;
- (6) The streets on, over or through which it is desired to move such building;

⁷² **Code 1989, § 5-188. Effective date.** We recommend you strike this provision as no longer necessary. *Change accepted.*

(7) Whether the building conforms to the zoning laws in the location to which it is to be moved in the city.

(c) Investigation. Upon the filing of the application, the building official shall investigate the building and determine action thereon.

(Code 1989, § 5-38; Ord. No. 207-A, §§ 1--3, 3-25-1985)

Sec. 8-136. Same--Terms and conditions.

When a house moving permit is granted, such terms and conditions as may be deemed reasonable and proper may be imposed, including, but not limited to, the public streets or other public property in the city on, over or through which the building or structure shall be moved, and the requirements of changes, alterations, additions or repairs to be made to or upon the building or structure, to the end that the relocation thereof will not be materially detrimental or injurious to public safety or to public welfare or to the property and improvements, or either, in the district to which it is to be moved. Such terms and conditions shall be written upon the permit or appended in writing thereto.

(Code 1989, § 5-39; Ord. No. 207-A, § 5, 3-25-1985)

Sec. 8-137. Same--Denial.

No permit shall be issued to move any building or structure which, in the opinion of the building official:

- (1) Is so constructed or in such condition as to be dangerous;
- (2) Is infested with pests or is unsanitary;
- (3) If it is a dwelling or habitation, is unfit for human habitation;
- (4) Is so dilapidated, defective, unsightly or in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the district within a radius of 3,000 feet from the proposed site;
- (5) ~~If the proposed use~~ Is prohibited by the zoning laws of the city;
- (6) ~~If the structure~~ Is of a type prohibited at the proposed location by any ordinance of the city;
- (7) ~~If the structure~~ Fails to meet the minimum standards of the city building construction code in force and effective at the time such application for permit is applied for; or
- (8) ~~If~~ The moving of the building or structure causes unreasonable damage to the trees, plants and shrubs on and along the public streets.

Provided, however, that if the condition of the building or structure, in the judgment of the building official, admits of practicable and effective repair, the permit may be issued upon the terms and conditions as set forth herein.

(Code 1989, § 5-40; Ord. No. 207-A, § 4, 3-25-1985)

Sec. 8-138. Same--Issuance.

The building official shall approve the issuance of a house moving permit when all the necessary requirements and conditions of this article have been complied with. It then shall be the duty of the city clerk to issue the permit.

(Code 1989, § 5-41; Ord. No. 207-A, § 12, 3-25-1985)

Sec. 8-139. Same--Suspension or revocation.

The building official, at any time, for sufficient cause, may revoke or suspend any permit granted under this article.

(Code 1989, § 5-42; Ord. No. 207-A, § 13, 3-25-1985)

Sec. 8-140. Inspection fee and permit fee.⁷³

(a) An inspection fee in the sum of \$100.00 shall be paid to the building official upon the filing of each application for a house moving permit.

(b) A permit fee in the sum of \$25.00 shall be paid to the director of finance upon the issuance of each house moving permit.

(Code 1989, § 5-43; Ord. No. 207-A, § 11, 3-25-1985)

Sec. 8-141. Estimate of cost; deposit.

The applicant shall also deposit with the city clerk a cash deposit sufficient to cover the cost to the city, as estimated by the building official, of trimming, moving, removing or replanting of trees or shrubs, and of moving, removing, or displacing any pole or other structure supporting any wires, cables or other equipment belonging to the city or the cutting, displacing or changing the location of any wire, cable or other equipment upon such poles or structures belonging to the city.

(Code 1989, § 5-44; Ord. No. 207-A, § 6, 3-25-1985)

Sec. 8-142. Liability insurance.

(a) Every person moving a building in the city shall file with the city clerk a liability insurance policy issued by a solvent corporation holding a certificate of authority to do insurance business in the state, which policy shall conform in all respects to the requirements of this section.

(b) In lieu of filing the insurance policy herein referred to, a certificate of insurance issued by an insurance corporation may be filed. The certificate must show that a policy meeting the requirements of this section has been issued, and shall set forth the expiration date of such policy.

(c) The liability policy required under this section shall insure the person moving a building against loss from the liability imposed by law for injury to, or death of, any person, or damage to any property growing out of the moving of such building to the amount or limit of:

- (1) \$500,000.00, exclusive of interest and costs, on account of injury to, or death of, any one person;
- (2) \$1,000,000.00, exclusive of interest and costs, on account of moving any one building resulting in injury to or death of more than one person; and
- (3) \$250,000.00 for damage to property of others, resulting from moving any one building.

(Code 1989, § 5-45; Ord. No. 207-A, § 7, 3-25-1985)

Sec. 8-143. Owner's completion bond or cash deposit--General conditions.

(a) Prior to the issuance of a permit to move a building, the owner or lessee of the property upon which the building is to be located shall file with the building official a corporate surety bond, conditioned as follows: that all of the work required to be done to complete the relocation, alteration and reconstruction of the building pursuant to the conditions of the permit shall be fully performed and completed within a reasonable time to be specified by the building official in the permit. Such bond shall be in a principal amount equal to the estimated cost of the work proposed to be done plus ten percent thereof, and shall name the city as obligee, and shall be in a form approved by the city attorney.

(b) In lieu of furnishing such a corporate surety bond, the owner or lessee may post a cash deposit in the amount of such bond.

(c) An extension of time for such completion may be granted in writing by the building official when, in the building official's discretion, circumstances shall so justify, but no such extension shall release any surety or other

⁷³ **Code 1989, § 5-43. Inspection and permit fee.** We recommend making this section more generic for purposes of internal consistency and for ease of modification. *City elected to keep fee provision as is.*

security.

(Code 1989, § 5-46; Ord. No. 207-A, § 8, 3-25-1985)

Sec. 8-144. Same--Specific conditions.

(a) Prior to the issuance of a permit to move a building, the owner or lessee of the property from which the building is to be moved shall file with the building official a bond or other form of security in favor of the city conditioned as follows:

- (1) Before any work is started on a building or structure, the permittee or the permittee's authorized agent shall notify the appropriate utilities in order that all gas, water, electric and oil pipelines that are to be disconnected from the building may be securely capped and sealed.
- (2) Immediately after the moving of any building or structure, the permittee or the permittee's authorized agent shall securely barricade all basement excavations and other holes or openings.
- (3) Within ten days after moving of any building or structure, the permittee or the permittee's authorized agent shall complete the following work:
 - a. Securely close and seal any sanitary piping located on the property.
 - b. Fill with dirt or sand any septic tanks or cesspools located on the property.
 - c. Fill any openings, excavations or basements remaining on the land with dirt or sand to street level or the natural level of adjoining property, unless otherwise directed by the building official.
 - d. Remove any buried underground tanks formerly used for storage of flammable liquids.
 - e. Remove all refuse, debris and waste materials from the property.

(b) The bond required by this section shall be in an amount equal to the cost of the work proposed to be done, as estimated by the building official.

(c) The bond may be in the form of a corporate surety bond, cash deposit, savings and loan certificate, or an instrument of credit.

(d) An extension of time for completion of the work required by this section may be granted by the building official when, in such official's discretion, circumstances justify such an extension, but no such extension shall release any bond or other security furnished pursuant to this section.

(Code 1989, § 5-47; Ord. No. 207-A, § 9, 3-25-1985)

Sec. 8-145. Same--Site preparation.

(a) Prior to the issuance of a permit to move a building, the owner or lessee of the property upon which the building is to be moved shall file with the building official such person's affidavit and a bond or other form of security in favor of the city, conditioned as follows:

- (1) Before any work is started on a building or structure to actually move the same onto the site, that the permittee or the permittee's authorized agent has completed fully all required work of site preparation, including, but not limited to, clearing and grading of the land, foundation and supports for the structure and other related preparatory work in accordance with the standards set forth in the city building code as they apply to the type of structure permitted; that the appropriate utility companies have been notified in order that all gas, water, electric and oil pipelines that may be effected or damaged around the site will be disconnected, securely capped and sealed during the time required for the move.
- (2) Immediately during site preparation and until the structure is permanently in place, the permittee or the permittee's authorized agent shall securely barricade all basement excavations and other holes or openings on the property.
- (3) Within ten days after the moving of any building or structure onto the land, the permittee or the permittee's authorized agent shall complete the following work:
 - a. Finish all building foundation work according to approved plans and specifications.

- b. Have all utilities necessary for the required changes, alterations, additions or repairs to be made turned on and readily available to the structure.
- c. Remove all moving equipment, refuse, debris and waste materials used in the move to the property.

(b) The bond required by this section shall be in an amount equal to the cost of the work proposed to be done, as estimated by the building official.

(c) The bond may be in the form of a corporate surety bond, cash deposit, savings and loan certificate, or an instrument of credit.

(d) An extension of time for completion of the work required by this section may be granted by the building official when, in such official's discretion, circumstances justify such an extension; but no such extension shall release any bond or other security furnished pursuant to this section.

(Code 1989, § 5-48; Ord. No. 207-A, § 10, 3-25-1985)

Sec. 8-146. Control and supervision.

Every building which is moved on, over or through any public street, way or park in the city shall be under the control of the building official and every such building shall be moved in a careful manner and the work shall be prosecuted with diligence and to the satisfaction and approval of the building official. This section in no way relieves the person having charge of the moving of any building of such person's obligation to furnish proper supervision.

(Code 1989, § 5-49; Ord. No. 207-A, § 14, 3-25-1985)

Sec. 8-147. Notice to city departments.

Notice must be given by the person to whom the permit is issued, or such person's representative, to both the department of public works and the police department of the city not less than 36 hours, nor more than 48 hours, before the actual work of moving a building or structure is to commence.

(Code 1989, § 5-50; Ord. No. 207-A, § 15, 3-25-1985)

Sec. 8-148. Default in performance of conditions.

(a) Whenever a default has occurred in the performance of any term or condition of any permit, written notice thereof shall be given to the permittee by the building official, such notice to state the work to be done, the estimated cost thereof, and the period of time deemed to be reasonably necessary to complete such work. After receipt of such notice, the permittee must, within the time therein specified, either cause the work to be done or pay over to the city clerk the estimated cost of doing the work, as set forth in the notice, plus ten percent of such estimated cost. Upon receipt of notice from the city clerk that the permittee has deposited such money, the building official shall cause the required work to be performed and completed.

(b) If the permittee defaults, the city shall have the option, in lieu of completing the work required, to demolish the building or structure or to clear, clean and restore the site ~~or sites~~.

(Code 1989, § 5-51; Ord. No. 207-A, § 16, 3-25-1985)

Sec. 8-149. Approval of route.

The streets over which any building or structure is to be moved must be approved by the building official and the chief of police.

(Code 1989, § 5-52; Ord. No. 207-A, § 17, 3-25-1985)

Sec. 8-150. Obstructing streets.

No person owning or having charge of the moving of any building into, on, over, through, or from any public street, way or park in the city, shall permit such building to remain in any one location on any such street, way or park for a period longer than 24 hours, except by written permission obtained from the chief of police, or to obstruct traffic on any state or federal roadway.

(Code 1989, § 5-53; Ord. No. 207-A, § 18, 3-25-1985)

Sec. 8-151. Lights and barricades.

The person having charge of the moving of any structure shall maintain proper lights and barricades whenever such structure is on any public street, way or park during the hours of darkness; but such structure shall not be allowed to remain on any state or federal roadway within the corporate limits of the city after dark.

(Code 1989, § 5-54; Ord. No. 207-A, § 19, 3-25-1985)

Sec. 8-152. Wires and structural supports.

(a) In the event that the moving of any building for which a permit shall have been granted hereunder makes it necessary to move, remove or displace any pole or other structure supporting the wires, cables or other equipment of any public utility, cable television company or of the city or to cut, displace or change the location of any wire, cable or other equipment upon such pole or structure, the person to whom such permit has been granted, or such person's authorized representative, shall obtain permission in writing from the owner of such pole or structure or the wires, cables or other equipment thereon, and shall notify such owner at least 48 hours prior to the time that the moving of such building will necessitate the removal of such obstructions.

(b) The person to whom the permit is granted shall not, at the expiration of such time of notice or at any time, cut, move or in any way disturb such public utility, cable television company or city property; and such work shall be done only by the authorized workers of the utility, cable television company or the city, whichever is the owner.

(c) The person to whom such permit is granted shall pay to such public utility, cable television company, or to the city, as the case may be, any and all costs or expense for the removal, rearrangement or replacement of any pole or structural support of wires, cables or equipment thereon or of any damage to such property.

(Code 1989, § 5-55; Ord. No. 207-A, § 20, 3-25-1985)

Sec. 8-153. Trees, plants and shrubs.

(a) In the event that the moving of any building for which a permit shall have been granted hereunder makes it necessary to trim, move, remove or replant any tree, plant or shrub belonging to or under the control of the city, the person to whom such permit has been granted, or the person's authorized representative, shall notify the building official at least 48 hours prior to the time that the moving of such building will necessitate the removal of such obstructions.

(b) The person to whom such permit is granted shall not, at the expiration of such time of notice or at any time, trim, mow, remove, replant or otherwise disturb said trees, plants or shrubs; and such work shall be done only by the authorized workers of the city, unless otherwise approved and so ordered by the building official.

(c) The person to whom such permit is granted shall pay to the city any and all costs or expense for the trimming, moving, removing or replanting of any trees, plants or shrubs or of any damage thereto.

(Code 1989, § 5-56; Ord. No. 207-A, § 21, 3-25-1985)

Sec. 8-154. Repairs to public property.

In the event that the moving of any building for which a permit shall have been granted hereunder causes damage to the public streets or other public property, in addition to any other remedies the city may have, the building official may cause such damage to be repaired and the cost thereof shall be deducted from the deposit required herein, or the building official may require the person to whom such a permit has been granted, or such person's authorized representative, upon written notification from the building official, to make all necessary repairs to such streets or property; provided, however, that should such person to whom the permit has been granted, and to whom such notice has been given, or such person's authorized representative, fail to make such necessary repairs within the period of time designated in such written notice, the said building official may cause such necessary repairs to be made and the cost thereof deducted from the deposit required herein.

(Code 1989, § 5-57; Ord. No. 207-A, § 22, 3-25-1985)

Sec. 8-155. Refunding of deposits.

When the moving of any building for which a permit has been granted is completed, and all damage to public

streets or other public property has been repaired to the satisfaction of the building official, and all costs of repairing damage or performing other work as provided herein have been paid, ~~and the deposit as required by section 8-1435-46,~~ or such portion thereof then remaining unused under the provisions of this article, shall be refunded upon surrender of the deposit receipt representing such money so deposited. Should the cost, however, of repairing damages and/or performing other work as in this article provided, exceed the total amount of money deposited, the person to whom such permit was granted shall be held liable for the amount of damage and/or other cost which is in excess of the amount deposited, and it shall be the duty of the city clerk, upon receipt of the request from the director of public works, to collect such part of the claim which is in excess of the deposit from the person to whom the permit was granted; and no occupancy permit for the structure or property shall issue until such delinquency excess is paid in full.

(Code 1989, § 5-58; Ord. No. 207-A, § 23, 3-25-1985)

Secs. 8-156--8-178. Reserved.

ARTICLE VII. PERMITS

Sec. 8-179. Building permit--Required.

It shall be unlawful to construct any building or structure, other than a fence, in the city where the cost of such construction exceeds \$100.00 or to alter or remodel any building or structure so as to change the bearing walls, beams, supports or the roof thereof, without having first secured a permit therefor, or in violation of the terms of such permit, or in violation of the terms of this chapter.

(Code 1989, § 5-6; Ord. No. 188-A, § 1, 2-28-1983)

Sec. 8-180. Same--Plans.

No permit shall be issued for the construction of any building or structure or for remodeling or repairing affecting bearing walls, roofs other than resurfacing, or chimneys, or for moving a building onto premises in the city, unless the application is accompanied by a plat or sketch of the proposed location showing lot boundaries, and by plans and specifications showing the work to be done. Such plans shall bear the seal or signature of a licensed architect or the person preparing the same.

(Code 1989, § 5-7; Ord. No. 188-A, § 2, 2-28-1983)

Sec. 8-181. Compliance with other regulations.

All work done under any permit issued shall be in full compliance with the zoning ordinance, the water ordinance, ordinances pertaining to street excavations and all other ordinances pertaining thereto.

(Code 1989, § 5-8; Ord. No. 188-A, § 3, 2-28-1983)

Sec. 8-182. Stop order.

(a) Whenever any work is being done in violation of the provisions of this chapter, or in variance with the terms of any permit issued for such work, the building official may order all work on the job stopped until such violation or variance is eliminated and any work or installation made in violation of this chapter corrected. Such stop order, if oral, shall be followed by a written stop order within 24 hours (excluding Saturdays, Sundays and holidays).

(b) It shall be unlawful to do or perform any work in violation of such stop order, except as may be necessary to prevent injury to persons or damage to property.

(c) Such stop order may be revoked by the building official, the mayor, or the council.

(Code 1989, § 5-9; Ord. No. 188-A, § 7, 2-28-1983)

Sec. 8-183. Certificate of occupancy.

No certificate of occupancy for any building or structure erected, altered or repaired shall hereafter be issued unless such building or structure was erected, altered or repaired in compliance with the provisions of this chapter.

(Code 1989, § 5-10; Ord. No. 188-A, § 9, 2-28-1983)

Sec. 8-184. Responsibility for compliance with city ordinance, building and construction codes, construction standards, etc.

(a) *Party responsible for compliance.* The responsibility for compliance with all ordinances, building and construction codes, construction standards, and other authorities shall rest with the owner, developer, contractor or other party engaging in construction or land disturbance activity.

(b) *City inspections and considerations for permits not exhaustive.* City inspections provide the city with a preliminary review of construction and land disturbance activity within the city. These inspections, however, are not exhaustive and the city does not make exhaustive or continuous on-site inspections of buildings, construction and land disturbance activity.

(c) *City not responsible for construction means and methods.* The city does not have control over and shall not be responsible for any construction and land disturbance means, methods, techniques, sequences, procedures or safety precautions. Moreover, the city shall not be responsible for any contractor's failure to carry out any work in accordance with city ordinances, applicable building and construction codes, construction standards, plat approval or other applicable authorities.

(d) *Issuance of permit or certificate of occupancy.* The city's issuance of a building, land disturbance or other permit or certificate of occupancy or other grant or approval shall in no way be a warrant by the city that it has made an exhaustive or continuous on-site inspection of the premises or that it has reviewed the construction means, methods, techniques, sequences, procedures or safety precautions of the construction. In addition, the issuance of a building permit shall not relieve any person from responsibility for complying with the city's ordinances, applicable building and construction codes, construction standards or other applicable authorities.

(Code 1989, § 5-11; Ord. No. 270, §§ 1--4, 2-12-1990)

~~**Editor's note**—Ord. No. 270, §§ 1–4, adopted Feb. 12, 1990, did not specifically amend the Code and at the discretion of the editor said provisions have been included herein as § 5-11.~~

Chapter 9
RESERVED

PROOFS

Chapter 10
BUSINESSES AND BUSINESS REGULATIONS
ARTICLE I. IN GENERAL

Secs. 10-1--10-18. Reserved.

ARTICLE II. ADULT BOOKSTORES*⁷⁴

***State law reference**--Governing authority has power to enact legislation to restrict operation of adult bookstores, explicit media outlets, and adult movie houses to areas zoned for commercial or industrial purposes, O.C.G.A. § 36-60-3.

Editor's note ~~Inasmuch as there are already provisions designated as article VI, and at the discretion of the editor, the provisions of sections 12-185--12-191 have been redesignated as article VI.I.~~

Sec. 10-19. Findings.

(a) The mayor and council find, based upon an October, 1980, study by the Minnesota Crime Prevention Center, Inc., Minneapolis, Minnesota, entitled "An Analysis of the Relationship Between Adult Entertainment Establishments, Crime and Housing Values," that adult bookstores are significantly related to diminishing market values of neighboring residential areas, that adult bookstores should not be located in residential areas, and that adult bookstores should be permitted only in locations that are at least one-tenth-mile, or approximately 500 feet, from residential areas.

(b) The mayor and council further find, based upon a June, 1978, study by the division of planning of the St. Paul, Minnesota Department of Planning and Economic Development and the community crime prevention project of the Minnesota Crime Control Planning Board entitled "Effects on Surrounding Area of Adult Entertainment Businesses in Saint Paul," that the presence of adult bookstores correlates with a decreasing market value of neighboring residential areas. The mayor and council also find that adult bookstores tend to locate in areas of poorer residential condition, and that more than two adult entertainment businesses in an immediate area is associated with a statistically significant decrease in residential property market value, and that such a concentration of adult entertainment businesses in a given area should be discouraged. The mayor and council also find that such worsening of residential conditions will adversely affect uses found in residential areas or in the proximity of residential areas, such as public recreational facilities, public or private institutional uses, churches, schools, universities, colleges, trade schools, libraries, and day care centers.

(c) The mayor and council further find, based upon a May 19, 1986, land use study conducted in Austin, Texas, that an adult bookstore within one block of a residential area decreases the market value of homes, that adult bookstores are considered a sign of decline by lenders, making underwriters hesitant to approve the 90 to 95 percent financing many home buyers require, and that patrons of adult bookstores tend to be from outside the immediate neighborhood in which the adult bookstore is located.

(d) The mayor and council further find, based upon a March 3, 1986, study conducted by the Oklahoma City, Oklahoma Community Development Department entitled "Adult Entertainment Businesses in Oklahoma City--A Survey of Real Estate Appraisers," that an adult bookstore will have a negative effect on residential property market values if it is located closer than one block to residential uses.

(e) The mayor and council further find, based upon a 1983 study conducted in Indianapolis, Indiana, that real estate appraisers there overwhelmingly (80 percent) felt that an adult bookstore located in a neighborhood would have a negative impact on residential property values within one block of the site. Furthermore, a 1984 study

⁷⁴ **Code 1989, Ch. 12, Article VI.I. Adult Bookstores.** We recommend moving the article to appear with the "Businesses and Business Regulations" chapter for purposes of subject matter consistency. *Change accepted.*

entitled "Adult Entertainment Businesses in Indianapolis" found that areas with sexually-oriented businesses had higher crime rates than similar areas with no sexually-oriented businesses.

(Code 1989, § 12-185; Ord. No. 387, § 1, 4-7-1997)

Sec. 10-20. Intent.

(a) It is the intent of this article to regulate the place of operation of adult bookstores as defined herein. This article is intended to be a carefully tailored regulation to minimize the adverse land use impacts caused by the undesirable secondary effects of adult bookstores. The mayor and council find that restricting adult bookstores to industrially zoned areas and imposing development standards can legitimately regulate adult bookstores by establishing zones where adult bookstores are most compatible with other uses or the surrounding neighborhood, and by requiring minimum distances to be maintained between adult bookstore uses and other uses, so as to afford the most protection to residential uses.

(b) It is not the intent of the mayor and council, in enacting this article, to deny to any person rights to speech protected by the state constitution or the United States ~~or Georgia~~ Constitution, nor is it the intent to impose any additional limitations or restrictions on the contents of any communicative materials, including sexually-oriented films, videotapes, books, or other materials. Further, the mayor and council do not intend to deny or restrict the rights of any adult to obtain or view any sexually-oriented materials protected by the United States Constitution or the state constitution, nor do they intend to restrict or deny any constitutionally protected rights that distributors or exhibitors of such sexually-oriented materials may have to sell, distribute, or exhibit such constitutionally protected materials. Finally, in the enactment of this article, the mayor and council intend to adopt a content neutral measure to address the secondary effects of adult bookstores.

(Code 1989, § 12-186; Ord. No. 387, § 2, 4-7-1997)

Sec. 10-21. Definitions.

The following terms used in this article shall have the meanings indicated below:

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:⁷⁵

Adult bookstore means any commercial establishment in which is offered for sale any book or publication, film, or other medium which depicts sexually explicit nudity or sexual conduct. ~~a bookstore having a preponderance of its publications, books, magazines, periodicals, videotapes, and other media which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this article.~~⁷⁶

Church means a building in which persons regularly assemble for religious worship intended primarily for purposes connected with such worship or for propagating a particular form of religious belief.

Licensed day care center means a facility licensed by the state that provides care, training, education, custody, treatment or supervision for more than 12 children under 14 years of age, where such children are not related by blood, marriage or adoption to the owner or operator of the facility, for less than 24 hours a day, regardless of whether or not the facility is operated for a profit or charges for the services it offers.

Residential, pertaining to the use of land, means premises such as homes, townhomes, patio homes, mobile homes, duplexes, condominiums and apartment complexes which contain habitable rooms for non-transient occupancy and which are designed primarily for living, sleeping, cooking, and eating therein.

School means a building where persons regularly assemble for the purpose of instruction or education together with the playgrounds, stadia and other structures or grounds used in conjunction therewith. The term "school" is

⁷⁵ **Code 1989, § 12-187. Definitions.** We recommend modifying the introductory language of this provision for purposes of internal consistency. *Change accepted.*

⁷⁶ **Code 1989, § 12-187. Definitions ("Adult bookstore").** We recommend modifying the definition to comply with O.C.G.A. § 36-60-3. *Change accepted.*

limited to:

- (1) Public and private schools used for primary or secondary education, in which any regular kindergarten or grades one through 12 classes are taught; and
- (2) Special educational facilities in which students who have physical or learning disabilities receive specialized education in lieu of attending regular classes in kindergarten or any of grades one through 12.

Specified anatomical areas shall include any of the following:

- (1) Less than completely and opaquely covered human genitals or pubic regions; buttocks; or female breasts below a point immediately above the top of the areola; or
- (2) Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means: ~~genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.~~

- (1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty;
- (2) Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence;
- (3) Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation;
- (4) Fondling or touching of nude human genitals, pubic regions, buttocks or female breasts;
- (5) Masochism, erotic or sexually-oriented torture, beating or the inflicting of pain;
- (6) Erotic or lewd touching, fondling or other sexual contact with an animal by a human being; or
- (7) Human excretion, urination, menstruation, or vaginal or anal irrigation.⁷⁷

(Code 1989, § 12-187; Ord. No. 387, § 3, 4-7-1997)

Sec. 10-22. Location; development standards.

(a) The measurement of distances, for purposes of this section, shall be from property line to property line along the shortest possible straight line distance, regardless of any customary or common route or path of travel, i.e., "as the crow flies." The term "parcel of land" means any quantity of land capable of being described by location and boundary, designated and used, or to be used, as a unit. No adult bookstore shall be located:

- (1) Within 1,000 feet of any parcel of land which is zoned for residential uses or purposes or used residentially;
 - (2) Within 1,000 feet of any parcel of land upon which a church, school, licensed day care center, governmental building simultaneously owned and occupied by such government, library, civic center, neighborhood public park or neighborhood playground is located;
 - (3) Within 1,000 feet of any parcel of land upon which another adult bookstore is located;
 - (4) Within any zoning category other than industrial (L-I) as defined in article VI of the zoning ordinance.
- (b) The minimum lot area for an adult bookstore shall be one acre.
- (c) Adult bookstores shall be required to be on lots that have a minimum of 150 feet of road frontage on a

⁷⁷ **Code 1989, § 12-187. Definitions ("Specified sexual activities").** We recommend modifying the definition to comply with article V. Adult Entertainment for purposes of internal consistency. *Change accepted.*

public road, street or highway. Such establishments shall have a minimum of two driveways, which shall provide access to a public road, street or highway.

(d) In addition to development standards governing the L-I zoning district, buildings and structures established in connection with an adult bookstore shall be set back at least 40 feet from any other business establishment, and the minimum rear yard shall be 75 feet.

(e) Adult bookstores shall be required to provide one automobile parking space for each 25 square feet of gross building area or for every three customer seats, whichever results in the greater number of parking spaces.

(f) Adult bookstores shall not allow the depictions of specified anatomical areas or specified sexual activities to be visible from any point outside the structure.

(Code 1989, § 12-188; Ord. No. 387, § 4, 4-7-1997)

Sec. 10-23. Violation; penalties.⁷⁸

Any person, firm or corporation who violates any provision of this article shall be guilty of a misdemeanor, and, upon conviction, shall be fined in an amount according to the penalties described in section 1-8 ~~not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00)~~; and each violation thereof shall constitute a separate offense and shall be punishable as such; and each day that a violation continues shall be punishable as a separate offense.

(Code 1989, § 12-189; Ord. No. 387, § 5, 4-7-1997)

Sec. 10-24. Unlawful operation declared nuisance.

Any adult bookstore operated, conducted or maintained contrary to the provisions of this article shall be and the same is hereby declared to be unlawful and a public nuisance. The city may, in addition to, or in lieu of prosecuting a criminal action hereunder, commence an action ~~or actions~~, proceeding ~~or proceedings~~ for abatement, removal or injunction thereof, in the manner provided by law. It shall take such other steps and shall apply to such court ~~or courts~~ as may have jurisdiction to grant such relief as will abate or remove the adult bookstore and restrain and enjoin any person from operating, conducting or maintaining the adult bookstore contrary to the provisions of this article.

(Code 1989, § 12-190; Ord. No. 387, § 6, 4-7-1997)

Sec. 10-25. Miscellaneous.

Nothing contained in this article shall be deemed to permit or condone any activity whatsoever which is otherwise declared to be obscene or illegal by this Code or the statutes of the state, or in violation of any prohibition upon nudity or sexual activity as provided for in such city Code or statutes of the state; and further, the location of the activities and uses which are regulated and permitted by this article shall only be allowed if they are not obscene and not in violation of any other such prohibitions on nudity or sexual activity. This section shall supersede and limit all other provisions of this article.

(Code 1989, § 12-191; Ord. No. 387, § 7, 4-7-1997)

Secs. 10-26--10-53. Reserved.

ARTICLE III. ADULT ENTERTAINMENT ESTABLISHMENTS*⁷⁹

***State law reference**--Establishment, maintenance, or use of building, structure, or place for unlawful sexual purposes, O.C.G.A. § 41-3-1; prohibited conduct, O.C.G.A. § 3-3-41; governing authority has power to enact legislation to restrict

⁷⁸ **Code 1989, § 12-189. Penalties.** We recommend modifying the language of this provision for purposes of internal consistency with the general penalty clause in the General Provisions chapter. *Change accepted.*

⁷⁹ **Code 1989, Ch. 12, Article V. Adult Entertainment Establishments.** We recommend moving this article to appear within the "Businesses and Business Regulations" chapter for purposes of subject matter consistency. *Change accepted*

operation of adult bookstores, explicit media outlets, and adult movie houses to areas zoned for commercial or industrial purposes, O.C.G.A. § 36-60-3.

~~Editor's note~~ Ordinance No. 289, adopted Sept. 9, 1991, did not specifically amend the Code; hence, inclusion of §§ 1–22 as Art. V was at the discretion of the editor.

DIVISION 1. GENERALLY

Sec. 10-54. Findings; public purpose.

The mayor and city council find that public nudity (either partial or total) in so-called nude bars or establishments offering so-called nude entertainment or adult entertainment, begets criminal behavior and tends to create undesirable community conditions. This finding is based upon the experiences of other communities and municipalities, and upon the evidence and testimony of citizens and experts who have appeared before the mayor and council. Among the acts of criminal behavior identified with such establishments are disorderly conduct, prostitution, and drug trafficking and use. Among the undesirable community conditions identified with such establishments are depression of property values in the surrounding neighborhood, increased expenditures for law enforcement personnel to preserve law and order, increased burden on the judicial system as a consequence of the criminal behavior described, and acceleration of community blight by the concentration of such establishments in particular areas. Accordingly, it is in the best interest of the health, welfare, safety and morals of the community to enact regulations to reduce the adverse impacts of adult entertainment establishments. However, the mayor and council also find that the outright prohibition of such establishments could improperly infringe upon protected forms of expression. Therefore, the purpose of this article is to reasonably regulate adult entertainment establishments in a manner that serves the legitimate governmental interest of reducing criminal activity and protecting property values without unreasonably infringing upon the protected rights of adult entertainment establishments and their patrons.

(Code 1989, § 12-101; Ord. No. 289, § 1, 9-9-1991)

Sec. 10-55. Definitions.

~~The following terms used in this article shall have the meanings indicated below:~~

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:⁸⁰

Adult entertainment means entertainment that is characterized by an emphasis on the depiction, display or the featuring of specified anatomical areas. Adult entertainment includes performances by persons that are distinguished or characterized by an emphasis on specified sexual activities as defined herein, and/or performances that feature, depict, display, or emphasize their genitals, pubic regions, anuses, or female breasts, even if their specified anatomical areas are opaquely covered as provided herein.⁸¹

Adult entertainment establishment or establishment. The term "adult entertainment establishment" or "establishment" means: A nightclub, cabaret or other establishment featuring live performances by topless and/or bottomless dancers, strippers or similar entertainers, where such performances are characterized by an emphasis on specified sexual activities or specified anatomical areas.⁸²

- (1) Any commercial establishment that employs or uses any person live, in any capacity, in the sale or service of beverages or food while such person is unclothed or in such attire, costume or clothing, so as to expose any portion of his specified anatomical areas, as defined herein;

⁸⁰ **Code 1989, § 12-102. Definitions.** We recommend modifying the introductory language to this provision for purposes of internal consistency. *Change accepted*

⁸¹ **Code 1989, § 12-102. Definitions ("Adult entertainment").** We recommend adding this definition for comprehensive coverage of the subject matter. *Change accepted*

⁸² **Code 1989, § 12-102. Definitions ("Adult entertainment establishment or establishment").** *Id.* *Change accepted*

- (2) Any commercial establishment which provides live entertainment where any person appears unclothed or in such attire, costume, or clothing as to expose any portion of his specified anatomical areas as defined herein, or where such performances are distinguished or characterized by an emphasis on specified sexual activities as defined herein;
- (3) Any commercial establishment in which persons perform live in a manner so as to feature, depict, display, or emphasize their genitals, pubic regions, anuses, or female breasts, even if their specified anatomical areas are opaquely covered as provided herein;
- (4) Any commercial establishment which holds, promotes, sponsors, or allows any contest, promotion, special night, event, or any other activity where live patrons of the establishment are encouraged or allowed to engage in any of the conduct described in subsections (1), (2), and/or (3) of this definition;
- (5) Any commercial establishment having a substantial portion of its stock in trade, books, magazines or other periodicals, videotapes or movies or other reproductions, whether for sale or rent, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities as defined herein or specified anatomical areas as defined herein, or having a segment or section comprising more than 50 square feet of its total floor space devoted to the sale or display of such material, or which utilizes 25 percent or more of its display area for the display or offer for sale or rental such media or materials, or which derives more than five percent of its net sales from the sale or rental of such material;
- (6) The definition of the term "adult entertainment establishment" shall not include traditional or mainstream theater, which means a theater, movie theater, concert hall, museum, educational institution, or similar establishment which regularly features live or other performances or showings which are not distinguished or characterized by an emphasis on the depiction, display, or description or the featuring of specified anatomical areas or specified sexual activities in that the depiction, display, description or featuring is incidental to the primary purpose of any performance. For purposes of this subsection, such performances and showings are regularly featured when they comprise at least 80 percent of all annual performances or showings.

Church means a building in which persons regularly assemble for religious worship intended primarily for purposes connected with such worship or for propagating a particular form of religious belief.

Good moral character. A person is of good moral character, according to this article, if that person has not been convicted of a drug-related or alcohol-related felony or sex-related crime in the past five years.

Licensed day care center means a facility licensed by the state that provides care, training, education, custody, treatment or supervision for more than 12 children under 14 years of age, where such children are not related by blood, marriage or adoption to the owner or operator of the facility, for less than 24 hours a day, regardless of whether or not the facility is operated for a profit or charges for the services it offers.

Minor means any person who has not attained the age of 18 years.

Operator means the manager or other natural person principally in charge of an adult entertainment establishment.

Owner or *owners* means the proprietor if a sole proprietorship, all partners (general and limited) if a partnership, or all officers, directors and persons holding ten percent or more of the outstanding shares, if a corporation.

Residential, pertaining to the use of land, means premises such as homes, townhomes, patio homes, mobile homes, duplexes, condominiums and apartment complexes which contain habitable rooms for non-transient occupancy and which are designed primarily for living, sleeping, cooking, and eating therein.

School means a building where persons regularly assemble for the purpose of instruction or education together with the playgrounds, stadia and other structures or grounds used in conjunction therewith. The term "school" is limited to:

- (1) Public and private schools used for primary or secondary education, in which any regular kindergarten or grades one through 12 classes are taught; and

- (2) Special educational facilities in which students who have physical or learning disabilities receive specialized education in lieu of attending regular classes in kindergarten or any of grades one through 12.

Specified anatomical areas. The term "specified anatomical areas" includes any of the following:

- (1) Less than completely and opaquely covered human genitals or pubic regions; buttocks; or female breasts below a point immediately above the top of the areola; or
- (2) Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities shall include any of the following:

- (1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty; or
- (2) Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence;
- (3) Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation;
- (4) Fondling or touching of nude human genitals, pubic regions, buttocks or female breasts;
- (5) Masochism, erotic or sexually-oriented torture, beating or the inflicting of pain;
- (6) Erotic or lewd touching, fondling or other sexual contact with an animal by a human being; or
- (7) Human excretion, urination, menstruation, or vaginal or anal irrigation.

(Code 1989, § 12-102; Ord. No. 289, § 2, 9-9-1991; Ord. No. 321, §§ 1, 2, 10-11-1993)

Sec. 10-56. Regulations.

(a) No person, firm, partnership, corporation, or other entity shall advertise, or cause to be advertised, an adult entertainment establishment without a valid adult entertainment license issued pursuant to this article.

(b) No later than March 1 of each year, an adult entertainment establishment licensee shall file a verified report with the city clerk certifying the licensee's gross receipts and amounts paid to dancers for the preceding calendar year.

(c) No adult entertainment establishment shall employ or contract with as a dancer a person under the age of 18 years or a person not permitted pursuant to this article.

(d) No person under the age of 18 years shall be admitted to an adult entertainment establishment.

(e) An adult entertainment establishment shall be closed between 12:00 midnight and 9:00 a.m.

(f) No patron, dancer or other employee of an adult entertainment establishment shall, while on the premises of an adult entertainment establishment, commit the offense of public indecency as defined in O.C.G.A. § 16-6-8. For the purposes of this section, the term "employee" includes an independent contractor.

(g) If any portion or subsection of this section of this article, or its application to any person or circumstance, is held invalid by a court of competent jurisdiction, the remainder or application to other persons or circumstances shall not be affected.

(h) No adult entertainment establishment shall serve, sell, distribute, or suffer the consumption or possession of any alcoholic beverage or controlled substance on the premises of the adult entertainment establishment.

(i) All dance performances shall be confined to a clearly defined stage ~~stage~~ or platform area that is elevated at least two feet above the normal floor level of the establishment.

(j) There shall be a clearly defined and delineated ten-foot buffer area or space between the stage or platform and any area of the establishment in which patrons are customarily seated in or served.

(k) No patron or dancer shall encroach upon the buffer area during a performance.

(l) Dancers and patrons are prohibited from commingling with or touching one another while the dancers are in a state of nudity.

(m) No patron shall directly pay or give any gratuity to any dancer, and no dancer shall solicit any pay or gratuity from any patron.

(n) All areas of an adult entertainment establishment shall be fully lighted at all times when patrons are present. The term "fully lighted" shall mean illumination equal to not less than 3 1/2 footcandles per square foot.

(Code 1989, § 12-103; Ord. No. 289, § 3, 9-9-1991; Ord. No. 321, § 3, 10-11-1993)

Sec. 10-57. On-premises operator required.

An adult entertainment establishment shall designate a natural person to serve as an on-premises operator. The operator shall be principally in charge of the establishment and shall be located on the premises on a regular basis.

(Code 1989, § 12-104; Ord. No. 289, § 5, 9-9-1991)

Sec. 10-58. Employee permit required.

It shall be unlawful for any person to be employed by an adult entertainment establishment without a permit issued under the terms of this article. For the purposes of this section, the term "employee" includes an independent contractor.

(Code 1989, § 12-105; Ord. No. 289, § 6, 9-9-1991)

Sec. 10-59. Admission of minors unlawful.

(a) It shall be unlawful to allow a person who is younger than 18 years of age to enter or be on the premises of an adult entertainment establishment at any time that the establishment is open for business.

(b) It shall be the duty of the operator of each adult entertainment establishment to ensure that an attendant is stationed at each public entrance to the establishment at all times during such establishment's regular business hours. It shall be the duty of the attendants to not allow any person under the age of 18 years to enter the establishment. It shall be presumed that an attendant knew a person was under the age of 18 years unless such attendant asked for and was furnished:

- (1) A valid operator's, commercial operator's or chauffeur's driver's license; or
- (2) A valid personal identification certificate issued by the state department of public safety reflecting that such person is 18 years of age or older.

(Code 1989, § 12-106; Ord. No. 289, § 7, 9-9-1991)

Sec. 10-60. Location; development standards.

(a) No adult entertainment establishment shall be located:

- (1) Within 750 feet of any parcel of land which is zoned for residential uses or purposes;
- (2) Within 750 feet of any parcel of land upon which a church, school, licensed day care center, governmental building simultaneously owned and occupied by such government, library, civic center, neighborhood public park or neighborhood playground is located;
- (3) Within 750 feet of any parcel of land upon which another adult entertainment establishment is located;
- (4) Within any zoning category other than industrial (L-I).

The measurement of distances for purposes of this section shall be from property line to property line along the shortest possible straight line distance, regardless of any customary or common route or path of travel, i.e., "as the crow flies." The term "parcel of land" means any quantity of land capable of being described by location and boundary, designated and used or to be used as a unit.

(b) The minimum lot area for an adult entertainment establishment shall be one acre.

(c) Adult entertainment establishments shall be required to be on lots that have a minimum of 150 feet of road frontage on a public road, street or highway. Such establishments shall have a minimum of two driveways,

which shall provide access to a public road, street or highway.

(d) In addition to development standards governing the L-I and C-2 zoning districts, buildings and structures established in connection with an adult entertainment establishment shall be set back at least 40 feet from any other business establishment, and the minimum rear yard shall be 75 feet.

(e) Adult entertainment establishments shall be required to provide one automobile parking space for each 25 square feet of gross building area or for every three customer seats, whichever results in the greater number of parking spaces.

(f) Adult entertainment establishments shall not allow the merchandise or activities of the establishment to be visible from any point outside such establishment.

(Code 1989, § 12-107; Ord. No. 289, § 8, 9-9-1991; Ord. No. 321, § 3, 10-11-1993)

Sec. 10-61. Adult entertainment establishment employees.

(a) Employees of an adult entertainment establishment shall be not less than 18 years of age. Every employee must be of good moral character as defined in this article. Any employee who is convicted of a sex-related crime, or drug-related or alcohol-related felony while employed as an adult entertainment establishment employee shall not thereafter be employed by any adult entertainment establishment licensed under this article for a period of five years from the date of such conviction, unless a longer time is ordered by a court of competent jurisdiction. The term "convicted" shall include an adjudication of guilt or a plea of guilty. The term "employed as an adult entertainment establishment employee" shall include all work done or services performed while in the scope of employment elsewhere than on the licensed premises.

(b) Before any person may be employed in an adult entertainment establishment, he shall file an application for an adult entertainment establishment employee permit with the city clerk on forms that require the information set forth in subsection (a) of this section. Each such person shall also provide a signed and notarized consent on forms prescribed by the Georgia Crime Information Center authorizing the release of such person's criminal records to the police department. The city shall have 15 days to investigate the information contained in the application. If the employee is found to be of good moral character, the city clerk shall grant the permit. Upon approval, the employee may begin working on the licensed premises. If approval is denied, the prospective employee may, within ten days of such denial, apply to the city clerk for a hearing. The decision of the licensing officer after hearing may be appealed to city council. An investigation fee of \$50.00 shall accompany the application.⁸³

(c) The license of any employee who violates the provisions of this article, the ordinances of the city, laws and regulations of the state, or the rules and regulations of the city shall be subject to suspension or revocation.

(d) For the purpose of this article, independent contractors shall be considered as employees and shall be permitted as employees, regardless of the business relationship with the owner or licensee of any adult entertainment establishment.

(Code 1989, § 12-108; Ord. No. 289, § 9, 9-9-1991)

Sec. 10-62. Criminal penalties.⁸⁴

(a) Any person, firm or corporation operating an adult entertainment establishment within the city without having obtained a license as provided in this article shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined in an amount according to penalties described in section 1-8 ~~not less than five hundred dollars~~

⁸³ **Code 1989, § 12-108. Adult entertainment establishment employees.** We recommend either removing language of specific fees and adding the generic language of: "the amount of such fee shall be established by the city council, from time to time, and made available for public examination in the office of the clerk of courts" or if the city wants fees in the code, please make sure amount is current. *City elected to keep fee provision as is.*

⁸⁴ **Code 1989, § 12-109. Criminal Penalties.** We recommend modifying the language of this provision, for purposes of internal consistency with the general penalties clause in the General Provisions chapter. *Change accepted*

~~(\$500.00) nor more than two thousand dollars (\$2,000.00);~~ and each day the adult entertainment establishment is operated without a license shall be a separate offense.

(b) Any person, firm or corporation who violates any provision of this article shall be guilty of a misdemeanor, and, upon conviction, shall be fined in an amount according to penalties described in section 1-8 ~~not less than fifty dollars (\$50.00) nor more than two thousand dollars (\$2,000.00);~~ and each violation thereof shall constitute a separate offense and shall be punishable as such.

(Code 1989, § 12-109; Ord. No. 289, § 18, 9-9-1991)

Sec. 10-63. Unlawful operation declared nuisance.

Any adult entertainment establishment operated, conducted or maintained contrary to the provisions of this article shall be, and the same is hereby declared to be, unlawful and a public nuisance. The city may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action ~~or actions, proceeding or proceedings~~ for abatement, removal or injunction thereof, in the manner provided by law. It shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such adult entertainment establishment and restrain and enjoin any person from operating, conducting or maintaining an adult entertainment establishment contrary to the provisions of this article.

(Code 1989, § 12-110; Ord. No. 289, § 19, 9-9-1991)

Sec. 10-64. Notices; registered agent; jurisdiction.

(a) All licensed establishments must have and continuously maintain in the county a registered agent upon whom any process, notice or demand required or permitted by law or under this article to be served upon the licensee may be served. This person shall act as a registered agent for the operator and each owner. This person must be a natural person who is a resident of the county. The operator shall be appointed registered agent if he is a resident of the county. The licensee shall file the name of such agent, along with the written consent of such agent, with the city clerk in such form as the clerk may prescribe. By appointing such registered agent, and as a condition of the issuance of a license pursuant to the terms of this article, the licensee agrees that any legal action brought by the city against the adult entertainment establishment or the licensee (which includes the operator or any owner) to enforce the provisions of this article may be filed in any court of competent jurisdiction in the county.

(b) Any notice required or permitted to be given by the city clerk or any other city office, division, department or other agency under this article to any licensee, operator or owner of an adult entertainment establishment may be given either by personal delivery or by certified United States mail, postage prepaid, return receipt requested, addressed to the licensee's registered agent at the most recent address specified in the agent's written consent form received by the city clerk, or any notice of address change which has been received by the city clerk. If personally delivered, the effective date of the notice shall be the date of delivery. If mailed, the effective date of the notice shall be two days after the notice is placed in the mail.

(Code 1989, § 12-111; Ord. No. 289, § 20, 9-9-1991)

Sec. 10-65. Conditions of adult entertainment establishment.

(a) All adult entertainment establishments shall be kept in a clean, sanitary condition, and shall be in full compliance with all ordinances and regulations of the city, county and state.

(b) The county health department shall have the authority to inspect regularly adult entertainment establishments to determine compliance with all city, county and state health rules and regulations and report any violation to the city clerk.

(c) The city fire department shall have the authority to inspect regularly adult entertainment establishments to determine compliance with all city, county and state fire regulations and report any violations to the city clerk.

(d) The building inspector or his designee shall have the authority to inspect regularly adult entertainment establishments to determine compliance with all technical codes of the city.

(e) The city police department shall have the authority to inspect periodically adult entertainment establishments to determine compliance with all provisions of this article or other applicable laws and report any violations to the city clerk.

(Code 1989, § 12-112; Ord. No. 289, § 20, 9-9-1991)

Sec. 10-66. Limitations on provisions.

Nothing contained in this article shall be deemed to permit or condone any activity whatsoever which is otherwise declared to be obscene or illegal by the official Code of the city or the statutes of the state, or in violation of any prohibition upon nudity or sexual activity as provided for in such city Code or statutes of the state; and further, the location of the activities and uses which are regulated and permitted by this article shall only be allowed if they are not obscene and not in violation of any other such prohibitions on nudity or sexual activity. This section shall supersede and limit all other provisions of this article.

(Code 1989, § 12-113; Ord. No. 289, § 22, 9-9-1991)

Secs. 10-67--10-90. Reserved.

DIVISION 2. LICENSE

Sec. 10-91. Required.

It shall be unlawful for any person, association, partnership or corporation to engage in, conduct or carry on, in or upon any premises within the city, an adult entertainment establishment without a license to so do. The issuance of such a license shall not be deemed to authorize, condone or make legal any activity or conduct that is illegal or unlawful under the laws of the state or the United States. The annual license fee for an adult entertainment establishment shall be established, from time to time, by resolution of the city council.

(Code 1989, § 12-121; Ord. No. 289, § 4, 9-9-1991)

Sec. 10-92. Application--Generally.

(a) Any person, association, partnership or corporation desiring to obtain a license to operate, engage in, conduct or carry on any adult entertainment establishment shall make application to the city clerk, or his designated representative. The application must be made in the name of the adult entertainment establishment, the operator and each owner, as defined in this article, of the adult entertainment establishment. The application shall be accompanied by a non-refundable fee, established from time to time by resolution of the city council, to defray, in part, the cost of investigation and report required by this article.

(b) The license application does not authorize the engaging in, operation of, conduct of or carrying on of any adult entertainment establishment.

(Code 1989, § 12-122; Ord. No. 289, § 10, 9-9-1991)

Sec. 10-93. Same--Contents.

(a) Each application for an adult entertainment establishment license shall contain the following information and documentation:

- (1) ~~a.~~—The name, street address (and mailing address, if different) and state driver's license number of the intended operator.
- (2) The name and street address (and mailing address, if different) of the owner.
- (3) The name under which the establishment is to be operated and a general description of the services to be provided.
- (4) The telephone number of the establishment.
- (5) The address and legal description of the parcel of land on which the establishment is to be located.
- (6) The business, occupation or employment history of each owner and operator for the five years immediately preceding the date of application.
- (7) If any owner or operator has had an adult entertainment establishment license or similar type of license denied, revoked or suspended, and if so, the violation that led to the denial, suspension or revocation, the date of the denial, suspension or violation, the disposition, including any fine or sentence imposed, and whether or not the terms of the disposition have been completed.

- (8) If any owner or operator has been convicted of any crime involving good moral character in the past five years, and, if so, a complete description of any such crime including date of violation, date of conviction, jurisdiction and any disposition, including any fine or sentence imposed, and whether terms of disposition have been fully completed.
- (9) If the establishment is or proposes to do business under a trade name, a copy of the trade name properly recorded.
- (10) If the establishment is a Georgia corporation, a certified copy of the articles of incorporation, together with all amendments thereto; and the most recent annual report.
- (11) If the establishment is a foreign corporation, a certified copy of the certificate of authority to transact business in this state, together with all amendments thereto, and the most recent annual report.
- (12) If the establishment is a limited partnership formed under the laws of Georgia, a certified copy of the certificate of limited partnership, together with all amendments thereto, filed in the office of the county clerk.
- (13) If the establishment is a foreign limited partnership, a certified copy of the certificate of limited partnership and the qualification documents, together with all amendments thereto.
- (14) Three character references for each owner and operator from individuals who are not related by blood or marriage to any owner or operator, who will not directly or indirectly benefit financially if the license is granted, and who have not been convicted of any crime involving good moral character. The licensing officer shall prepare forms consistent with the provisions of this subsection for the applicants, who shall submit all character references on such forms.
- (15) A plat by a registered engineer, licensed by the state, certifying the location of the proposed premises is not inconsistent with the provisions contained in section ~~10-60 12-107~~ respecting location and development standards.
- (16) The application shall contain a statement under oath that:
 - a. The person signing the application has personal knowledge of the information contained in the application and that the information contained therein is true and correct; and
 - b. The person signing the application has read the provisions of this article.
- (17) The application shall be signed by each owner and the operator.
- (18) Each owner and operator shall provide a signed and notarized consent on forms prescribed by the Georgia Crime Information Center authorizing the release of each such person's criminal records to the police department.
- (19) The written consent of a county resident certifying that such resident shall serve as registered agent for each owner and operator, as required by section ~~10-6412-111~~(a).

(b) Any of subsections (a)(9) through (13) of this section shall not be required for a renewal application if the applicant states that the documents previously furnished the city clerk with the original application or previous renewals thereof remain correct and current.

(Code 1989, § 12-123; Ord. No. 289, § 11, 9-9-1991)

Sec. 10-94. Owner and operator to appear.

At least one owner, as defined in this article, and the operator shall personally appear at the public hearing scheduled pursuant to section ~~10-9512-125~~ for consideration of the application.

(Code 1989, § 12-124; Ord. No. 289, § 12, 9-9-1991)

Sec. 10-95. Investigation.

(a) Within 15 days of receipt of the application, the city clerk or designee shall review the application and shall send a copy to all affected departments of city government to determine compliance with city regulations and laws and to the police department to investigate the character and reputation of each owner and operator. Each

department notified shall submit a report within 15 days to the city clerk. If no report is received, it shall be concluded that there is no objection.

(b) The city clerk shall prepare and cause to be published a notice of each pending application, which notice shall include the date the application will be considered by the council, the location or street number of the premises where the applicant proposes to conduct activities permitted by this article, and the name of each owner and operator. The applicant shall pay the publication costs. The notice shall be published in a newspaper of general circulation within the city, and shall appear once a week for two weeks immediately preceding consideration of the application by the council. Each applicant for a license for an adult entertainment establishment shall, at such applicant's expense, post on the premises where the activities permitted by such license are to be conducted, continuously for a period of not less than ten days prior to consideration of the application by the council, a notice of the pending application, meeting the following minimum specifications: this notice shall be painted or printed in black letters three inches or more in height, against a white background, on a wooden or metal sign and having a surface of not less than 12 square feet, and shall be placed with the base of the sign not more than three feet from the ground on the most conspicuous part of the premises, facing the most frequently traveled road, street or highway abutting same, and not more than ten feet therefrom. The sign shall state clearly the nature and purpose of the application, the date and hour and place of the council hearing, and the name of each owner and operator making the application.

(c) The mayor and council may grant the license following the public hearing if they find:

- (1) The required fee has been paid.
- (2) The application conforms in all respects to the provisions of this article.
- (3) No owner or operator knowingly made a material misrepresentation in the application.
- (4) Each owner and operator has fully cooperated in the investigation of his application.
- (5) Each owner and operator is of good moral character as defined in this article.
- (6) No owner or operator has had an adult entertainment establishment license or other similar license or permit denied, suspended or revoked for cause involving moral character by this city or any other city located in or out of this state prior to the date of application.
- (7) The building, structure, equipment or location of the adult entertainment establishment, as proposed by the applicant, will comply with all applicable city zoning and development standards.
- (8) Each owner who is a natural person and the operator is at least 21 years of age.
- (9) No owner or operator is a city employee or an elected or appointed city official, or a spouse of an elected or appointed city official.
- (10) No owner or operator has, within five years of the date of application, committed or knowingly allowed another to commit the crime of public indecency, as defined in O.C.G.A. § 16-6-6, upon the premises of an adult entertainment establishment or similar business.
- (11) The location of the proposed adult entertainment establishment is not inconsistent with the provisions of section ~~10-60-42-407~~ respecting location and development standards.
- (12) The grant of such license will not cause a violation of this article or any other ordinance or regulation of the city, state, or the United States.
- (13) The registered agent's written consent has been provided.

(d) If the license is approved it shall be issued jointly in the name of the establishment and each owner and operator.

(e) The issuance of an adult entertainment establishment license shall not authorize any other conduct or activity regulated by other city ordinances, including, but not limited to, the alcoholic beverage provisions in chapter 4. Applicants desiring to obtain an alcoholic beverage license or other such license shall submit a separate application for each such license, and must independently satisfy all conditions of each applicable ordinance.

(f) As a condition to the issuance of a license, the establishment shall post with the city clerk a \$10,000.00

cash bond or surety bond payable to the city and conditioned upon the licensee's faithful performance of the provisions of this article. All surety bonds shall be issued by a surety licensed to do business in the state and listed on the U.S. Treasury list as an approved surety.

(Code 1989, § 12-125; Ord. No. 289, § 13, 9-9-1991)

Sec. 10-96. Renewal.

Licenses for adult entertainment establishments may be renewed on a calendar year basis, provided that the licensees continue to meet the requirements set out in this article. The renewal fee for an adult entertainment establishment license shall be established, from time to time, by resolution of the city council. Renewal applications shall be submitted by November 15 of each year prior to January 1 of the year for which such permit is requested. The form for renewal applications shall be designated by the city clerk.

(Code 1989, § 12-126; Ord. No. 289, § 14, 9-9-1991)

Sec. 10-97. Non-transferable.

No adult entertainment establishment license may be sold, transferred or assigned by a licensee, or by operation of law, to any other person ~~or persons~~. Any such sale, transfer or assignment, or attempted sale, transfer or assignment, shall be deemed to constitute a voluntary surrender of such license, and such license shall thereafter be null and void; provided and excepting, however, that if the licensee is a partnership and one or more of the partners should die, one or more of the surviving partners may acquire, by purchase or otherwise, the interest of the deceased partner ~~or partners~~ without effecting a surrender or termination of such license, and in such case, the license, upon notification to the city, shall be placed in the name of the surviving partner. An adult entertainment establishment license issued to a corporation shall be deemed terminated and void when either any outstanding stock of the corporation is sold, transferred or assigned after the issuance of a license, or any stock not issued at the time of the granting of a license is thereafter issued.

(Code 1989, § 12-127; Ord. No. 289, § 15, 9-9-1991)

Sec. 10-98. Change of location or name of establishment.

(a) No adult entertainment establishment shall move from the location specified on its license until a change of location fee, established by resolution of the city council, has been deposited with the city, and approval has been obtained from the mayor and council. Such approval shall not be given unless all requirements and regulations, as contained in this Code, have been met.

(b) No licensee shall operate, conduct, manage, engage in, or carry on an adult entertainment establishment under any name other than his name and the name of the business as specified on the license.

(c) Any application for an extension or expansion of a building or other place of business where an adult entertainment establishment is located shall require inspection and shall comply with the provisions and regulations of this article.

(Code 1989, § 12-128; Ord. No. 289, § 16, 9-9-1991)

Sec. 10-99. Revocation and appeal.⁸⁵

(a) The ~~director of public safety~~ city clerk shall be authorized to suspend or revoke an adult entertainment establishment license under the conditions set forth in this section. In the event the city clerk seeks to suspend or to revoke a license, the city clerk shall give written notification to the licensee of such action, and such notice shall contain a specification of the violation or violations.

(b) The city clerk shall be authorized to suspend or revoke a license in the event of any one or more of the following:

- (1) A licensee gave false or misleading information in the original application or renewal process;
- (2) A licensee has knowingly allowed possession, use, or sale of controlled substances on the premises, or

⁸⁵ *Language modified per City's request.*

the licensee did not make a reasonable effort to prevent any such occurrence;

- (3) A licensee has knowingly allowed a violation of this article, any other ordinance of the city, or any criminal law of the state to occur on the premises, or the licensee did not make a reasonable effort to prevent any such violation;
- (4) A licensee has violated any provision of this article;
- (5) A licensee has been convicted of any drug-related, alcohol-related or sex-related crime by the state or the city regarding an offense which was committed on the premises or which would otherwise violate the provisions of this article; and
- (6) A licensee fails to pay any fee, license fee, fine or other amount of money due to the city under this article or any other licensing ordinance of the city.

(c) In the event that the city clerk determines that a license violation has occurred, such license shall be suspended for ten days for the first violation. For a second violation occurring within any consecutive 12-month period, the license shall be suspended for 30 days. For a third violation occurring within any consecutive 12-month period, the license shall be suspended for 90 days. Any license that has been suspended three or more times in any consecutive 12-month period shall be revoked. In addition, any licensee found to be in violation of section ~~10-56+2-403~~(d) and (f) shall be subject to immediate license revocation; provided, however, that the licensee shall be authorized to continue its business operations until the date of the hearing scheduled in accordance with subsection (e) hereafter. No licensee or any other applicant may apply for a license for the same premises during any period of suspension or revocation.

(d) In the event of a suspension or revocation by the city clerk, the licensee may appeal the decision of the city clerk to the mayor and city council by filing a written notice of appeal with the city clerk within ten days from the date of the effective date of the written notice received by the licensee in accordance with subsection (a) of this section. The notice of appeal shall be accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The city clerk may submit a memorandum in response to the memorandum filed by the licensee on appeal to the city council. The city clerk's decision shall be final unless an appeal is timely filed. An appeal shall stay the city clerk's decision until the appeal is heard or withdrawn. The clerk shall place the appeal on the agenda of the next regular council meeting occurring not less than five nor more than 30 days after receipt of the appeal.

- (e) When an appeal is placed on the council agenda, the council may take either of the following actions:
 - (1) Set a hearing date before the city council and instruct the city clerk to give such notice of hearing as may be required by law; or
 - (2) Appoint a hearing officer and fix the time and place for hearing. The hearing officer may or may not be a city employee, and may be appointed for an extended period of time. The clerk shall assume responsibility for such publication of notice of the hearing as may be required by law. If a hearing officer is appointed, the hearing shall be conducted in accordance with the procedures set out in this article.

In either event, the hearing shall be held within 30 days of the council's action, unless a continuance of such date is agreed to by the licensee and the city clerk.

(f) At any hearing, the hearing officer or the city council (if it elects not to appoint a hearing officer) shall receive oral and written testimony regarding the appeal. Hearings shall be conducted under rules issued by the hearing officer or city council, which shall be consistent with rules applied in administrative proceedings, and shall ensure that each party may present evidence, cross-examine witnesses and be represented by legal counsel.

(g) If the hearing is held before the city council, the city council may sustain, overrule or modify the action of the city clerk. The decision of the mayor and city council shall be final. Appeals from the decision of the mayor and city council shall be to the county superior court filed within 30 days of the final action of the mayor and city council.

(h) If the hearing is held before the hearing officer, the hearing officer shall, within a reasonable time not to exceed 15 days from the date such hearing is terminated, submit a written report to the council. Such report shall contain a brief summary of the evidence considered and state findings, conclusions and a recommendation. The

report may recommend that the council sustain, overrule or modify the action of the city clerk. All such reports shall be filed with the city clerk, and shall be considered public records. A copy of such report shall be forwarded by certified mail to the appellant the same day it is filed with the city clerk, with additional copies furnished to the city administrator and chief of police. The city clerk shall place the hearing officer's report on the agenda of the next regular council meeting occurring not less than ten days after the report is filed and shall notify the appellant of the date of such meeting at least ten days prior to the meeting, unless the appellant stipulates to a shorter notice period.

(i) The council may adopt or reject the hearing officer's decision in its entirety or may modify the proposed recommendation. The council shall base its determination on the hearing officer's report and other evidence in the record. No additional evidence or arguments shall be permitted at the council meeting. If the council does not adopt the hearing officer's recommendation, it may:

- (1) Refer the matter to the same or another hearing officer for a de novo hearing, or for the taking of additional evidence on specific points, and in either of such cases, the hearing officer shall proceed as provided in this article.
- (2) Decide the case upon a review of the entire record before the hearing officer with or without taking additional evidence.

(Code 1989, § 12-129; Ord. No. 289, § 17, 9-9-1991)

~~Secs. 12-130--12-140. Reserved.~~

~~Secs. 10-100--10-126. Reserved.~~

ARTICLE IV. ASTROLOGERS

Sec. 10-127. Astrologers, etc.⁸⁶

(a) *Definition.* The term "astrologer" shall include the terms "clairvoyant," "mesmerist," "card reader," "fortuneteller," "mind reader," "planet reader," "palmist," "seer," "trance medium," "test medium," "business medium," "phrenologist," "hypnotic healer," and "electric magnetic healer."

(b) *Prohibition.* It shall be unlawful for any person to practice in the city the calling or profession of astrologer.

(c) *Advertising.* It shall be unlawful for any person to advertise by sign, circular, handbill, newspaper or other publication in the city the practice of astrology.

(d) *Exception.* The prohibitions set forth in this section shall not apply to any religious or spiritual functions of a bona fide church or religion, unless it is an alleged church or religion organized primarily to confer a certificate or commission upon a person for a price.

(Code 1989, § 12-20; Ord. No. 205, §§ 1--4, 2-11-1985)

State law reference--Fortunetelling, phrenology, astrology, clairvoyance, etc., regulated, O.C.G.A. § 36-1-15.

~~Secs. 10-128--10-152. Reserved.~~

ARTICLE V. COIN-OPERATED AMUSEMENT MACHINES^{*87}

***State law reference**--Coin-operated amusement machines, O.C.G.A. § 50-27-70 et seq.

⁸⁶ **Code 1989, § 12-20. Astrologers, etc.,** We recommend moving this provision to appear within the "Businesses and Business Regulations" chapter for purposes of subject matter consistency. *Change accepted*

⁸⁷ **Code 1989, Article X. Coin-Operated Amusement Machines.** We recommend moving the article to appear with the "Businesses and Business Regulations" chapter for purposes of subject matter consistency. *Change accepted.*

Sec. 10-153. 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:⁸⁸

Bona fide coin-operated amusement machine means every machine of any kind or character used by the public to provide amusement or entertainment whose operation requires the payment of or the insertion of a coin, bill, other money, token, ticket, or similar object and the result of whose operation depends in whole or in part upon the skill of the player, whether or not it affords an award to a successful player, pursuant to O.C.G.A. § 16-12-35(b) through (g), and which can be legally shipped interstate according to federal law.

Business location means any structure, vehicle or establishment where a business is conducted.

Class B machine means a bona fide coin-operated amusement machine that ~~rewards~~ allows a successful player to accrue points won on one play to a subsequent play or plays, in accordance with O.C.G.A. § 16-12-35(d)(2). ~~with any combination of items listed in O.C.G.A. § 16-12-35(d)(1)(B) and (d)(1)(C).~~⁸⁹

~~*Business Location owner*~~ or ~~*business location operator*~~ means an owner or operator of a business where one or more bona fide coin-operated amusement machines are available for commercial use and play by the public.⁹⁰

(Code 1989, § 12-207; Ord. No. 647, § 1, 2-7-2011)

Sec. 10-154. Authorization.

A business owner or business operator whose business location is located within the city limits of the city may have available for use the number of Class B bona fide coin-operated amusement machines in one business location that he deems advisable (which may be in excess of nine); provided, however, each Class B bona fide coin-operated amusement machine shall meet the following criteria:

- (1) It rewards the player or players with tickets, tokens, or other non-cash representations of value redeemable for merchandise prizes;
- (2) The outcome of the game involves some skill in its operation;
- (3) The award of tickets, tokens or other non-cash representations of value is based solely on the player achieving the object of the game or the player's score;
- (4) Only merchandise prizes and novelty candy may be redeemed;
- (5) The average wholesale value of the prizes awarded in lieu of tickets or tokens for a single play of the machine does not exceed \$5.00; and
- (6) The redemption value of each ticket, token or other non-cash representation of value that may be accumulated by a player or players to redeem prizes of greater value does not exceed the cost of a single play of the machine.

(Code 1989, § 12-208; Ord. No. 647, § 1, 2-7-2011)

⁸⁸ **Code 1989, § 12-207. Definitions.** We recommend adding introductory language to this provision for purposes of internal consistency. *Change accepted.*

⁸⁹ **Code 1989, 12-207. Definitions ("Class B machine").** Definition updated to reflect current language of O.C.G.A. § 50-27-70. *Change accepted.*

⁹⁰ **Code 1989, § 12-207. Definitions ("Business owner or business operator").** We recommend modifying this definition to conform to O.C.G.A. § 50-27-70. *Change accepted.*

Secs. 10-155--10-176. Reserved.

ARTICLE VI. DOOR-TO-DOOR SALES

ARTICLE III.⁹¹

DOOR-TO-DOOR SALES⁹²

Editor's note—Ord. No. 683, adopted October 17, 2013, repealed and reenacted article III in its entirety to read as herein set out. Formerly, article III, §§ 12-51–12-62, pertained to door-to-door solicitation, and derived from Ord. No. 265, §§ 1–12, adopted November 27, 1989.

Sec. 10-177. 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:

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:⁹³

Licensed solicitor means any person who has obtained a valid permit as hereinafter provided, which permit is in the possession of the solicitor on his person while engaged in soliciting.

Residence means every separate living unit occupied for residential purposes by one or more persons contained within any type of building or structure.

Soliciting means any one or more of the following activities:

- (1) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, or services of any kind, character or description whatever, for any kind of consideration whatever;
- (2) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or publication; or
- (3) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication.

(Code 1989, § 12-51; Ord. No. 683, 10-7-2013)

Sec. 10-178. Penalties.⁹⁴

Any person violating any of the provisions of this article shall be punished according to the penalties described in section 1-8. by a fine of not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00). Each day any violation of any provision of this article shall continue shall constitute a separate offense.

(Code 1989, § 12-52; Ord. No. 683, 10-7-2013)

⁹¹ **Code 1989, Ch. 12, Article III. Door-to-Door Sales.** Please advise if the city wishes to keep this article knowing that the basis for it, O.C.G.A. § 43-32-1 et seq. was repealed in 2015. *City elected to keep provision.*

⁹² **Code 1989, Ch. 12, Article III. Door-to-Door Sales.** We recommend moving the article to appear with the “Businesses and Business Regulations” chapter for purposes of subject matter consistency. *Change accepted by City.*

⁹³ **Code 1989, § 12-51. Definitions.** We recommend adding introductory language to this provision for purposes of internal consistency. *Change accepted by City.*

⁹⁴ **Code 1989, § 12-52. Penalties.** We recommend modifying the language of this provision for purposes of internal consistency with the general penalty clause in the General Provision chapter. *Change accepted by City.*

Sec. 10-179. Permit required.

(a) It shall be unlawful for any person to engage in the business of soliciting or calling on residences door-to-door without first having obtained a permit in accordance with the provisions contained in this article.

(b) The requirement of subsection (a) of this section is meant to apply to door-to-door solicitations for commercial transactions for profit only. The requirement:

- (1) Is not meant to regulate solicitation for charitable, political or other nonprofit purposes, provided that all sales proceeds are the property of and used by the nonprofit organization.
- (2) Does not apply to officers or employees of the city, county, state or federal government, or any subdivision thereof, when on official business.

(c) Each person shall, at all times while soliciting in the city, carry upon his person the permit so issued and the same shall be exhibited by such solicitor whenever he is requested to do so by any police officer or by any person solicited.

(d) Each permit issued shall contain the name of the solicitor, the name and address of the person or association by whom the solicitor is employed or represents, and a photograph of the solicitor. Solicitors shall make themselves available for photographing and such other investigation as may be required by the city. Each permit shall be worn by the solicitor during all solicitation activities. The permit shall be pinned or otherwise conspicuously displayed on the exterior of the shirt, blouse or other garment worn by the solicitor so that the permit is easily seen by the public.

(e) The permit shall state the expiration date thereof. In no event shall a permit be valid for more than 30 days.

(Code 1989, § 12-53; Ord. No. 683, 10-7-2013)

Sec. 10-180. Permit applications.

(a) Application for a permit shall be made to the director of public safety upon a form provided by the city. The director of public safety, or his designee, shall have applications available on request. The applicant shall truthfully state in full the information requested on the application as follows:

- (1) Name and address of the present place of residence and length of residence at such address; also business address, if other than the present address;
- (2) Addresses of places of residence during the past three years, if other than present address;
- (3) Age of the applicant;
- (4) Physical description of the applicant;
- (5) Name and address of the person or association by whom the applicant is employed or represents and the length of time of such employment or representation;
- (6) Names and addresses of employers during the past three years, if other than the present employer;
- (7) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage;
- (8) Period of time for which the certificate is applied;
- (9) Proposed routes, including streets to be included on each day, which the applicant intends to follow;
- (10) The date, or approximate date, of the latest previous application for permit under this article, if any;
- (11) Whether the applicant has ever been convicted of a felony, a crime of moral turpitude or any other violation of any state or federal law;
- (12) Names of magazines, books or journals to be sold;
- (13) Names of the three most recent communities where the applicant has solicited house-to-house;
- (14) Proposed method of operation;

- (15) Description and license plate number of vehicles intended to be operated by the applicant;
- (16) Signature of applicant; and
- (17) Social security number of the applicant.

(b) All statements made by the applicant upon the application or in connection therewith shall be under oath.

(c) The applicant shall submit to finger printing and a background investigation by the director of public safety or his designee.

(d) The director of public safety or his designee shall cause to be kept in his office an accurate record of every application received and acted upon together with all other information and data pertaining thereto and all permits issued under the provisions of this article, and of the denial of applications. Applications for permits shall be numbered in consecutive order as filed, and every permit issued shall be identified with the duplicate number of the application upon which it was issued.

(e) No permit shall be issued to any person:

- (1) Who has been convicted of a felony or crime of moral turpitude within five years of the date of the application;
- (2) Who has been convicted of a violation of any of the provisions of this article; or
- (3) Whose permit issued hereunder has previously been revoked as herein provided.

(f) The non-refundable fee for a permit for a 30-day period for each solicitor shall be as established by resolution.

(Code 1989, § 12-54; Ord. No. 683, 10-7-2013)

Sec. 10-181. Permit denial, suspension or revocation; hearings.

(a) Any permit issued hereunder shall be suspended or revoked by the director of public safety or his designee if the applicant or holder of the permit is convicted of a violation of any of the provisions of this article, has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a permit under the terms of this article. Should the director of public safety, or his designee, deny an application under this article, written notice of the denial shall be provided to the applicant by the director of public safety, or his designee, setting forth the reason for the denial, and advise the applicant of the right to appeal said decision to the city administrator within ten days of the director of public safety's denial.

(b) Whenever the director of public safety or his designee determines there is cause to suspend or revoke a permit issued hereunder, the director of public safety, or his designee, shall give the permit holder written notice at least 15 days prior to an administrative hearing of the time, place, purpose of the hearing, and a statement of the grounds for suspension or revocation. The applicant or permit holder shall be afforded the opportunity to be heard and present evidence at the hearing.

(c) The director of public safety, or his designee, shall reach a decision on the matter before him within ten days following the close of the hearing and give written notice of said decision. The decision of the director of public safety or his designee shall be final unless the permit holder files a written notice of appeal to the city administrator within three days of receiving notice of said decision.

(d) The city administrator or designated hearing officer shall hear appeals to decisions by the director of public safety, or his designee, to deny applications for permits, as well as appeals to decisions by the director of public safety, or his designee, to suspend or revoke permits.

(e) Applicants or permit holders shall be given ten days prior written notice of the date, time, and place when the appeal will be heard by the city administrator or designated hearing officer. The applicant or permit holder shall be afforded the opportunity to be heard and present evidence at the hearing.

(f) Upon the close of the hearing, the city administrator or hearing officer shall reach a decision on the matter before him, and the decision of the city administrator or hearing officer shall be final. The applicant or permit holder may appeal to the county superior court by filing a petition for writ of certiorari within 30 days of the decision rendered by the city administrator or hearing officer.

(Code 1989, § 12-55; Ord. No. 683, 10-7-2013)

Sec. 10-182. Routes.

To the extent practical, each solicitor shall identify the streets and routes which he will follow on each day he is engaged in the business of soliciting. If changes in routes are made, then such changes must be immediately reported to the director of public safety's office.

(Code 1989, § 12-56; Ord. No. 683, 10-7-2013)

Sec. 10-183. Prohibitions.

(a) Any licensed solicitor who shall be guilty of any fraud, cheating or misrepresentation, whether by himself or through an employee, while acting as a solicitor in the city, shall be deemed guilty of a violation of this article.

(b) It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting, as herein defined, if the occupant of said residence has made it clear, by written sign or by filing a written "no solicitation" notice with the department of public safety, that solicitors are not invited. The written sign may be posted on the premises and/or at the main entrances to the subdivision or neighborhood. The department of public safety shall maintain a list of addresses of residents having filed a "no solicitation" notice with the department. The department shall provide a copy of such list to each solicitor.

(c) Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

(d) It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether licensed under this article or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting, as herein defined, prior to 8:00 a.m. or after 9:00 p.m.

(Code 1989, § 12-57; Ord. No. 683, 10-7-2013)

Sec. 12-58. Severability.⁹⁵

~~If any section, subsection, provision, or clause of any part of this article shall be declared invalid or unconstitutional or, if the provisions of any part of this article as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this article not so held to be invalid, or the application of this article to other circumstances not so held to be invalid. It is hereby declared as the intent of the city council that this article would have been adopted in its current form without the invalid or unconstitutional provision contained therein.~~

~~(Code 1989, § 12-58; Ord. No. 683, 10-7-2013)~~

Secs. 10-184--10-206. Reserved.

ARTICLE VII. HOUSE MOVERS

Sec. 10-207. House movers.⁹⁶

(a) *License required.* It shall be unlawful to engage in the business of house moving, or raising or shoring

⁹⁵ **Code 1989, § 12-58. Severability.** We recommend that this provision be stricken, as it is covered by a similar severability provision appearing in the "General Provisions" chapter of the Code. *Change accepted by City.*

⁹⁶ **Code 1989, § 12-19. House movers.** We recommend striking this section if house movers are now covered under Article IA, Occupation Tax. We also recommend moving this section to appear within the "Business and Business Regulations Chapter." *Change accepted.*

structures without first having secured a license therefor. Application for such license shall be made in writing to the city clerk.

(b) *Fee.* The fees for such licenses shall be \$5.00 for a daily license; or in accordance with the existing established license fees and taxes set forth under "Class II Services" by employee, whichever amount is larger.⁹⁷

(c) *Regulations.* Persons licensed under this section must comply with all the ordinance provisions relating to the work being done, and must pay the permit fee required for moving buildings, and must keep lights and warnings maintained as is required by ordinance.

(d) *Inspections.* It shall be the duty of the chief of police to make or cause to be made such inspections as may be necessary to comply with the provisions of this section.⁹⁸

(e) *Bond.* Every person licensed under the provisions of this section shall file with the clerk a bond in the sum of \$5,000.00 with sureties to be approved by the city council, conditioned to indemnify the city for any loss, damage or expense occasioned by such person, by any act or failure to act of the licensee, or by any failure of the licensee to comply with the ordinances of the city relating to the business of house moving, or raising or shoring structures.

(f) *Planking street.* The pavement of any street, alley or sidewalk on or along which any house is moved shall be protected by two-inch planks along the route; provided, however, that where the structure moved is conveyed on a trailer or truck equipped with pneumatic tires, in compliance with the state traffic law, such planking shall be unnecessary.

(Code 1989, § 12-19; Ord. No. 173, § 15, 1-22-1980; Ord. No. 207, 3-25-1985)

~~Editor's note—The license fees above are superseded by the provisions of Ch. 12, Art. I.A.~~

Secs. 10-208--10-237. Reserved.

ARTICLE VIII. INDOOR SHOOTING RANGES*⁹⁹

***State law reference--**Discharge of firearm near public highway or street, O.C.G.A. § 16-11-103; discharge of firearm on property of another, O.C.G.A. § 16-11-104; discharge of firearm on Sunday, O.C.G.A. § 16-11-105; Georgia Firearms and Weapons Act, O.C.G.A. § 16-11-120 et seq.; sport shooting ranges not deemed nuisances as result of changed circumstances, O.C.G.A. § 41-1-9.

~~Editor's note—Ordinance No. 290, adopted Nov. 11, 1991, did not specifically amend this Code; hence, inclusion of §§ 1–11 as Ch. 12, Art. V.I, §§ 12-141–12-151 was at the discretion of the editor.~~

Sec. 10-238. Indoor shooting ranges permitted.

Indoor shooting ranges (hereinafter referred to as "ranges") are hereby allowed in the city, subject to the terms, conditions and regulations set out and specified in this section. The term "range" is defined as a room, place or enclosure wherein the firing of firearms is permitted to practice marksmanship.

(Code 1989, § 12-141; Ord. No. 290, § 1, 11-11-1991)

Sec. 10-239. License required.¹⁰⁰

It shall be unlawful for any person, association, partnership or corporation to operate a range within the city

⁹⁷ **Code 1989, § 12-19. House movers.** We recommend adding the generic language for purposes of internal consistency and for ease of modification. *City elected to keep fee provision as is.*

⁹⁸ **Code 1989, § 12-19(d). Inspections.** Does the chief of police still do inspections?

⁹⁹ **Code 1989, Ch. 12, Article V.I. Indoor Shooting Ranges.** We recommend moving the article to appear with the "Businesses and Building Regulations" chapter for purposes of subject matter consistency. *Change accepted*

¹⁰⁰ **Code 1989, § 12-141. License required.** We recommend either removing language of specific fees and adding the generic language of: "the amount of such fee shall be established by

without a license to do so. The annual license fee for the operation of a range shall be established from time to time by resolution of the city council. The initial annual license fee shall be \$100.00. The annual license fee shall be due and payable on or before the first business day of January of each year.

(Code 1989, § 12-142; Ord. No. 290, § 2, 11-11-1991)

Sec. 10-240. Licensee qualifications.

(a) No license to operate a range shall be granted to any person who, within five years prior to the filing of the application for such license, has been convicted under any federal, state or local law of any offense involving the possession or use of firearms, any misdemeanor involving moral turpitude, or of any felony. For the purposes of this section, a plea of nolo contendere shall constitute a conviction.

(b) No license for operation of a range shall be granted to any person who has had any city license revoked within two years prior to the filing of the application.

(Code 1989, § 12-143; Ord. No. 290, § 3, 11-11-1991)

Sec. 10-241. License application.

(a) Every applicant for a license shall make written application to the city clerk on forms prescribed by the city clerk. All applications shall be accompanied by a certified check for the full amount of the license fee, together with a separate check or cash in the amount of \$100.00, to defray investigative and administrative costs. If the application is denied, or if the applicant withdraws the application prior to its approval, the license fee (without interest) shall be refunded, but the \$100.00 investigative fee shall be retained.¹⁰¹

(b) Every application for a license shall be accompanied by one or more fully completed background questionnaires on forms prescribed by the city clerk. The background questionnaire shall be completed by the owner and primary operator of the range. If the owner is a corporation or partnership, each officer and director of the corporation and each general partner of the partnership shall provide a background questionnaire.

(c) The city clerk, or his designee, shall review the application and shall send a copy to all affected departments of city government to determine compliance with city regulations and laws, and to the police department to investigate the character and reputation of the applicant and other parties required to submit background questionnaires.

(Code 1989, § 12-144; Ord. No. 290, § 4, 11-11-1991)

Sec. 10-242. General regulations for ranges.

(a) Buildings containing ranges shall have walls, ceilings and floors that are either impenetrable to the bullets of the firearms being used within it, or have internal baffling built so that the bullets cannot hit the walls or ceilings. Provisions shall also be made to stop glancing bullets or particles of bullets at the sides of the target area.

(b) A system of ventilation shall be installed within the range in accordance with the standards and requirements of the Environmental Protection Agency (~~the~~ "EPA").

(c) The range shall be so constructed and insulated that the discharge of firearms within it shall not disturb persons outside the premises. The discharge of firearms shall be deemed to constitute a disturbance if the noise level exceeds 55 decibels at a distance of 50 feet or more from the building containing the range. Sound measurements shall be made with a sound level meter.

the city council, from time to time, and made available for public examination in the office of the clerk of courts" or if the city wants fees in the code, please make sure amount is current. *City elected to keep fee provision as is.*

¹⁰¹ **Code 1989, § 12-144. License Application.** We recommend either removing language of specific fees and adding the generic language of: "the amount of such fee shall be established by the city council, from time to time, and made available for public examination in the office of the clerk of courts" or if the city wants fees in the code, please make sure amount is current. *City elected to keep fee provision as is.*

(d) Hearing protectors which fully cover the shooters' ears will be provided by the range and made available for all shooters or other persons in the firing area.

(e) There shall be one instructor for each five firing points in use. All instructors will be required to be certified by the National Rifle Association or similar organization satisfactory to the city. The owner of the range shall require personnel, instructors and attendants to be at least 18 years of age.

(f) No person under the age of 18 years shall be permitted to enter a range unless accompanied by an adult.

(g) No weapons, other than handguns or rim fire rifles with a .22 caliber or less, shall be allowed on the premises. All weapons brought into the range shall be in a case designed for the weapons so that no parts of the weapons will be visible. Certified law enforcement officers are exempt from the provisions of this article.

(h) Loaded weapons shall only be allowed in the firing area of the range and shall not be permitted in any other place inside the building or premises or within the property boundaries outside the building.

(i) Not more than one person shall shoot from a firing point at one time. All of the persons except instructors must stand behind the firing point. No person shall be allowed in front of a firing point at any time during operating hours except instructors and/or employees and law enforcement officers.

(j) An emergency system shall be installed within each range, capable of alerting the people on the range to stop firing immediately.

(k) It shall be unlawful for any person operating a range to permit any person ~~or persons~~ to bring any alcoholic beverages on the premises of any range, or to permit the consumption of alcoholic beverages on the premises or to permit alcoholic beverages to be left at any place on the premises. It shall also be unlawful for any person operating a range to permit any intoxicated person to be or remain in the premises of a range.

(l) It shall be unlawful for any person operating a range to permit any form of gambling or wagering.

(m) It shall be the responsibility of the licensee or instructor to brief patrons concerning the rules and regulations in the range before they are permitted to use the firing range. The licensee shall keep posted in a conspicuous place inside the building and outside the building a sign stating the rules and regulations of the range.

(n) All ranges shall be subject to all requirements of the Occupational Safety and Health Act, and the National Institute for Occupational Safety and Health.

(Code 1989, § 12-145; Ord. No. 290, § 5, 11-11-1991)

Sec. 10-243. Location; hours of operation.

(a) No range shall be located within 500 feet of any parcel of land which is zoned for residential uses or purposes. No range shall be located within any zoning category other than industrial (L-I) as defined in article VI of the city zoning ordinance. In addition, the operation of a range within the L-I zoning district shall require a conditional use permit. The measurement of distances, for the purposes of this section, shall be from property line to property line along the shortest possible straight line distance, regardless of any customary or common route or path of travel, i.e., "as the crow flies."

(b) No range shall be open for business between the hours of 12:00 midnight and 6:00 a.m.

(Code 1989, § 12-146; Ord. No. 290, § 6, 11-11-1991)

Sec. 10-244. Suspension or revocation of license.

The city clerk may suspend or revoke the license of any licensee found to have violated any provision of this article. However, no license shall be suspended or revoked without the opportunity for a hearing before the city council. Any licensee desiring a hearing shall, within 15 days of being notified of an ordinance violation, file a written petition for a hearing in the office of the city clerk. A hearing shall be conducted by the city council within 30 days of the filing of the petition, unless a continuation of such date is agreed to by the licensee and the city clerk. The licensee shall have the right to be represented by an attorney at the hearing, at the expense of the licensee. The findings of the city council shall be forwarded to the city clerk after the conclusion of the hearing and it shall be the duty of the city clerk to notify the licensee of the action of the city council. The findings of the city council shall be final. The findings of the city council may be appealed to the superior court of the county within 30 days of the date

of the findings; provided, however, that the findings shall not be set aside unless found to be contrary to law or ordinance, or unsupported by any evidence on the record as a whole. For the purposes of this section, notice shall be deemed delivered when personally served or, when served by mail, within three days after the date of deposit in the United States mail.

(Code 1989, § 12-147; Ord. No. 290, § 7, 11-11-1991)

Sec. 10-245. Criminal penalties.¹⁰²

(a) Any person, firm or corporation operating a range within the municipality without having obtained a license as provided for in this section, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount according to the penalties described in section 1-8 ~~not less than five hundred dollars (\$500.00) nor more than two thousand dollars (\$2,000.00)~~; and each day the range is operated without a license shall be a separate offense.

(b) Any licensee who violates any provision of this article shall be guilty of a misdemeanor, and upon conviction, shall be fined in an amount according to the penalties described in section 1-8 ~~not less than fifty dollars (\$50.00) nor more than two thousand dollars (\$2,000.00)~~; and each violation thereof shall constitute a separate offense and shall be punishable as such.

(Code 1989, § 12-148; Ord. No. 290, § 8, 11-11-1991)

Sec. 10-246. Unlawful operation declared nuisance.

Any range operated, conducted or maintained contrary to the provisions of this article shall be, and the same is hereby declared to be, unlawful and a public nuisance. The city may, in addition to, or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings for abatement, removal or enjoinment ~~enjoyment~~ thereof, in the manner provided by law.

(Code 1989, § 12-149; Ord. No. 290, § 9, 11-11-1991)

Sec. 10-247. Liability insurance; bond.

(a) The owner of the range, whether an individual, or corporate or other business entity, shall carry liability insurance protecting the general public and users of the range against any injury resulted from the discharge of firearms in the range in the amount of not less than \$500,000.00 for bodily injury and \$100,000.00 for property damage.

(b) As a condition to the issuance of a license, each licensee shall post with the city clerk a \$500.00 cash or surety bond payable to the city and conditioned upon the licensee's faithful performance of all provisions of this article. All surety bonds shall be issued by a surety licensed to do business in the state and listed on the U.S. Treasury list as an approved surety.

(Code 1989, § 12-150; Ord. No. 290, § 10, 11-11-1991)

Sec. 10-248. Miscellaneous.¹⁰³

~~(a)~~ The provisions of this article regulating the operation of ranges are declared to be the minimum standards for the operation of a range. The operator of a range shall also be required to comply with any applicable county, state or federal regulations. Nothing in this article shall be deemed to permit or condone any activity which is otherwise declared to be unlawful by any applicable county, state or federal regulation.

~~— The provisions of this article are severable, and if any provision or section is determined to be invalid by a court of competent jurisdiction, the remaining provisions of this article shall remain in full force and effect.~~

¹⁰² **Code 1989, § 12-148. Criminal penalties.** We recommend modifying the language of this provision for purposes of internal consistency with the general penalties clause in the General Provisions chapter. *Change accepted*

¹⁰³ **Code 1989, § 12-151. Miscellaneous.** We recommend striking the language as not needed. *Change accepted.*

~~— This article shall become effective immediately upon its adoption. All ordinances or parts of ordinances in conflict with this article are hereby repealed. The article shall become part of the Official Code of Alpharetta.~~
(Code 1989, § 12-151)

Secs. 10-249--10-274. Reserved.

ARTICLE IX. MESSAGE AND SPA ESTABLISHMENTS*¹⁰⁴

***State law reference--**Massage therapy practice, O.C.G.A. § 43-24A-22 et seq.

Sec. 10-275. Purpose and legislative findings.

The Georgia General Assembly has declared that the practice of massage therapy is an activity affecting the public interest and involving the health, safety, and welfare of the public, and that the practice of massage therapy by a person who is not licensed under the Georgia Massage Therapy Practice Act (O.C.G.A. § 43-24A-1 et seq.) is a public nuisance, and harmful to the public health, safety, and welfare. The city council agrees with those findings. Furthermore, the city council finds that, for many massage establishments, the business in fact is sexual conduct or the intimation of sexual conduct, rather than lawful massage therapy. Such establishments offer massage services as a subterfuge for prostitution, masturbation for hire, and other paid sexual contact, which are harmful to the public health, safety, and welfare. There is difficulty and expense in conclusively distinguishing between such establishments and legitimate massage establishments, but one rational distinction is whether the establishment has a relationship with a corporate or franchising hierarchy, which would tend to safeguard against unlawful sexual activities on the massage establishment premises. It is a purpose of this article to impose licensing requirements to help prevent illegal massage, prostitution, and related sex crimes, yet without hindering legitimate massage establishments operating under a business structure with external oversight that serves that purpose. Pursuant to O.C.G.A. § 43-24A-22 (allowing local regulation of massage businesses and of persons not licensed by the state), it is the purpose of this article to regulate the operation of massage establishments and spa establishments, and to regulate employees of such establishments who are not licensed as massage therapists by the state, as an exercise of the city's police power in order to protect the health, safety and general welfare of the citizens of the city.

(Ord. No. 723, § 12-161, 4-4-2016)

Sec. 10-276. 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:

Applicant means any person, firm, corporation, or other legal entity applying for a license to operate a massage establishment or spa establishment, as defined herein, or a person applying for a work permit, as provided for herein.

Employee means any person who performs any service on the premises of a massage establishment or spa establishment, on a full-time, part-time, or contract basis, regardless of whether the person is denominated an employee, independent contractor, agent, apprentice, trainee, or otherwise. The term "employee" does not include a person who is licensed or provisionally permitted pursuant to the Georgia Massage Therapy Practice Act (O.C.G.A. § 43-24a-1 et seq.), or a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

Hearing officer means the city administrator, or his designee, appointed to conduct hearings under this article.

Massage or massage therapy means the manipulation and/or treatment of soft tissues of the body, including, but not limited to, the use of effleurage, petrissage, pressure, friction, tapotement, kneading, vibration, range of motion stretches, a system of structured touch, pressure, movement, and holding to the soft tissue of the body, and any other soft tissue manipulation whether manual or by use of massage apparatus, and may include the use of water, oils, lotions, creams, lubricants, salt glows or scrubs, hydrotherapy, heliotherapy, hot packs, cold packs or

¹⁰⁴ **Code 1989, Ch. 12, Article VI. Massage and Spa Establishments.** We recommend moving the article to appear with the "Businesses and Business Regulations" chapter for purposes of subject matter consistency. *Change accepted.*

other topical preparations. The term "massage" or "massage therapy" shall not include diagnosis, the prescribing of drugs or medicines, spinal or other joint manipulations, or any service or procedure when performed by a person who is licensed by the state to practice chiropractic, physical therapy, podiatry or medicine. Further, the term "massage" or "massage therapy" shall not include the following when lawfully performed by a natural person licensed or certified by the state board of cosmetology while engaged in the practice authorized by such state license (or certificate of registration) in accordance with, and as further regulated by, the state licensing laws set forth in O.C.G.A. § 43-10-1 et seq.:

- (1) Touching of the scalp or face by a state-licensed barber or cosmetologist;
- (2) Touching of the hands or feet by a state-licensed nail technician or cosmetologist; and
- (3) Touching of the face, neck, décolletage, or arms by a state-licensed esthetician or cosmetologist.

Massage apparatus means any manual, mechanical, hydraulic, hydrokinetic, electric or electronic device or instrument or any device or instrument operated by manual, mechanical, hydraulic, hydrokinetic or electric power for the purpose of administering a massage.

Massage establishment means a commercial establishment where any person offers or engages in massage or massage therapy. The term "massage establishment" shall not include hospitals or other professional health care establishments separately licensed as such by the state.

Premises means the real property, or portion thereof, upon which the massage establishment or spa establishment is located, including, but not limited to, the establishment and the grounds, private walkways, and parking lots and/or parking garages under the ownership or control of the establishment.

Spa establishment means a commercial establishment that offers or engages in personal services that call for the patron to disrobe, such as body wraps, hydro mineral wraps, body polishes, body washes, baths and hydro-tub soaks. The term "spa establishment" shall not include hospitals or other professional health care establishments separately licensed as such by the state.

Specified criminal activity means any of the following specified crimes:

- (1) Illegal gambling;
- (2) Prostitution, keeping a place of prostitution, pimping, pandering, pandering by compulsion, masturbation for hire, sodomy, aggravated sodomy, rape, child molestation, sexual assault, sexual battery, aggravated sexual assault, aggravated sexual battery, or public indecency;
- (3) Obscenity, disseminating or displaying matter harmful to a minor, or use of a child in a sexual performance;
- (4) Any offense related to any massage establishment or spa establishment or which is related to the regulatory purposes of this article, including controlled substance offenses, tax violations, racketeering, crimes involving sex, crimes involving prostitution, or crimes involving obscenity;
- (5) Any attempt, solicitation, or conspiracy to commit one of the foregoing offenses; or
- (6) Any offense in another jurisdiction that, had the predicate act been committed in Georgia, would have constituted any of the foregoing offenses.

(Ord. No. 723, § 12-162, 4-4-2016)

Sec. 10-277. Penalties.

Any person violating any of the provisions of this article shall be punished as provided in section 1-8. Nothing in this section and no action taken hereunder shall be held to exclude such other civil, criminal, or administrative proceedings as may be authorized by other provisions of this Code or any of the laws in force in the city, or to exempt anyone violating this Code or any part of said laws from any penalty which may be incurred.

(Ord. No. 723, § 12-163, 4-4-2016)

Sec. 10-278. Scope of regulations.

- (a) All licenses and work permits issued under this article shall constitute a mere privilege to operate or work

at the establishment specified in the license or work permit during the term of the license or work permit only, and shall be subject to all terms and conditions imposed by the city, the county and the state.

(b) This article shall not be enforced against:

- (1) Any natural person who is a physician, chiropractor, physical therapist, or similar professional licensed and regulated by or through the state while engaged in the practice of the profession for which the person is licensed by the state;
- (2) Any hospital or other professional health care establishment, including a physician's, physical therapist's, or chiropractor's office, separately licensed as such by the state;
- (3) Any natural person who is a massage therapist licensed by the state under the Georgia Massage Therapy Practice Act (O.C.G.A. § 43-24A-1 et seq.) while engaged in the practice of massage therapy as authorized and regulated under said Act; notwithstanding the foregoing exception, the provisions of this article regulating massage establishments and spa establishments and the operation of such establishments shall be enforced against any such person to the extent such person owns, operates or manages a massage establishment or spa establishment or supervises the employees thereof, unless otherwise expressly excepted herein; or
- (4) Any other individual or entity expressly exempted from local legislation by the laws of the state.

(c) Licenses and work permits issued before the adoption of the ordinance from which this article is derived shall continue in effect for their original terms, subject to the regulations provided herein, including the revocation provisions in section 10-284, as amended.

(d) All massage establishments, spa establishments, and their employees shall comply with this article upon its adoption, including those that hold a license or a work permit issued before the adoption of the ordinance from which this article is derived.

(e) The director of public safety may exempt a massage establishment or a spa establishment and its employees from the licensing requirements of sections 10-279 through 10-281 for a specified calendar year. An exemption under this subsection expires on December 31 of the year for which it was granted. Upon the expiration of an exemption, the establishment and its employees are subject to all requirements of sections 10-279 through 10-281. Any request for an exemption shall be submitted in writing to the director of public safety and is automatically rejected unless the director of public safety grants the exemption. An exemption, if granted by the director of public safety, shall be in writing and shall be based upon evaluation of the request according to the following standards:

- (1) Whether the establishment is part of a chain that operates in multiple locations under common ownership, franchise agreements, or a similar arrangement that involves centralized control or corporate supervision;
- (2) Whether persons who provide services to customers at the establishment hold state licenses;
- (3) The establishment's, its owners', and its managers' histories relative to compliance with massage establishment or spa establishment licensing requirements;
- (4) Whether the location used by the establishment has been free from association with unlawful activity for the last 12 months; and
- (5) Whether the establishment is managed and operated by a person who has been continually licensed pursuant to the Georgia Massage Therapy Practice Act for at least seven years.

(Ord. No. 723, § 12-164, 4-4-2016)

Sec. 10-279. Massage/spa establishment license required; application.

(a) *Massage/spa establishment license required.* It shall be unlawful for any person or legal entity to operate a massage establishment or a spa establishment in the city without a valid massage/spa establishment license. This license requirement is in addition to obtaining an occupation tax certificate pursuant to article III of chapter 424A of this chapter pertaining to taxation. No more than 20 massage/spa establishment licenses may be in effect at a time. The city shall not issue a massage/spa establishment license that would result in more than 20 such establishments being licensed to operate simultaneously.

(b) Application. An applicant for a massage/spa establishment license shall file in person at the city department of public safety records division a completed application made on a form provided by the city. The application must be executed by the person primarily responsible for the operation of the establishment. If the applicant is a partnership, limited liability company, corporation, or other legal entity, the application must also be executed by an officer, member, partner or shareholder, as applicable. Signatures on the application shall be notarized. An application shall be considered complete when it contains the information and/or items required in this subsection, accompanied by the annual regulatory fee:

- (1) The applicant's full legal name and any other names used by the applicant in the preceding five years.
- (2) A signed and sworn affidavit verifying the applicant's lawful presence in the United States as required by O.C.G.A. § 50-36-1. If the applicant is a partnership, limited liability company, corporation, or other legal entity, a signed and sworn affidavit verifying the lawful presence of each person who executes the application on behalf of the applicant.
- (3) A signed and sworn affidavit attesting that the applicant either uses the federal work authorization program in accordance with federal regulations or that the applicant employs fewer than 11 people or otherwise does not fall within the requirements of O.C.G.A. § 36-60-6.
- (4) Current business address and residential mailing address for the applicant.
- (5) The business name, location, legal description, mailing address and telephone number of the establishment.
- (6) If the applicant is a sole proprietor, written proof of age, in the form of a driver's license or a picture identification document containing the applicant's date of birth issued by an agency of a state or of the federal government.
- (7) If the applicant is not a sole proprietor, then the partnership, limited liability company, corporation, or other legal entity shall submit a complete list of the legal entity's:
 - a. Officers;
 - b. Directors;
 - c. Partners, members, or shareholders (natural persons) holding a ten percent or greater ownership interest in such legal entity, or if there is no shareholder (natural person) with at least a ten percent interest, the ten shareholders with the greatest ownership interest;
 - d. Employee or agent primarily responsible for operation of the massage or spa establishment; and
 - e. Written proof of age, in the form of a driver's license or a picture identification document containing the applicant's date of birth issued by an agency of a state or of the federal government for each person listed in subsections (b)(7)a through d of this section.
- (8) A statement of whether the applicant or any person listed in response to subsection (b)(7) of this section has been an owner, director, officer, partner, member, or shareholder of a massage establishment or spa establishment that has, in the previous five years (and at a time during which the person was so related to the establishment):
 - a. Been declared by a court of law to be a nuisance; or
 - b. Had its license to operate a massage establishment or a spa establishment revoked.
- (9) A statement of whether the applicant or any person listed in response to subsection (b)(7) of this section has within the previous five years been arrested for, convicted of, or pleaded guilty or entered a plea of nolo contendere to a specified criminal activity as defined in this article, and if so, each specified criminal activity involved, including the date, place, and jurisdiction of each such arrest and/or conviction.
- (10) A statement of whether the applicant or a person listed in response to subsection (b)(7) of this section has in the previous 12 months resided with someone who has been an owner, director, officer, partner, member, or shareholder of a massage establishment or spa establishment that has, in the previous five years (and at a time during which the person was so related to the establishment):

- a. Been declared by a court of law to be a nuisance; or
 - b. Had its license to operate a massage establishment or a spa establishment revoked.
- (11) If the applicant is a partnership, limited liability company, corporation or other legal entity required to be chartered under the laws of the state or authorized by the secretary of state to do business in the state, such corporation must be chartered under the laws of the state or authorized by the secretary of state to do business in the state and must submit copies of the certificate of organization or incorporation, as applicable, and articles of organization or incorporation, as applicable.
- (12) A sworn and notarized statement of a registered agent who is a resident of the county and who is at least 18 years of age, required to be designated by a licensee to receive any process, notice or demand required or permitted by law or under this article to be served upon the applicant.
- (13) A statement as to whether the applicant is the owner of the premises wherein the establishment will be operated or the holder of a lease thereon for the period to be covered by the license. If the applicant is a lease holder, the following shall be submitted with the license application:
- a. A copy of the lease; and
 - b. The written consent of the owner of the real property upon which the premises are located which demonstrates knowledge and acceptance of the applicant's proposed operation of a massage establishment or spa establishment on the subject property, grants permission to the applicant to submit the subject application, and acknowledges and represents that such real property owner has read and fully understands the requirements of this article, including, but not limited to, the provisions set forth in section 10-288.
- (14) A copy of a \$25,000.00 surety bond, issued by a company approved to issue surety bonds by the state insurance commissioner, payable to the city upon the entry of an injunction by the county superior court against operation of the applicant's massage establishment or spa establishment due to unlawful operation of same while the applicant held a massage/spa establishment license under this article.
- (15) For every person on the premises who offers, or will offer, services for which a license under O.C.G.A. § 43-24A-1 et seq. is required, a copy of the state license for each such person as well as a color photograph, no smaller than two inches by two inches, showing the face, neck, and shoulders of each such person; or, if there are none, a statement certifying that the application is for the operation of a spa establishment only and that neither the establishment nor any person on the premises offers, or will offer, massage.

The information provided pursuant to subsection (b) of this section shall be supplemented in writing by certified mail, return receipt requested, to the city department of public safety records division within ten working days of a change of circumstances which would render the information originally submitted false or incomplete.

(c) *Confidentiality.* The information provided by an applicant in connection with an application for a license under this article shall be maintained by the city department of public safety records division on a confidential basis, and such information may be disclosed to the public only as required under governing law. Any information protected by the right to privacy as recognized by state or federal law shall be redacted prior to any required disclosure under the Georgia Open Records Act or other applicable law.

(d) *Issuance of license.* Upon the filing of a completed massage/spa establishment license application, the city shall cause to be conducted a criminal background investigation of the applicant and shall transmit a summary of the investigation results to the director of public safety or his designee. Within 60 days of the filing of the application, the director of public safety, or his designee, shall either issue a license to the applicant or issue a written notice of intent to deny the license to the applicant. The director of public safety, or his designee, shall issue the license unless:

- (1) The applicant or a person listed in response to subsection (b)(7) is less than 21 years of age.
- (2) The applicant has failed to provide information required by this article for issuance of a license or has falsely answered a question or request for information on the application form.
- (3) The applicant is neither the owner of the premises wherein the establishment will be operated, nor the

holder of a lease thereon for the period to be covered by the license.

- (4) The annual regulatory fee required by this article has not been paid.
- (5) The establishment is not in compliance with the location requirements of this article or of any part of the Code. This provision shall not be grounds to deny a license to a massage establishment or spa establishment that was, in all respects, lawfully operating at the premises prior to the adoption of the location requirements of the ordinance from which this article is derived and that has continued to lawfully operate at the premises.
- (6) The city has revoked a massage/spa establishment license at the premises within the previous 12 months.
- (7) The applicant or a person listed in response to subsection (b)(7) has been an owner, director, officer, partner, member, or shareholder of a massage establishment or spa establishment that has, in the previous five years (and at a time during which the person was so related to the establishment):
 - a. Been declared by a court of law to be a nuisance; or
 - b. Had its license to operate a massage establishment or a spa establishment revoked.
- (8) The applicant or a person listed in response to subsection (b)(7) has within the previous five years been convicted of, or pleaded guilty or entered a plea of nolo contendere to, a specified criminal activity, as defined in this article.
- (9) The establishment does not comply with all applicable building, health, and life safety codes, or the building to be occupied does not have a valid, current certificate of occupancy.
- (10) The applicant or a person listed in response to subsection (b)(7) has in the previous 12 months resided with someone who has been an owner, director, officer, partner, member, or shareholder of a massage establishment or spa establishment that has, in the previous five years (and at a time during which the person was so related to the establishment):
 - a. Been declared by a court of law to be a nuisance; or
 - b. Had its license to operate a massage establishment or a spa establishment revoked.
- (11) The license, if issued, would result in more than 20 massage/spa establishment licenses being in effect at the time.
- (12) The applicant is a partnership, limited liability company, corporation or other legal entity that is required to be chartered under the laws of the state or authorized by the secretary of state to do business in the state, but is not so chartered or authorized.

(e) *License display.* A license, if issued, shall be issued in the name of the applicant. The license shall be posted in a conspicuous place at or near the entrance to the establishment so that it may be read at any time that the establishment is occupied by patrons or is open to the public.

(f) *Employee permit display.* Massage establishments and spa establishments shall post each employee's work permit issued by the city in a conspicuous place at or near the entrance to the establishment so that it may be read at any time that the establishment is occupied by patrons or is open to the public.

(Ord. No. 723, § 12-165, 4-4-2016)

Sec. 10-280. Regulatory fee; expiration.

(a) There shall be an annual regulatory fee, consisting of a non-refundable investigative fee and a license fee, for each massage and spa establishment licensed within the city. The investigative and license fees shall be set by the director of public safety. The full regulatory fee shall be paid with the license application and shall not be prorated under any circumstances. If the applicant withdraws the application or the license is denied, the applicant shall be refunded the full license fee paid. No refund shall be allowed once the license has been issued.

(b) All licenses granted hereunder shall be for the calendar year and expire on December 31 of each year. Each subsequent application shall be treated as an initial application and the applicant shall be required to comply with all rules and regulations for the granting of licenses as if no previous license had been held. Existing licensees shall file applications by November 1 of each year for the following license year. Applications received after

November 1 shall be subject to a ten percent late fee.

(c) No license issued pursuant to this article shall be transferable. Upon change of ownership, even if only in part, a new application will be completed and submitted along with all necessary fees.

(Ord. No. 723, § 12-166, 4-4-2016)

Sec. 10-281. Employee work permits required.

(a) Massage/spa establishment work permit required. It shall be unlawful for any person to be an employee, as defined in this article, of a massage establishment or spa establishment in the city without a valid massage/spa establishment work permit issued under the terms of this article, except that a person who holds a valid massage/spa establishment license or who is listed in response to subsections 10-279(b)(7)a through c in relation to a valid massage/spa establishment license shall not be required to also obtain a massage/spa establishment work permit to be an employee at that particular licensed establishment. A person who works at more than one establishment shall obtain a separate work permit for each establishment. No applicant for a massage/spa establishment work permit shall work at a massage establishment or a spa establishment in the city until the applicant receives, and the establishment posts, the employee's work permit as required by this article. A receipt issued by the city is not a valid massage/spa establishment work permit and does not authorize the person to work in a massage establishment or spa establishment.

(b) Application. An applicant for a massage/spa establishment work permit shall file in person at the city department of public safety, records division, a completed application made on a form provided by the city. The application must be signed and notarized. Applicants shall make themselves available for photographing. An application shall be considered complete when it contains the information and/or items required in this subsection (b), accompanied by the work permit fee:

- (1) The applicant's full legal name and any other names used by the applicant in the preceding five years.
- (2) Current business address or another mailing address for the applicant.
- (3) Written proof of age, in the form of a driver's license or a picture identification document containing the applicant's date of birth issued by an agency of a state or of the federal government.
- (4) A signed and sworn affidavit verifying the applicant's lawful presence in the United States as required by O.C.G.A. § 50-36-1.
- (5) The name and address of the massage establishment or spa establishment for which the applicant seeks to obtain the work permit.
- (6) A statement of whether the applicant has been an owner, director, officer, partner, member, or shareholder of a massage establishment or spa establishment that has, in the previous five years (and at a time during which the person was so related to the establishment):
 - a. Been declared by a court of law to be a nuisance; or
 - b. Had its license to operate a massage establishment or a spa establishment revoked.
- (7) A statement of whether the applicant has within the previous five years been arrested for, convicted of, or pleaded guilty or entered a plea of nolo contendere to a specified criminal activity as defined in this article, and if so, each specified criminal activity involved, including the date, place, and jurisdiction of each such arrest and/or conviction.
- (8) A copy of the applicant's state massage therapy license and proof of continuing education credit.

The information provided pursuant to subsection (b) of this section shall be supplemented in writing by certified mail, return receipt requested, to the city department of public safety, records division, within ten working days of a change of circumstances which would render the information originally submitted false or incomplete.

(c) The information provided by an applicant in connection with an application for a work permit under this article shall be maintained by the city department of public safety, records division, on a confidential basis, and such information may be disclosed to the public only as required under governing law. Any information protected by the right to privacy as recognized by state or federal law shall be redacted prior to any required disclosure under

the Georgia Open Records Act or other applicable law.

(d) Issuance of work permit. Upon the filing of a completed massage/spa establishment work permit application, the city shall cause to be conducted a criminal background investigation of the applicant and shall transmit a summary of the investigation results to the director of public safety or his designee. Within 30 days of the filing of a completed massage/spa establishment work permit application, the director of public safety or his designee shall either issue a work permit to the applicant or issue a written notice of intent to deny the work permit to the applicant. The director of public safety, or his designee, shall issue the work permit unless:

- (1) The applicant is less than 18 years of age.
- (2) The applicant has failed to provide information required by this article for issuance of a work permit or has falsely answered a question or request for information on the application form.
- (3) The work permit fee required by this article has not been paid.
- (4) The establishment for which the applicant seeks a work permit does not have a valid massage/spa establishment license from the city.
- (5) The applicant has been an owner, director, officer, partner, member, or shareholder of a massage establishment or spa establishment that has, in the previous five years (and at a time during which the person was so related to the establishment):
 - a. Been declared by a court of law to be a nuisance; or
 - b. Had its license to operate a massage establishment or a spa establishment revoked.
- (6) The applicant has within the previous five years been convicted of, or pleaded guilty or entered a plea of nolo contendere to, a specified criminal activity, as defined in this article.

(e) The work permit, if issued, will be valid for a period of one year from the date it is issued. The replacement and additional work permit shall be issued upon payment of one-half of the fee charged for a work permit and will expire the same date as the then-current work permit. A massage establishment or spa establishment employee shall provide the employee's work permit to the establishment for which it was issued to be posted on the premises pursuant to this article.

(f) The director of public safety or his designee shall issue a written notice of intent to revoke an employee's work permit, following notice and hearing pursuant to this article, and demand its return if the employee has violated the provisions of this article, any state law or applicable local ordinance.

(g) It shall be unlawful for an employee whose work permit has been revoked to refuse to return the work permit to the city department of public safety, records division, or to alter, conceal, deface, or destroy the work permit.

(h) The permit fee for a massage/spa establishment work permit shall be established by the director of public safety.

(Ord. No. 723, § 12-167, 4-4-2016)

Sec. 10-282. General operating provisions.

(a) Massage establishments and spa establishments shall keep on file, on the premises of the establishment, a list of all persons who perform any service on the premises of the establishment, their home addresses and home or mobile telephone numbers, their duties and services performed for the massage or spa establishment, whether such persons have massage/spa establishment work permits issued by the city, and whether such persons have licenses or provisional permits issued by the state pursuant to the Georgia Massage Therapy Practice Act. The holder of a massage/spa establishment license must also keep on file, on the premises of the establishment, a copy of the establishment's two most recent license applications. A list of all employees, and most recent copies of their state licenses (if so licensed) and certifications shall be provided to the city department of public safety, records division, no later than January 15 of each year.

(b) Massage establishments and spa establishments shall maintain correct and accurate records of each instance that a service is provided, the type of service provided, and the name of the person at the establishment

who provided the service. The records shall be subject to inspection by the city manager, the chief of police, and their designees during those times when the establishment is occupied by patrons or is open to the public.

(c) No massage establishment or spa establishment shall allow any person required to have any state-mandated licenses, or a massage/spa establishment work permit pursuant to this article, to perform any service on the premises until such person has procured such license or work permit. Licensees and all managers and/or supervisors of any massage or spa establishment are required by this article to inspect and verify that each person who performs services on the premises who is required to have a valid state license or city work permit, has the required license or work permit on the establishment premises at all times, and failure to do so shall be a violation of this article.

(d) Each massage establishment and spa establishment shall have an owner, manager or supervisor on the premises at all hours that the establishment is occupied by patrons or is open to the public. Further, each massage establishment shall have a state-licensed massage therapist on the premises at all hours that the establishment is occupied by patrons or is open to the public. No massage establishment shall hold itself out as being open for business at any time when there is no state-licensed massage therapist on the premises. In addition to the other penalties and remedies provided herein, if during an inspection there is no owner, manager, or supervisor, or, if applicable, state-licensed massage therapist on the premises, the establishment must cease operations and close until an owner, manager or supervisor or state-licensed massage therapist, as applicable, is on the premises.

(e) Records required to be maintained under this article shall be kept for a minimum of two years. Records shall be made available to the director of public safety or his designee, during business hours, at the establishment's business location in the city.

(f) All employees and other persons on the premises, with the exception of customers receiving a massage from a state-licensed massage therapist, shall be completely clothed. For the purposes of this article, the term "completely clothed" means having on the upper portion of the body appropriate undergarments and either a blouse or shirt which shall cover all the upper body, save the arms and neck, and shall mean having on the lower body appropriate undergarments plus either pants or a skirt, and said pants or skirt must cover from the waist down to a point at least two inches above the knee. All clothes worn in compliance with this article shall be entirely non-transparent.

(g) No customer receiving a massage from a state-licensed massage therapist shall expose his genitals, pubic area, anus, buttocks, or the female breast to another person on the premises of a massage establishment or spa establishment. This prohibition does not apply to the showing of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel, provided the areola is not exposed in whole or in part.

(h) No massage establishment or spa establishment shall be or remain open for business between the hours of 9:00 p.m. and 7:00 a.m. No person shall be or remain inside a massage establishment or spa establishment between the hours of 10:00 p.m. and 6:00 a.m. No massage establishment or spa establishment shall hold itself out as open at a time that the establishment is prohibited, under this subsection, from being open for business.

(i) A readable sign shall be posted at the main entrance identifying the establishment. Signs shall comply with the sign requirements of this Code.

(j) Minimum lighting shall be provided in accordance with the building code, as adopted by the city council, and at least one artificial light of not less than 40 watts (or equivalent illumination) shall be provided in each enclosed room or booth.

(k) Ordinary beds or mattresses shall not be permitted in any massage establishment or spa establishment.

(l) No massage establishment or spa establishment shall knowingly or recklessly allow any minor (i.e., a person under the age of 18 years) to be or remain inside the massage establishment or spa establishment unless the minor is accompanied by his parent, legal guardian, or a person who is at least 21 years of age and has been entrusted with the minor by the minor's parent or legal guardian.

(m) No person shall knowingly or recklessly touch, manipulate, fondle, or handle in any manner the sexual organs, genital area, or anus of any other person on the premises of a massage establishment or spa establishment.

(n) Massage establishments and spa establishments shall post and maintain a copy of the human trafficking notice available on the Georgia Bureau of Investigation internet website (as per O.C.G.A. § 16-5-47) in each public restroom for the establishment and in another conspicuous location in clear view of the public and employees where similar notices are customarily posted.

(o) It shall be unlawful to operate a massage establishment or spa establishment with storefront windows that have material and glazing applied or affixed that reduce light transmission through the windows to less than 32 percent, plus or minus three percent, or increase light reflectance to more than 20 percent.

(p) Massage establishments, spa establishments, and their employees shall ensure that storefront windows are not blocked by curtains, blinds, posters, advertisements, or any other screening material.

(Ord. No. 723, § 12-168, 4-4-2016)

Sec. 10-283. Inspection.

Massage establishments, spa establishments, and their employees shall permit the city manager, director of public safety, and/or their designees or agents to inspect, from time to time on an occasional basis, any portion of the establishment premises where patrons are permitted, for the purpose of ensuring compliance with the regulations of this article, during those times when the establishment is occupied by any patron or is open to the public. This section shall be narrowly construed by the city to authorize reasonable inspections of the licensed premises pursuant to this article.

(Ord. No. 723, § 12-169, 4-4-2016)

Sec. 10-284. Revocation of license or work permit.

(a) Revocation for specific violations. The director of public safety or his designee shall issue a written notice of intent to revoke a massage/spa establishment license or a massage/spa establishment work permit, as applicable, if:

- (1) The licensee or work permit holder has failed to maintain the qualifications for holding a license or work permit;
- (2) The licensee or work permit holder has recklessly given false information in the application for the license or the employee work permit or has failed to supplement the application information as required by section 10-279(b) or section 10-281(b) after a change of circumstances that rendered the information originally submitted false or incomplete;
- (3) The licensee or work permit holder has failed to maintain correct and accurate records as required by this article;
- (4) The licensee or work permit holder has engaged in or recklessly allowed possession, use, or sale of controlled substances on the premises of the establishment;
- (5) The licensee or work permit holder has engaged in or recklessly allowed prostitution on the premises of the establishment;
- (6) The licensee or work permit holder has engaged in or recklessly allowed sodomy, aggravated sodomy, public indecency, prostitution, pimping, pandering, pandering by compulsion, masturbation for hire, or disorderly conduct to occur in or on the premises of the establishment;
- (7) The licensee or work permit holder has knowingly or recklessly allowed a person under the age of 21 years to consume alcohol on the premises of the establishment;
- (8) The licensee or work permit holder has violated section 10-282(c);
- (9) The licensee or work permit holder has knowingly or recklessly allowed any minor (i.e., a person under the age of 18 years) to be or remain inside the massage establishment or spa establishment unless the minor is accompanied by his parent, legal guardian, or a person who is at least 21 years of age and has been entrusted with the minor by the minor's parent or legal guardian; or
- (10) The licensee or work permit holder has recklessly allowed three or more violations of this article within a 12-month period.

(b) When a notice of intent to revoke a license or employee work permit has been issued, the licensee, any person listed on the licensee's application, or the work permit holder, as the case may be, shall not apply for or be issued any new license or permit under chapter 4, chapter 28, or chapter 42, until such notice has been withdrawn or, if revocation has become effective, until two years after the effective date of revocation.

(c) When any person listed on a massage/spa establishment license application, any employee of the establishment, or any person who performs massage at the establishment, is arrested for unlawful sexual conduct of any kind alleged to have occurred at the massage establishment or spa establishment, no person listed on the establishment's license application and no employee of the establishment may apply for or be issued any new license or permit for that location under chapter 4, chapter 28, or chapter 42, until the arrestee is cleared or until 90 days following the arrest have passed, whichever occurs sooner.

(Ord. No. 723, § 12-170, 4-4-2016)

Sec. 10-285. Hearing; license denial, revocation; appeal.

(a) When the director of public safety, or his designee, issues a written notice of intent to deny or revoke a license or employee work permit, the director of public safety or his designee shall immediately send such notice, which shall include the specific grounds under this article for such action, to the applicant or licensee/work permit holder (respondent) by personal delivery or certified mail. The notice shall be directed to the most current business address or other mailing address on file with the city department of public safety, records division, for the respondent. The notice shall also set forth the following: the respondent shall have ten days after the delivery of the written notice to submit, at the office of the director of public safety or his designee, a written request for a hearing. If the respondent does not request a hearing within said ten days, the city manager's written notice shall become a final denial or revocation, as the case may be, on the 30th day after it is issued.

(b) If the respondent does make a written request for a hearing within said ten days, then the director of public safety or his designee shall, within ten days after the submission of the request, send a notice to the respondent indicating the date, time, and place of the hearing. The hearing shall be conducted not less than ten days nor more than 20 days after the date that the hearing notice is issued.

(c) The city administrator or his designee shall serve as the hearing officer for any such appeal.

(d) At the hearing, the respondent shall have the opportunity to present all relevant arguments and to be represented by counsel, present evidence and witnesses on his behalf, and cross-examine any of the city's witnesses. The respondent shall bear the burden of proving entitlement to the license. The hearing shall take no longer than one day, unless extended at the request of the respondent to meet the requirements of due process and proper administration of justice. The hearing officer shall issue a final written decision, including specific reasons for the decision pursuant to this article, to the respondent within five days after the hearing.

(e) If the decision is to deny or revoke the license, the decision shall advise the respondent of the right to appeal such decision to a court of competent jurisdiction, and the decision shall not become effective until the 30th day after it is rendered. If the hearing officer's decision finds that no grounds exist for denial or revocation of the license, the hearing officer shall, contemporaneously with the issuance of the decision, order the director of public safety to immediately withdraw the intent to deny or revoke the license and to notify the respondent in writing by certified mail of such action. If the respondent is not yet licensed, the director of public safety shall contemporaneously therewith issue the license or work permit to the applicant.

(f) If any court action challenging a licensing or work permitting decision is initiated, the city shall consent to expedited briefing and/or disposition of the action, shall comply with any expedited schedule set by the court, and shall facilitate prompt judicial review of the proceedings.

(Ord. No. 723, § 12-171, 4-4-2016)

Sec. 10-286. Location and distance requirements.

(a) It shall be unlawful to establish a massage establishment or a spa establishment in the city, unless said establishment is located:

- (1) At least 300 feet from State Route 9;
- (2) At least 300 feet from State Route 120; and

(3) At least 300 feet from any parcel occupied by a house of worship, public or private elementary or secondary school, public park, state-licensed day care facility, or any residence.

(b) The foregoing minimum distance requirements shall not apply to any massage establishment or spa establishment located within a mixed use development in the MU district. For the purpose of this subsection, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest point on a boundary line of the massage establishment or spa establishment parcel to the closest point on the State Route 9 or State Route 120 right-of-way, or to the closest point on a boundary line of any parcel containing a house of worship, public or private elementary or secondary school, public park, or residence.

(Ord. No. 723, § 12-172, 4-4-2016)

Sec. 10-287. Remedies.

(a) Any premises, building, dwelling, or other structure in which a massage establishment or spa establishment is operated or maintained in violation of this article is declared to be a public nuisance, and harmful to the public health, safety, and welfare. The city's legal counsel may bring an action in the county superior court to restrain, prohibit, and/or enjoin the use of such premises as a massage establishment or spa establishment in the county superior court.

(b) The operation of a massage establishment or spa establishment by a partnership, limited liability company, corporation, or other legal entity in violation of this article is declared to be a public nuisance, and harmful to the public health, safety, and welfare. The city's legal counsel may bring an action in the county superior court to restrain, prohibit, and/or enjoin such operation of a massage establishment or spa establishment.

(c) The operation of a massage establishment by a person in violation of this article is declared to be a public nuisance, and harmful to the public health, safety, and welfare. The city's legal counsel may bring an action in the county superior court to restrain, prohibit, and/or enjoin such operation of a massage establishment or spa establishment.

(d) It shall not be necessary, in order to obtain an injunction under this section, to allege or prove that there is no adequate remedy at law or to allege or prove any special injury.

(e) If the court declares a massage establishment or spa establishment to be a nuisance, or if the court issues an injunction against a massage establishment or spa establishment pursuant to this article, the city shall be entitled, on motion, to recover its reasonable attorney's fees and costs incurred in bringing the action.

(Ord. No. 723, § 12-173, 4-4-2016)

Sec. 10-288. Real property used for illegal sexual activity; property owner responsibility.

(a) In accordance with O.C.G.A. § 41-3-13, the municipal court shall have jurisdiction to hear and determine the question of the existence of the nuisance provided for in O.C.G.A. § 41-3-1 and as further defined herein, and, if found to exist, to order its abatement.

(b) As used in this subsection, the term:

(1) "Sex crime-related arrest" means an arrest for unlawful sexual conduct of any kind alleged to have occurred at the massage establishment or spa establishment, including, but not limited to, and citation, summons, accusation or indictment for violations of state laws concerning lewdness, prostitution, sodomy, the solicitation of sodomy, or masturbation for hire; provided, however, that any such arrests which result directly from cooperation between the real property owner and a law enforcement agency shall not be considered a sex crime-related arrest for purposes of this section.

(2) "Substantial illegal sexual activity" means activity comprised of three or more separate incidents resulting in sex crime-related arrests within a 24-month period on the same parcel of real property.

(c) Any owner of real property, regardless of whether such owner is the occupant of the subject premises, who has knowledge that substantial illegal sexual activity is being conducted on such property, shall be guilty of maintaining a nuisance, and such real property shall be deemed a nuisance and may be abated as provided by law.

(d) The owner of real property shall be deemed to have knowledge of illegal sexual activity occurring on a parcel of real property if the city notifies the owner in writing of two or more separate incidents occurring on the

same premises within a 24-month period that result in sex crime-related arrests and, after the receipt of such notice and within 24 months of the first of the incidents resulting in a sex crime-related arrest, one or more separate incidents occur which result in a sex crime-related arrest.

(e) The provisions of this section are cumulative of any other remedies and shall not be construed to repeal any other existing remedies for related nuisances. Nothing in this section and no action taken hereunder shall be held to exclude such other civil, criminal, or administrative proceedings as may be authorized by other provisions of this Code or any of the laws in force in the city, or to exempt anyone violating this Code or any part of said laws from any penalty which may be incurred.

(Ord. No. 723, § 12-174, 4-4-2016)

~~Editor's note—Ord. No. 680, adopted July 15, 2013, amended article VI in its entirety to read as herein set out. Formerly, article VI, §§ 12-161–12-184, pertained to massage therapy establishments, and derived from Ord. No. 294, §§ 1–24, adopted March 9, 1992.~~

Sec. 12-161. Purpose.

~~It is the purpose of this article to regulate the operation of massage establishments and spa establishments as an exercise of the city's police power in order to protect the health, safety and general welfare of the citizens of the city.~~

~~(Code 1989, § 12-161; Ord. No. 680, 7-15-2013)~~

Sec. 12-162. 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:~~

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:

Applicant means any person, firm, corporation, or other legal entity applying for a license to operate a massage establishment or spa establishment, as defined herein, or a person applying for work permit, as provided for herein.

Church means a building in which persons regularly assemble for religious worship intended primarily for purposes connected with such workshop or for propagating a particular form of religious belief.

Licensed day care center means a facility licensed by the State of Georgia that provides care, training, education, custody, treatment or supervision for more than twelve (12) children under fourteen (14) years of age, where such children are not related by blood, marriage or adoption to the owner or operator of the facility, for less than twenty-four (24) hours a day, regardless of whether or not the facility is operated for a profit or charges for the services it offers.

Massage or massage therapy means the manipulation and/or treatment of soft tissues of the body, including, but not limited to, the use of effleurage, petrissage, pressure, friction, tapotement, kneading, vibration, range of motion stretches, a system of structured touch, pressure, movement, and holding to the soft tissue of the body, and any other soft tissue manipulation whether manual or by use of massage apparatus, and may include the use of water, oils, lotions, creams, lubricants, salt glows or scrubs, hydrotherapy, heliotherapy, hot packs, cold packs or other topical preparations. This term shall not include diagnosis, the prescribing of drugs or medicines, spinal or other joint manipulations, or any service or procedure for which a license to practice chiropractic, physical therapy, podiatry or medicine is required by the state.

Massage apparatus means any manual, mechanical, hydraulic, hydrokinetic, electric or electronic device or instrument or any device or instrument operated by manual, mechanical, hydraulic, hydrokinetic or electric power which is utilized by a massage therapist for the purpose of administering a massage.

Massage establishment means any business or commercial establishment:

(1) a. Having a source of income or compensation derived from the practice of massage which employs or contracts with one (1) or more massage therapists or operates or maintains for profit one (1) or more massage apparatus; or

b. Which for good or valuable consideration offers to the public facilities and personnel for the administration

of massages; and

(2) — Which has fixed a place of business where any person, firm, association, or corporation engages in or carries on any of the activities defined as "massage," or which provides mobile massage services.

This term shall not include hospitals or other professional health care establishments separately licensed as such by the state.

Massage therapist means any person who, for any consideration whatsoever, engages in the practice of massage as defined in this section.

Residential pertaining to the use of land, means premises such as homes, townhomes, patio homes, mobile homes, duplexes, condominiums and apartment complexes, which contain habitable rooms for non-transient occupancy and which are designed primarily for living, sleeping, cooking, and eating therein.

School means a building where persons regularly assemble for the purpose of instruction or education together with the playgrounds, stadia and other structures or grounds used in conjunction therewith. The term is limited to:

(1) — Public and private schools used for primary or secondary education, in which any regular kindergarten or grades one (1) through twelve (12) classes are taught; and

(2) — Special educational facilities in which students who have physical or learning disabilities receive specialized education in lieu of attending regular classes in kindergarten or any of grades one (1) through twelve (12).

Spa establishment means any business or commercial establishment operated to derive income from the provision of any of the following personal services: body wraps, hydro mineral wraps, body polish, body wash, baths and hydro tub soak, or other similar personal services purported to assist patrons with improving their physical condition or appearance and which require the patron to disrobe. This term shall not include hospitals or other professional health care establishments separately licensed as such by the state.

(Code 1989, § 12-162; Ord. No. 680, 7-15-2013)

Sec. 12-163. Penalties.

— Any person, firm or corporation operating a massage therapy establishment within the city without having obtained a license as provided in this article, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount according to the penalties described in section 1-8 not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00); and each day the massage therapy establishment is operated without a license shall be a separate offense.

— Any person, firm or corporation who violates any provision of this article shall be guilty of a misdemeanor and upon conviction, shall be fined in an amount according to the penalties described in section 1-8 not less than one hundred fifty dollars (\$150.00) nor more than one thousand dollars (\$1,000.00); and each violation thereof shall constitute a separate offense and shall be punishable as such.

(Code 1989, § 12-163; Code 1989, § 12-163; Ord. No. 680, 7-15-2013)

Sec. 12-164. Scope of regulations.

— All licenses issued under this article shall constitute a mere privilege to conduct the business so authorized during the term of the certificate or permit only and shall be subject to all terms and conditions imposed by the county and state law.

— Nothing in this article shall be construed to regulate, prevent or restrict in any manner:

— Any physician, chiropractor, physical therapist, massage therapist that is not operating a massage or spa establishment, or similar professional licensed and regulated by or through the state while engaged in the practice of said profession;

— Any hospital or other professional health care establishment separately licensed as such by the state; or

— Any other individual or entity expressly exempted from local legislation by the laws of the state.

(Code 1989, § 12-164; Ord. No. 680, 7-15-2013)

Sec. 12-165. License required; application.

~~— In addition to obtaining an occupation tax certificate pursuant to chapter 12, pertaining to taxation, all persons, firms or corporations operating or desiring to operate a massage or spa establishment shall, before engaging in such trade, business or profession, make application for a license in the form and manner prescribed in this article. Applications for licenses shall be made on forms provided by the city. If the applicant is a partnership, limited liability company, corporation, or other legal entity, the application must be executed by an officer, member, partner or shareholder, as applicable, and, if a different person, the employee or agent primarily responsible for the operation of the massage or spa establishment. The applicant to operate a massage establishment must be the owner of the premises wherein the business will be conducted or the holder of a lease thereon for the period to be covered by the certificate. All applications shall be submitted to the director of public safety or designee and shall contain a full and complete sworn and notarized statement by each applicant and the aforementioned persons of all material facts as determined by the city to be relevant to the requirements of this chapter, along with the following additional information:~~

- ~~— A signed and sworn affidavit verifying the applicant's lawful presence in the United States as required by O.C.G.A. § 50-36-1.~~
- ~~— Copies of all required state licenses with regard to each employee, independent contractor, agent and partner, general or limited, associated with the operation of the massage therapy establishment. Those employees who will be performing massages, and/or managers or supervisors, who are exempt from getting a state license pursuant to O.C.G.A. tit. 43, ch. 24A, shall comply with the work permits provision of this article, section 12-166 below.~~
- ~~— If the applicant is not a sole proprietor, then the partnership, limited liability company, corporation, or other legal entity shall submit a complete list of the legal entities:~~
 - ~~— Officers;~~
 - ~~— Directors;~~
 - ~~— Partners, members, or shareholders (natural persons) holding a ten (10) percent or greater ownership interest in such legal entity, or if there is no shareholder (natural person) with at least a ten (10) percent interest, the ten (10) shareholders with the greatest ownership interest;~~
 - ~~— The name of the employee or agent primarily responsible for operation of the massage or spa establishment; and~~
 - ~~— The names of all on premises managers or supervisors for the establishment. Such list shall include the names, current addresses, phone numbers and occupations of the aforementioned natural persons.~~
- ~~— If the applicant is a partnership, limited liability company, corporation or other legal entity required to be chartered under the laws of the state or authorized by the secretary of state to do business in the state, such corporation must be chartered under the laws of the state or authorized by the secretary of state to do business in the state and must submit copies of the certificate of organization or incorporation, as applicable, and articles of organization or incorporation, as applicable.~~
- ~~— If the applicant is an individual, the applicant must submit a copy of a valid driver's license or a valid identification card as reliable proof thereof. If the applicant is a partnership, limited liability company, corporation or other legal entity, the applicant must submit a copy of a valid driver's license or a valid identification card for each person listed in subsection (a)(3) of this section.~~
- ~~— A sworn and notarized statement of a registered agent who is a resident of Fulton County, Georgia and at least eighteen (18) years of age, required to be designated by a licensee to receive any process, notice or demand required or permitted by law or under this chapter to be served upon the applicant.~~
- ~~— A signed and notarized consent on forms prescribed by the Georgia Crime Information Center authorizing the release of each such person's criminal records to the Alpharetta Department of Public Safety.~~
- ~~— A survey by a licensed surveyor or by a registered engineer, licensed by the State of Georgia, certifying~~

the location of the proposed premises is not inconsistent with the provisions contained in section 12-172 of this article respecting location and development standards.

— A license issued to an individual shall be in the name of the individual. A license issued to a partnership shall be issued in the name of the partnership, in the name of a partner or officer, and, if different from such named person, in the name of the employee or agent primarily responsible for the operation of the licensed premises. A license issued to a limited liability company shall be issued in the name of the limited liability company, in the name of one (1) member or officer, and, if different from such named person, in the name of the employee or agent primarily responsible for the operation of the licensed premises. A license issued to a corporation shall be issued in the name of the corporation, in the name of at least one (1) shareholder (listed pursuant to subsection (a)(3) of this section) or officer of the corporation, and, if different from such named person, in the name of the employee or agent primarily responsible for the operation of the licensed premises.

— No person, partnership, limited liability company, corporation, or other legal entity shall be granted a license for a massage or spa establishment unless it shall appear that such person, or, if the applicant is a partnership, limited liability company, corporation, or other legal entity, all persons listed in subsection (a)(3) of this section for a period of ten (10) years prior to the date of application for such license have not been convicted or pleaded guilty or entered a plea of nolo contendere under any federal, state or local law of any crime involving:

- Illegal gambling;
- Any felony, criminal trespass, public indecency, disorderly conduct, or misdemeanor involving any type of sexual-related crime;
- Any theft or violence against person or property;
- Any crime of possession, sale or distribution of illegal drugs;
- Distribution of material depicting nudity or sexual conduct as defined under state law; or
- Criminal solicitation to commit any of these listed offenses.

— No person under the age of eighteen (18) shall be granted a license for a massage or spa establishment. If the applicant is a partnership, limited liability company, corporation, or other legal entity, the partnership, limited liability company, corporation or other legal entity shall not be granted a license for a massage or spa establishment if any of the persons listed in subsection (a)(3) of this section are under the age of eighteen (18).

(Code 1989, § 12-165; Ord. No. 680, 7-15-2013)

Sec. 12-166. Regulatory fee; expiration.

— There shall be an annual regulatory fee in the amount of five hundred dollars (\$500.00), consisting of a non-refundable investigative fee and a license fee, for each massage and spa establishment licensed within the city. The investigative and license fees shall be set by resolution of the city council and shall remain in effect until modified or amended by subsequent resolution adopted by the city council. The full regulatory fee shall be paid with the license application and shall not be prorated under any circumstances. If the applicant withdraws the application or the license is denied, the applicant shall be refunded the full license fee paid. No refund shall be allowed once the license has been issued.

— All licenses granted hereunder shall expire on December 31 of each year. Licensees who desire to renew their license shall file a renewal application accompanied by the requisite license fee with the city upon forms prescribed by the city on or before November 15 of each year without penalty, and not later than December 15. Applications for renewal filed after November 15 and on or before December 15 shall be subject to a penalty of ten (10) percent of the license fee. No renewal license shall be granted on applications filed after December 15, but such applications shall be treated as an initial application and the applicant shall be required to comply with all rules and regulations for the granting of licenses as if no previous license had been issued. Failure of a licensee to comply with any section of this code shall subject the licensee to non-renewal of the license.

— Any person applying hereunder who shall pay the required fee, or any portion thereof, after January 1, shall, in addition to said annual fee and late charges, pay simple interest on the delinquent balance at the annual rate then charged by the Internal Revenue Service of the United States on unpaid federal income taxes.

~~— No license issued pursuant to this article shall be transferable.~~

(Code 1989, § 12-166; Ord. No. 680, 7-15-2013)

Sec. 12-167. Work permits required.

~~— A work permit shall be required for any and all on-premises owners, managers or supervisors who are in charge of managing the massage establishment as required by subsection 12-168(c) and who do not otherwise hold a license issued hereunder.~~

~~— Massage therapists who hold a current and valid massage therapist license issued by the State of Georgia do not have to obtain a work permit, but shall provide a copy of their state license to the city and post their state license in a conspicuous place in the licensed establishment at all times while the license remains valid.~~

~~— No licensee shall employ any person required to have any state mandated licenses or work permit pursuant to this section until such person has procured such license or permit. For new employees, a receipt issued by the director of public safety or designee may be used for a maximum of thirty (30) days from the date of its issue.~~

~~— Any person required to obtain a work permit shall apply to the director of public safety or designee for such permit. A separate work permit per individual is required for employment at each establishment within the city. The permit will be valid for a period of one (1) year from the date in which the application is received by the city and shall be renewed on or before its expiration. Persons applying for the permit shall make themselves available for photographing, fingerprinting and such other investigation as may be required by the city. The non-refundable fee for a work permit shall be set by resolution of the city council and shall remain in effect until modified or amended by subsequent resolution adopted by the city council. Replacement permit(s) shall be issued upon payment of one-half (½) of the fee(s) charged for work permits.~~

~~— The city clerk or designee may suspend or revoke an employee's work permit, following notice and hearing pursuant to this article, and demand its return where the employee violates the provisions of this chapter, any state law or applicable local ordinance.~~

~~— It shall be unlawful for an employee whose work permit has been suspended or revoked to refuse to return the work permit to the city clerk or designee or to alter, conceal, deface, or destroy the work permit.~~

~~— An applicant for a work permit shall not have been convicted within the five (5) years preceding his application of any federal, state or local law involving crimes set forth in subsection 12-165(c) of this article. A guilty plea, plea of nolo contendere or the forfeiture of a bond shall be considered a conviction for purposes of this subsection. Sentencing as first offender status shall not be considered as a conviction if the sentence was successfully completed without any violation of probation and with no adjudication of guilt ever being entered.~~

~~— A new search may be conducted on any person issued a work permit if the city clerk or designee receives information which warrants such a new search. If the new search reveals evidence that warrants revocation of the card, the card may be revoked following notice and a hearing.~~

~~— When the city intends to deny or revoke any work permit, the city clerk or designee shall issue to the applicant or permit holder a letter setting forth the reasons for denial or revocation, and the letter shall notify the applicant of his right to an administrative hearing before the city clerk or designee, which hearing shall be held in accordance with section 12-171. The decision of the city clerk or designee shall be final unless the applicant or permit holder files a notice of appeal to the city administrator within thirty (30) days of receiving written notice of said decision. Appeals to the decision set forth by the city clerk or designee shall be heard by the city administrator or designated hearing officer in accordance with section 12-171. Following a hearing by the city administrator, the applicant shall have a right of review of any denial by filing a petition for writ of certiorari to the county superior court within thirty (30) days of the denial.~~

(Code 1989, § 12-167; Ord. No. 680, 7-15-2013)

Sec. 12-168. General operating provisions.

~~— It shall be the duty of all massage establishment licensees holding a license under this article to keep on file the name of all employees, their home addresses and home telephone numbers, their duties and services performed for the massage establishment and whether such employee has a state license or city work permit.~~

~~— It shall be the duty of any massage establishment granted a license under this article to maintain correct and accurate records of the names and addresses of the persons receiving treatment at such establishment, the type of treatment administered and the name of the person at the establishment administering the treatment.~~

~~— The establishment shall have an owner, manager or supervisor on the premises at all hours the establishment offers massage therapy. If during an inspection there is no owner, manager or supervisor on the premises, the establishment must cease operations and close to the public until an owner, manager or supervisor is on the premises. Such owner, manager or supervisor in addition to the licensee shall be responsible to make sure all persons performing massage therapy at any time has either an appropriate state license or city work permit and their failure to do so shall be a violation of this chapter.~~

~~— Records required to be maintained under this article shall be kept for a minimum of two (2) years beyond the expiration date of a license. Records shall be made available to the city clerk or designee, during business hours, at the certificate holder's business location in the city, within ten (10) business days of any such request.~~

~~— The establishment shall be subject to inspection at any time during business hours by the city clerk or designee and by the director of public safety or designee, to ensure compliance with this article.~~

~~— All employees and other persons on the premises, with the exception of customers receiving a massage from a state licensed massage therapist, shall be completely clothed at all times when administering a massage. For the purposes of this article, the term "completely clothed" means having on the upper portion of the body appropriate undergarments and either blouse or shirt which shall cover all the upper body save the arms and neck, and shall mean having on the lower body appropriate undergarments plus either pants or skirt, and said pants or skirt must cover from the waist down to a point at least two (2) inches above the knee. All clothes worn in compliance with this article shall be entirely non-transparent.~~

~~— No massage or spa establishment shall be engaged in and no place of business shall be open for business except within and between the hours of 7:00 a.m. and 10:00 p.m.~~

~~— A readable sign shall be posted at the main entrance identifying the establishment. Signs shall comply with the sign requirements of this Code.~~

~~— Minimum lighting shall be provided in accordance with the building code, as adopted by the city council, and at least one (1) artificial light of not less than forty (40) watts shall be provided in each enclosed room or booth.~~

~~— Ordinary beds or mattresses shall not be permitted in any establishment.~~

~~— The establishment, prior to the issuance of the license, must be in compliance with all applicable building and life safety codes, and the building to be occupied must have a valid, current certificate of occupancy.~~

~~— It shall be unlawful for any person under the age of eighteen (18) to patronize any massage establishment unless such person carries at the time of such patronage a written order directing the treatment to be given by a regularly licensed physician or written permission of the underage person's parent or guardian. It shall be the duty of the massage establishment to determine the age of the person attempting to patronize a massage establishment and to prohibit such patronage by an underage person.~~

~~— No massage practitioner or any of his employees shall manipulate, fondle or handle the sexual organs or anus of any person.~~

~~(Code 1989, § 12-168; Ord. No. 680, 7-15-2013)~~

Sec. 12-169. Issuance of license; denial.

~~— When a license application for the operation of a massage or spa establishment is submitted in proper form, including all information and exhibits required herein and accompanied by the correct fees, the application shall be accepted, and a review of the application and an inspection and investigation shall be conducted by the department of public safety or designee. Upon the payment by the applicant of the required fees, the city shall cause to be conducted a criminal background investigation of the applicant and shall transmit a summary of the investigation results to the city clerk or designee.~~

~~— Upon receipt of the background investigation and completion of review of the application in accordance with the terms of this article, if the city clerk or designee determines that the application appears to meet the~~

requirements of this article, the city clerk shall prepare and cause to be published a notice of the pending application, which notice shall include the date the application will be considered by the city clerk, the location or street number of the premises where the applicant proposes to conduct activities permitted by this article and the name of each owner and operator. The applicant shall pay the publication costs. The notice shall be published in a newspaper of general circulation within the city, and shall appear once a week for two (2) weeks immediately preceding consideration of the application by the city clerk. Each applicant for a license shall, at such applicant's expense, post on the premises where the activities permitted by such license are to be conducted, continuously for a period of not less than ten (10) days prior to consideration of the application by the city clerk, a notice of the pending application, meeting the following minimum specifications: This notice shall be painted or printed in black letters three (3) inches or more in height, against a white background, on a wooden or metal sign and having a surface of not less than twelve (12) square feet, and shall be placed with the base of the sign not more than three (3) feet from the ground on the most conspicuous part of the premises, facing the most frequently traveled road, street or highway abutting same, and not more than ten (10) feet therefrom. The sign shall state clearly the nature and purpose of the application, the date and hour and place of the city clerk hearing, and the name of each owner and operator making the application. If following the hearing the city clerk determines that the application meets the requirements of this article, the city clerk shall place the application on the consent agenda of the next available city council meeting. The license shall be issued following approval of the consent agenda.

— If after receiving the background report and completing the review, the city clerk determines that the application does not meet the requirements of this article, the city clerk shall deny the application. The city clerk or her designee shall deny any application that:

- Fails to meet each of the application requirements specified in this article;
- Fails to meet each of the minimum standards specified in this section; or
- Contains false, misleading or incomplete information in the application or attached documents.

— Service of any notice for denial, suspension or revocation of a massage or spa establishment license under this article shall be delivered by hand or posted by certified and first class mail to the permit holder's address provided on the application. Delivery shall be deemed to take place on the third (3rd) day following deposit in the United States mail.

— Should the city clerk or designee deny an application under this article, written notice of the denial shall be provided to the applicant by the city clerk or designee setting forth the reason(s) for the denial, and advise the applicant of the right to appeal.

— Any decision by the city clerk or designee denying, suspending or revoking an application shall be final unless the applicant files a notice of appeal with the city administrator or designee within thirty (30) days of receiving notice of such denial. Any such appeal shall be subject to de novo review and shall be in accordance with section 12-171. A hearing before the city administrator or designated hearing officer shall be scheduled within sixty (60) days following the receipt by the city administrator or designee of the applicant's notice of appeal.

(Code 1989, § 12-169; Ord. No. 680, 7-15-2013)

Sec. 12-170. Grounds for denial, revocation or suspension of license.

The license of a massage or spa establishment may be denied, revoked or suspended upon one (1) or more of the following grounds:

- The applicant or holder has failed to meet or maintain initial requirements for obtaining the license;
- The applicant or holder is guilty of fraud in the practice of massage, or fraud or deceit in being issued the license for the massage or spa establishment;
- The applicant or holder is engaged in the operation of a massage or spa establishment under a false or assumed name, or is impersonating another massage therapist of a like or different name;
- The applicant or holder has violated any laws relating to sodomy, aggravated sodomy, public indecency, prostitution, pimping, pandering, pandering by compulsion, masturbation for hire or disorderly conduct, criminal solicitation of any of the foregoing offenses, or entered a plea of nolo contendere to any felony;

- ~~— Any of the applicant's or holder's employees, independent contractors or agents has been convicted, pled guilty or entered a plea of nolo contendere to any felony, or has violated any laws relating to sodomy, aggravated sodomy, public indecency, prostitution, pimping, pandering, pandering by compulsion, masturbation for hire, criminal solicitation of any of the foregoing offenses, or disorderly conduct in connection with the operation of the massage establishment or on or about the premises of the massage establishment;~~
- ~~— The applicant or holder has failed to maintain correct and accurate records as required by this article;~~
- ~~— The applicant or holder has failed to actively supervise and monitor the conduct of the employees, independent contractors, agents, customers or others on the premises in order to protect the health, safety and welfare of the general public and the customers;~~
- ~~— The applicant or holder, or employees, agents or independent contractors associated with the establishment, have allowed to occur or have engaged in a violation of any part of this article; or~~
- ~~— The applicant or holder has violated any of the provisions of this article.~~

(Code 1989, § 12-170; Ord. No. 680, 7-15-2013)

Sec. 12-171. Hearings.

~~— Whenever the city clerk or designee determines there is cause to suspend or revoke the license or work permit issued hereunder, the city clerk or designee shall give the licensee written notice at least fifteen (15) days prior to an administrative hearing of the time, place, purpose of the hearing, and a statement of the charge(s) upon which the administrative hearing before the city clerk or designee shall be held in accordance with this section.~~

~~— The procedure for administrative hearings heard under this chapter by the city clerk shall be set forth by the city clerk. The city clerk or designee shall reach a decision on the matter before them within ten (10) days following the close of the hearing and give written notice of said decision. The decision of the city clerk or designee shall be final unless the licensee or city work permit holder files a notice of appeal to the city clerk or designee within thirty (30) days of receiving notice of said decision.~~

~~— The city administrator or designated hearing officer shall hear appeals to decisions by the city clerk or designee to deny applications for permits, as well as appeals to decisions by the city clerk or designee to suspend or revoke such permits.~~

~~— Any such appeal to the city administrator or designated hearing officer shall be subject to de novo review and shall be in accordance with subsections (d), (e) and (f). A hearing before the city administrator shall be scheduled within thirty (30) days following the receipt by the city administrator or designee of the applicant, licensee or work permit holder's notice of appeal.~~

~~— Applicants, licensees or work permit holders shall be given written notice of the date, time, and place when the matter at issue will be heard by the city administrator or designated hearing officer. The applicant, licensee or work permit holder shall be afforded the opportunity to be heard and present evidence. Twenty (20) days' notice shall be deemed reasonable.~~

~~— Upon close of the public hearing, the city administrator or hearing officer shall reach a decision on the matter before it, and the decision of the city administrator or hearing officer shall be final unless the applicant or permit holder applies to the county superior court by filing a petition for writ of certiorari within thirty (30) days of the decision rendered by the city administrator or hearing officer.~~

(Code 1989, § 12-171; Ord. No. 680, 7-15-2013)

Sec. 12-172. Location; development standards.

No massage establishment or spa establishment shall be located:

- ~~— Within three hundred (300) feet of any parcel of land which is zoned for residential uses or purposes;~~
- ~~— Within three hundred (300) feet of any parcel of land upon which a church, school, licensed daycare center, governmental building simultaneously owned and occupied by such government, library, civic center, neighborhood public park or neighborhood playground is located;~~

- ~~— Within three hundred (300) feet of any parcel of land upon which another massage therapy establishment or spa establishment is located;~~
- ~~— Within any zoning category other than Industrial (I-1) and Commercial (C-2) as defined in article VI of the city zoning ordinance; provided, however, that location of a massage therapy establishment within the C-2 zoning category shall require a conditional use permit.~~

~~The measurement of distances for purposes of this section shall be from property line to property line along the customary or common route or path of travel. The term "parcel of land" means any quantity of land capable of being described by location and boundary, designated and used or to be used as a unit.~~

~~(Code 1989, § 12-172; Ord. No. 680, 7-15-2013)~~

Sec. 12-173. Miscellaneous.

~~— Nothing contained in this article shall be deemed to permit or condone any activity whatsoever which is otherwise declared to be obscene or illegal by the Official Code of Alpharetta or the statutes of the State of Georgia, or in violation of any prohibition upon nudity or sexual activity as provided for in such City Code or statutes of the State of Georgia; and further, the location of the activities and uses which are regulated and permitted by this article shall only be allowed if they are not obscene and not in violation of any other such prohibitions on nudity or sexual activity. This paragraph shall supersede and limit all other provisions of this article.~~

~~— It is hereby declared to be the intention of the mayor and city council that the sections, paragraphs, sentences, clauses and phrases of this enactment are severable, and if any phrase, clause, sentence, paragraph or section hereof 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 enactment, since the same would have been enacted by the mayor and city council without the incorporation herein of any such unconstitutional phrase, clause, sentence, paragraph or section.~~

~~— This article shall become effective immediately upon its adoption. All ordinances or parts of ordinances in conflict with this article are hereby repealed.~~

~~(Code 1989, § 12-173; Ord. No. 680, 7-15-2013)~~

Secs. 10-289--10-309. Reserved.

ARTICLE X. MOBILE FOOD VENDORS¹⁰⁵

Sec. 10-310. Purpose.

(a) The general purpose of this article is to promote the health, safety, and general welfare of the citizens of the city by requiring that new and existing mobile food vendors provide residents and customers with a level of cleanliness, quality and safety.

(b) It is also the intent of this article to establish reasonable guidelines and restrictions for mobile food vendors in relationship to established restaurant businesses, and ensure the safe and convenient use of the public rights-of-way.

(Code 1989, § 12-209; Ord. No. 674, § 1, 4-8-2013; Ord. No. 697, § 1, 10-6-2014)

Sec. 10-311. 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:¹⁰⁶

¹⁰⁵ **Code 1989, Ch. 12, Article XI. Mobile Food Vendors.** We recommend moving the article to appear with the "Businesses and Business Regulations" chapter for purposes of subject matter consistency. *Change accepted.*

¹⁰⁶ **Code 1989, § 12-210. Definitions.** We recommend adding introductory language to this provision for purposes of internal consistency. *Change accepted.*

Commissary means an approved catering establishment, restaurant, or other approved place in which food, containers or supplies are kept, handled, prepared, packaged or stored.

Ice cream truck means a motor vehicle in which pre-packaged ice cream, popsicles, ice sherbets or other frozen desserts of any kind are carried for the purpose of retail sale on the streets of the city. For the purpose of this article, the term "ice cream truck" shall not include vendors who prepare ice cream, popsicles, ice sherbets or other frozen desserts of any kind.

Mobile food vendor means a retail food establishment that reports to and operates from a commissary and is readily moveable, is a motorized wheeled vehicle, or a towed wheeled vehicle designed and equipped to prepare and serve food.

Pushcart means a non-self-propelled vehicle limited to serving commissary prepared or prepackaged food and non-potentially-hazardous food, unless the equipment is commercially designed and approved to handle food preparation and service. Pushcarts shall not be required to comply with mobile vehicular safety requirements.

Restaurant means an establishment where food and drink are prepared, served, and consumed primarily within the principal building.

Temporary food establishment means a retail food establishment, other than a licensed mobile food vendor or pushcart, that is not intended to be permanent and that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration.

(Code 1989, § 12-210; Ord. No. 674, § 1, 4-8-2013; Ord. No. 697, § 1, 10-6-2014)

Sec. 10-312. License required.

(a) It shall be unlawful for any person to sell, or offer for sale, food of any type from a commissary, mobile retail food establishment vendor, ice cream truck, pushcart or temporary food establishment without a license first having been granted under this section, except as part of a city-sponsored or sanctioned special event.

(b) An application for a license or a permit hereunder shall be submitted to the community development director or his designee setting forth all information required hereunder and in compliance with this article. The community development director or his designee shall develop a form of application for the purpose of compliance with this article.

(c) The following information shall be provided with each application for a mobile food vendor, or push cart permit:

- (1) Name of the mobile food vendor;
- (2) Make, model, and license plate number of the vending unit;
- (3) Owner's contact information;
- (4) Operator's contact information;
- (5) Type of vendor (street vending unit or sidewalk vending unit);
- (6) Copy of the approved permit from the county health department;
- (7) List of operating locations and times;
- (8) Signatures from property owners indicating consent for the use of their property;
- (9) Signature of the applicant indicating agreement to the listed requirements.

(d) The following information shall be provided with each application for an ice cream truck permit:

- (1) Name of the mobile food vendor;
- (2) Owner's contact information;
- (3) Operator's contact information;
- (4) Type of vendor (street vending unit or sidewalk vending unit);
- (5) Copy of the approved permit from the state department of agriculture;

- (6) Signatures from property owners indicating consent for the use of their property, if applicable;
- (7) Signature of the applicant indicating agreement to the listed requirements.

(Code 1989, § 12-211; Ord. No. 674, § 1, 4-8-2013; Ord. No. 697, § 1, 10-6-2014)

Sec. 10-313. Prohibited conduct and requirements.

- (a) Except for ice cream trucks, no mobile food vendor shall conduct business or operate in the public right-of-way except as part of a city-sponsored or sanctioned special event.
- (b) Operation from private property.
- (1) A mobile food vendor shall not operate on any private property without the prior written consent of the owner.
- (2) Except as may be allowed as part of a city-issued special event permit or pursuant to section 4-404chapter 3, article XVI, section 3-185 (Licensed Establishments with Food Trucks/Mobile Food Vendors), mobile food vendors are permitted on a given property no more than eight days in any calendar month. A minimum of two calendar days must transpire between operating periods on any given property. Except as may be allowed as part of a city-issued special event permit, mobile food vendors are permitted on a given property no more than five (5) days in any calendar month. A minimum of two (2) calendar days must transpire between operating periods on any given property.
- (3) Except as may be allowed as part of a city-issued special event permit, no more than two mobile food vendors may operate on any single property at any one time.
- (4) Except as may be allowed as part of a city-issued special event permit or pursuant to section 4-404chapter 3, article XVI, section 3-185 (Licensed Establishments with Food Trucks/Mobile Food Vendors), mobile food vendors may occupy no more than ten percent of the designated parking spaces on a given property, and at no time shall the operation of a mobile food vendor reduce the number of parking spaces on a property below the minimum required by city Code or ordinance. Except as may be allowed as part of a city-issued special event permit, mobile food vendors may occupy no more than ten (10) percent of the designated parking spaces on a given property, and at no time shall the operation of a mobile food vendor reduce the number of parking spaces on a property below the minimum required by City Code or ordinance.
- (5) Vending structures shall not be left unattended or stored at any time on the open vending site when vending is not taking place or during restricted hours of operation.
- (c) A mobile food vendor who prepares food shall maintain a \$1,000,000.00 liability insurance policy. Proof of current liability insurance, issued by an insurance company licensed to do business in the state, protecting the mobile food vendor and the public from all claims for damage to property and bodily injury, including death, which may arise from operation under or in connection with the permit. Such insurance shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days' advanced written notice to the city.
- (d) Except for ice cream trucks, a mobile food vendor shall not make sounds or announcements to call attention to the mobile food vehicle either while traveling on the public rights-of-way or when stationary. At all times said mobile food vendor, ice cream truck, or push cart shall be in compliance with the city noise ordinance.
- (e) The license under which a mobile food vendor, ice cream truck, or push cart is operating must be firmly attached and visible on the mobile food vendor or pushcart at all times.
- (f) Any driver of a mobile food vendor or ice cream truck motorized vehicle must possess a valid state driver's license.
- (g) Except for ice cream trucks, mobile food vendors are allowed only in commercial zoning districts, except as part of a special event sponsored by a homeowners' association or similar official neighborhood organization.
- (h) Mobile food vendors shall not be located within 15 feet of any street intersection or pedestrian crosswalk or ten feet of any driveway except as part of a city-sponsored or sanctioned special event.
- (i) Mobile food vendors shall not be located within 200 feet of any existing food service establishment

~~except as part of a city-sponsored or sanctioned special event or pursuant to section 4-404chapter 3, article XVI, section 3-185 (Licensed Establishments with Food Trucks/Mobile Food Vendors). Mobile food vendors shall not be located within two hundred (200) feet of any existing food service establishment except as part of a city-sponsored or sanctioned special event.~~

(j) ~~Mobile food vendors shall not be located within 200 feet of any city-sponsored or sanctioned special event except pursuant to section 4-404chapter 3, article XVI, section 3-185 (Licensed Establishments with Food Trucks/Mobile Food Vendors). Mobile food vendors shall not be located within two hundred (200) feet of any city-sponsored or sanctioned special event.~~

(k) ~~Except as may be allowed as part of a city-issued special event permit or pursuant to section 4-404chapter 3, article XVI, section 3-185 (Licensed Establishments with Food Trucks/Mobile Food Vendors), a mobile food vendor may operate from any given property or within any given city block only between the hours of 7:00 a.m. and 9:00 a.m. and/or 10:30 a.m. until 2:30 p.m. Except as may be allowed as part of a city-issued special event permit, a mobile food vendor may operate from any given property or within any given city block only between the hours of 7:00 a.m. until 9:00 a.m. and/or 10:30 a.m. until 2:30 p.m.~~

(l) No sale or offer for sale of ice cream, frozen milk, frozen dairy or ice confection products shall be made from a mobile food vendor unless each side of the vehicle is marked, in letters and numbers at least three inches in height, with the name and address of the mobile food vendor licensee.

(m) The mobile food vendor shall comply with all state, federal and local health and safety regulations and requirements and shall obtain and maintain any and all licenses required by any other health organization or governmental organization having jurisdiction over this subject matter.

(n) Except as otherwise allowed and described within this section, a mobile food vendor must operate from a motorized, wheeled vehicle that may lawfully be driven upon streets and roadways within the state.

(1) The owner of a licensed restaurant located within the city may, with a valid city mobile food vendor permit, engage in mobile food vending from a wheeled mobile trailer, pushcart, or motorized vehicle as an ancillary location of said restaurant, provided that all other provisions of this article are met and adhered to.

(2) As allowed by a city-issued special event permit, a mobile food vendor that holds a valid city mobile food vendor permit may operate from a wheeled mobile trailer, pushcart, or motorized vehicle.

(o) The following safety regulations shall apply to any and all vehicles operating under this article or used for mobile retail food establishments:

(1) Every self-propelled vehicle shall be equipped with a reverse gear signal alarm with a sound distinguishable from the surrounding noise level.

(2) Every self-propelled vehicle shall be equipped with two rear-vision mirrors, one at each side, firmly attached to the outside of the motor vehicle, and so located as to reflect to the driver a view of the highway to the rear, along both sides of the vehicle.

(p) The mobile food vendor may sell food and non-alcoholic beverage items only.

(Code 1989, § 12-212; Ord. No. 674, § 1, 4-8-2013; Ord. No. 697, § 1, 10-6-2014; Ord. No. 729, 9-26-2016)

Sec. 10-314. Indemnity.

As part of the permitting process set forth herein, any person or entity receiving a permit set forth herein shall execute an indemnity agreement indemnifying and releasing the city, its agents, employees and elected officials from any and all liability against any and all claims, actions and suits of any type whatsoever.

(Code 1989, § 12-213; Ord. No. 674, § 1, 4-8-2013; Ord. No. 697, § 1, 10-6-2014)

Sec. 10-315. Revocation and suspension.

(a) The director of community development shall have the right to suspend or revoke a mobile food vendor license under the conditions set forth in this section. In the event the director of community development seeks to suspend or to revoke a license, the director of community development shall give written notification to the licensee

of such action and such notice shall contain a specification of the violation or violations for which cause the action is being taken.

(b) The director of community development shall be authorized to suspend or revoke a license in the event of any one or more of the following:

- (1) A licensee gave false or misleading information in the original application or renewal process;
- (2) A licensee has knowingly allowed a violation of this mobile food vendor article to occur or did not make a reasonable effort to prevent any such occurrence;
- (3) A licensee failed to pay any fee, license fee, or other amount of money due to the city under this article or any other licensing ordinance of the city.

(c) In the event that the director of community development determines that a license violation has occurred, such license shall be suspended for 30 days for the first violation. For a second violation occurring within any consecutive 12-month period, the license shall be suspended for 90 days. Any license that has been suspended two times within any consecutive 12-month period that is determined to have committed a subsequent license violation within 24 months of the second suspension shall be revoked. Provided, however, that the licensee shall be authorized to continue its business operations until the date of the hearing scheduled in accordance with subsection (e) of this section. Should a license be revoked, the owner and/or operator shall not be eligible to apply for a mobile food vendor license for a period of three years from the date of revocation.

(d) In the event of a revocation by the director of community development, the licensee may appeal the decision of the director of community development to the city administrator by filing a written notice of appeal with the director of community development within ten business days from the date of the effective date of the written notice received by the licensee in accordance with subsection (a) of this section. The notice of appeal shall be accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The director of community development may submit a memorandum in response to the memorandum filed by the licensee on appeal to the city administrator. The director of community development's decision shall be final unless an appeal is timely filed. An appeal shall stay the director of community development's decision until the appeal is heard or withdrawn.

(e) When an appeal is received, the city administrator shall, within ten business days from the date on which the notice of appeal is received by the director of community development, take either of the following actions:

- (1) Set a hearing date before the city administrator and instruct the director of community development to give such notice of hearing as may be required by law; or
- (2) Appoint a hearing officer and fix the time and place of hearing. The director of community development shall assume responsibility for such publication of notice as may be required by law.

In either event, the hearing shall be held within 30 calendar days of the director of community development's action, unless a continuance of such date is agreed to by the licensee and the director of community development.

(f) The city administrator or assigned hearing officer may sustain, overrule, or modify the action of the director of community development. The decision of the city administrator or hearing officer shall be final.

(Code 1989, § 12-214; Ord. No. 674, § 1, 4-8-2013; Ord. No. 697, § 1, 10-6-2014)

Sec. 10-316. Fees.¹⁰⁷

The fee for every application for license under this section shall be established by the city council, from time to time, and made available for public examination in the office of the city clerk set by resolution.

(Code 1989, § 12-215; Ord. No. 674, § 1, 4-8-2013; Ord. No. 697, § 1, 10-6-2014)

¹⁰⁷ **Code 1989, § 12-215. Fees.** We recommend adding generic language for purposes of internal consistency. *Change accepted.*

Secs. 10-317--10-335. Reserved.

ARTICLE XI. PAWNSHOPS*¹⁰⁸

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

Editor's note-- Ord. No. 273, §§ 1–11, adopted March 26, 1990, did not specifically amend the Code and at the discretion of the editor said provisions have been included herein as Art. IV, §§ 12-71–12-81.

Sec. 10-336. Definitions.

For the purposes of this article the following words and phrases shall have the meanings respectively ascribed to them by this section.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:¹⁰⁹

Employee means any person working for an owner, or pawnbroker, or any owner or, who, in the performance of his duties or the management of the business affairs of a pawnshop, comes into substantial contact with members of the public, or is employed on a part-time or full-time basis, either with or without remuneration, by a pawnshop.

Pawn or pledge means a pledge of personal property as security for any debt or loan, redeemable upon certain terms and with the express or implied power of sale on default.

Pawnbroker means any person, whether an owner or not, who works in a pawnshop on a regular basis and in a managerial capacity whereby he has charge of the business or operations of the pawnshop. The term "pawnbroker" also means any person engaged in whole or in part in the business of lending money on the security of pledged goods, or in the business of purchasing tangible personal property on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time, or in the business of purchasing tangible personal property from persons or sources other than manufacturers or licensed dealers as a part of or in conjunction with the business activities described in this paragraph, is further defined as any person whose business or occupation it is to take or receive, by way of pledge, pawn or exchange, any goods, wares or merchandise, or any kind of personal property whatever, as security for the repayment of money lent thereon.¹¹⁰

Pawnshop means any business wherein a substantial part thereof is to take or receive, by way of pledge, pawn or exchange, any goods, wares, merchandise or any kind of personal property, as security for the repayment of money lent thereon.

~~*Person* means an individual, partnership, corporation, joint venture, trust, association or any other legal entity however organized.~~

(Code 1989, § 12-71; Ord. No. 273, § 1, 3-26-1990)

Sec. 10-337. Licensing requirements.

(a) It shall be unlawful for any person to conduct or transact a pawnbroker business or pawnshop without first obtaining a city license. The fee for such license shall be \$150.00 annually. Licenses are not transferable.¹¹¹

¹⁰⁸ **Code 1989, Ch. 12, Article IV. Pawnshops.** We recommend moving this article to appear within the "Businesses and Business Regulations" chapter for purposes of subject matter consistency. *Change accepted by City.*

¹⁰⁹ **Code 1989, § 12-71. Definitions.** We recommend adding introductory language to this provision for purposes of internal consistency. *Change accepted by City.*

¹¹⁰ **Code 1989, § 12-71. Definitions ("Pawnbroker").** We recommend making pawnbroker a separate definition for purposes of comprehensive coverage of the subject matter. We also recommend modifying the definition to comply with O.C.G.A. § 44-12-130. *Change accepted by City.*

¹¹¹ **Code 1989, § 12-72. Licensing requirements.** We recommend either removing language of specific fees and adding the generic language of: "the amount of such fee shall be established by

(b) No license shall be issued to any person who has been convicted of a felony or a crime involving moral turpitude as defined by the laws of the state unless a full and complete pardon has been granted.

(c) No license shall be issued to any person under the terms of this chapter if any false information is furnished upon the application by the applicant to the appropriate authorities of the city.

(d) No license shall be issued to any person who has been convicted of usury under the laws of this state or of any other state.

(e) No license shall be issued until the applicant has been investigated by the city police department ~~of the city~~, and a favorable report is received from the police department as to his general reputation in the business community.

(f) No license shall be issued to any person who is not a resident of this county, or who does not maintain a registered agent in the county.

(g) No license shall be issued to any person who does not maintain a blanket bond in an amount not less than \$10,000.00. Such bond must be made payable to the city.¹¹²

(h) No license shall be issued unless the names and addresses of all persons holding any interest in the business are listed and those persons have signed the application.

(i) No license shall be issued to any person who is engaged in any finance or lending business.

(Code 1989, § 12-72; Ord. No. 273, § 2, 3-26-1990)

Sec. 10-338. Entry and examination by police.

(a) Upon making application for and receiving a license from the city to operate as a pawnbroker, the holder of the license expressly authorizes the city police department ~~of the city~~ to enter upon his premises and to inspect and examine any articles in the business for the purpose of determining whether or not they have been stolen or otherwise illegally obtained by the applicant or the pawnor, and the applicant expressly agrees that no search warrant shall be necessary, but consents to such examination and inspection at any time upon request by any police officer.

(b) Prior to any police officer removing an article which is suspected to be stolen or lost, the officer will provide the pawnbroker with:

- (1) The name of the jurisdiction taking custody of the item; and
- (2) The case number associated with the item.
- (c) Any item removed shall be tagged with:
 - (1) The case number; and
 - (2) The name of the pawnbroker from which the item was taken.

(Code 1989, § 12-73; Ord. No. 273, § 3, 3-26-1990)

Sec. 10-339. Records.¹¹³

(a) Each pawnbroker licensed hereunder shall furnish to the director of public safety ~~chief of police~~¹¹⁴ each week a list of every item sold to or not previously pledged to such pawnbroker. 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

the city council, from time to time, and made available for public examination in the office of the clerk of courts” or if the city wants fees in the code, please make sure amount is current. *City elected to keep fee provision as is.*

¹¹² Note from City: “Higher? As advised by legal”

¹¹³ **Code 1989, § 12-74. Records.** We recommend modifying the language to conform to O.C.G.A. § 44-12-132. *Change accepted*

¹¹⁴ *Change made pursuant to City’s request.*

information as follows:

- (1) The date of the transaction;
- (2) The name of the person conducting the transaction;
- (3) The name, age and address of the customer; a description of the general appearance of the customer; and the distinctive number from the customer's driver's license with a picture of the license holder;
- (4) An identification and description of the pledged or purchased goods, including, if reasonably available, the serial, model, or other number, and all identifying marks inscribed thereon;
- (5) The number of the receipt or pawn ticket;
- (6) The price paid or the amount loaned;
- (7) If payment is made by check, the number of the check issued for the purchase price or loan;
- (8) The maturity date of the transaction; and
- (9) 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 may 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 duly authorized law enforcement officer during the ordinary hours of business or at any reasonable time.

(Code 1989, § 12-74; Ord. No. 273, § 4, 3-26-1990)

State law reference--Permanent records required; content, O.C.G.A. § 44-12-132; manner of recording entry corrections; inspections, O.C.G.A. § 44-12-133.

Sec. 10-340. Thumbprints of pledger or seller.

Any pawnbroker who shall receive as a pledge or purchase any item, goods or wares valued in excess of \$10.00 or any revolver, pistol, shotgun, rifle or any other firearm, shall be required to take a thumbprint of such person pledging or selling any of the above items. Such thumbprints must be kept by the pawnbroker as part of the records required by the state, and for the period of time required therein.

(Code 1989, § 12-75; Ord. No. 273, § 5, 3-26-1990)

Sec. 10-341. Dealing with 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 such pawnbroker in the business. Nothing shall prevent the employment of minors who are otherwise qualified for employment, provided such minors shall not be allowed to take items in pawn or loan money on pledged items.

(Code 1989, § 12-76; Ord. No. 273, § 6, 3-26-1990)

Sec. 10-342. Stolen goods.

(a) It shall be the duty of every pawnbroker to report to the police any article pledged with such pawnbroker or which is sought to be pledged with such pawnbroker, if such pawnbroker 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. No pawnbroker shall accept any item, goods or wares upon which a manufacturer's identity or serial number has been intentionally removed, obliterated, or in any way caused to become unreadable.

(b) No pawnbroker shall accept any handgun upon which the manufacturer's identity or serial number has been removed, obliterated or in any way become unreadable.

(Code 1989, § 12-77; Ord. No. 273, § 7, 3-26-1990)

Sec. 10-343. Certain purchased articles to be held ~~ten~~ 30 days.¹¹⁵

Any pawnbroker or person operating under a pawnbroker's license who purchases goods, other than those purchased through wholesalers or on order in the normal course of business, taking full title thereto (the term "goods" being used in the broadest sense and including all kinds of personal property) shall hold such goods purchased for at least 30 ~~ten~~ days before disposing of same by sale, transfer, shipment or otherwise.

(Code 1989, § 12-78; Ord. No. 273, § 8, 3-26-1990)

Sec. 10-344. Suspension or revocation of license.

(a) Any license issued under this article may be suspended or revoked for any of the following reasons:

- (1) Fraud or misrepresentation in the application for a license;
- (2) Fraud or misrepresentation in the course of conducting business;
- (3) Failure to adhere to the recordkeeping or reporting requirements of sections 10-339~~12-74~~ and 10-342~~12-77~~ of this article;
- (4) Violation of any provision of this article;
- (5) Violation of any provision of O.C.G.A. §§ 44-12-130 through ~~section 44-12-137~~ pertaining to the regulation of pawnbrokers.

(b) Upon suspension or revocation, the city shall deliver written notice to the license holder stating the action taken and the reason supporting such action. The written notice shall be delivered to the address set forth in the license holder's application.

(c) The holder of a pawnbroker license shall be responsible for any and all acts of his employees, and for any violation by them of the provisions of this article.

(Code 1989, § 12-79; Ord. No. 273, § 9, 3-26-1990)

Sec. 10-345. Appeals.

Pawnbrokers who are denied licenses or whose licenses have been suspended or revoked may appeal such denial, suspension or revocation by filing a written notice of appeal with the city clerk. The appeal must be filed within ten days of the date of the notice of denial, suspension or revocation. The city council shall hear and determine the appeal and the decision of the council shall be final.

(Code 1989, § 12-80; Ord. No. 273, § 10, 3-26-1990)

Sec. 10-346. Penalties.¹¹⁶

In addition to the suspension and revocation penalties provided in section 10-344~~12-79~~, any pawnbroker or employee who violates any provision of this article shall be punished according to the penalties described in section 1-8. ~~by a fine not to exceed two thousand dollars (\$2,000.00), or by imprisonment for a period not to exceed one hundred twenty (120) days, or both, or to labor on the period not exceeding one hundred twenty (120) days.~~ Each day any violation of any provision of this article shall continue shall constitute a separate offense.

(Code 1989, § 12-81; Ord. No. 273, § 11, 3-26-1990)

¹¹⁵ **Code 1989, § 12-78. Certain purchased articles to be held ten days.** Section conformed to O.C.G.A. § 44-12-131. *Change accepted by City.*

¹¹⁶ **Code 1989, § 12-81. Penalties.** We recommend modifying the language of this provision, for purposes of internal consistent with the general penalties clause in the General Provisions chapter. *Change accepted*

Secs. 10-347--10-365. Reserved.

ARTICLE XII. PROFESSIONAL BONDS PERSONS*¹¹⁷

***State law reference**--Professional bonds persons generally, O.C.G.A. § 17-6-50 et seq.

Sec. 10-366. Definition of professional bonds person.¹¹⁸

(a) Bondsmen or persons who hold themselves out as signers or sureties of bonds for compensation are declared to be professional bonds persons.

(b) A professional bondsperson is one who holds himself out as a signer or surety of bonds for compensation who must meet the following qualifications:

(1) Is 18 years of age or over;

(2) Is a resident of the state for at least one year before making application to write bonds;

(3) Is a person of good moral character and has not been convicted of a felony or any crime involving moral turpitude; and

(4) Is approved by the sheriff and remains in good standing with respect to all applicable federal, state, and local laws and all rules and regulations established by the sheriff in the county where the bonding business is conducted.

(c) The sheriff of the county in which the bonding business is conducting business or is seeking approval to conduct business shall initiate a criminal background investigation to ensure that a professional bonds person has not been convicted of a felony or a crime involving moral turpitude in this state or any other jurisdiction. The sheriff shall require the professional bonds person to furnish two full sets of fingerprints which the sheriff shall submit to the Georgia Crime Information Center. The center shall submit a full set of fingerprints to the Federal Bureau of Investigation for a national criminal history record check.

(d) It shall be the duty of each professional bonds person approved by the sheriff in accordance with this section to provide the clerk of each court before which one or more of such professional bonds person's principals are required to appear with the business name, complete address, telephone number, and e-mail address of the chief operating officer or his designee of such professional bonds person for the purpose of receiving any notices that may be sent pursuant to O.C.G.A. § 17-6-71. Each professional bonds person shall have the duty to keep such information current and accurate. It shall be the duty of each clerk of court to keep, maintain, and update such information as provided by a professional bonds person.

Any person who shall for compensation sign any bond for the appearance of any accused person in any court, or who shall procure bond for such person, or who shall deposit collateral for such person in lieu of bond, shall, for the purposes of this article, be deemed a professional bonds person and engaged in business as such.

(Code 1989, § 12-30; Ord. No. 139, § 2, 10-28-1974)

Sec. 10-367. Permit--Required.

It shall be unlawful for any person to be engaged in the business of professional bonds person until authorized so to do by a permit granted by the city council upon recommendation of the police chief and/or police committee. No business license shall be issued to a professional bonds person until such permit has been granted.

(Code 1989, § 12-31; Ord. No. 139, § 1, 10-28-1974)

¹¹⁷ **Code 1989, Ch. 12, Article III. Professional Bondsmen.** We recommend moving the article to appear with the "Businesses and Business Regulations" chapter for purposes of subject matter consistency. *Change accepted.*

¹¹⁸ **Code 1989, § 12-30. Definition of professional bondsman.** We recommend modifying the language to comply with O.C.G.A. § 17-6-50. *Change accepted.*

Sec. 10-368. Same--Suspension or revocation authorized.

The chief of police and/or police committee shall have the right at any time to suspend the permit of any person, or agent thereof, engaged in the business of acting as a professional bonds person for noncompliance with this article. The police committee and/or chief of police shall have the right to suspend, for a definite period of time, or to permanently revoke, any such permit.

(Code 1989, § 12-32; Ord. No. 139, § 6, 10-28-1974)

Sec. 10-369. Same--Hearing on suspension.

The person, or agent thereof, whose permit is suspended shall be notified by the chief of police and/or police committee of the reason for such suspension and shall be given the right, within 30 days from the effective date of such suspension, to appear before the police committee and to show cause why the suspension should not be made permanent. Failure to appear within the specified time or any extension thereof shall, of course, automatically forfeit the permit.

(Code 1989, § 12-33; Ord. No. 139, § 7, 10-28-1974)

Sec. 10-370. Exemptions.

Nothing contained in this article shall be construed as affecting the right of a citizen to sign a bond not for compensation, or the right of surety companies who have complied with the laws of the state regulating such companies to carry on their regular business.

(Code 1989, § 12-34; Ord. No. 139, § 3, 10-28-1974)

Sec. 10-371. Contents of bond.

- (a) Each bond signed by any professional bonds person shall, on a separate affidavit, contain:
 - (1) A description of all real property in the county owned in fee simple by such person, and the clear market value of each item of real property so scheduled shall be set forth;
 - (2) A description of each mortgage, lien or other encumbrance affecting such real property, showing the maturity date and amount thereof;
 - (3) A statement of the total amount of all bonds upon which the petitioner may, at that time, appear as surety; and
 - (4) A sub-schedule of all bonds upon which the petitioner may, at that time, appear as surety which have been forfeited and not paid.

(b) All schedules and sub-schedules required by this article shall be made under oath by the petitioner, provided that, if the petitioner is a firm, each member of the firm shall sign the same, and if a corporation, two principal officers thereof authorized by the corporation's bylaws shall sign the same, and the corporate seal shall be affixed.

(Code 1989, § 12-35; Ord. No. 139, § 4, 10-28-1974)

Sec. 10-372. Submitting schedules.

The chief of police and/or police committee shall have the right and authority at all times to require professional bonds persons to submit schedules of property and of bonds upon which they appear as surety. In the event such schedules disclose the insolvency or inability of a bonds person to sign bonds because of an excess of liability over assets, then the committee shall have the power to bar such bonds person from signing further bonds in the municipal court for so long as such insolvency or inability exists. Any professional bonds person who shall fail to furnish such schedules on demand, or who shall furnish a false schedule, shall thereafter be barred from signing bonds in connection with cases in the municipal court.

(Code 1989, § 12-36; Ord. No. 139, § 5, 10-28-1974)

Sec. 10-373. Violations.

Any professional bonds person violating this article shall, on conviction in the municipal court, be punished as provided by law. In addition thereto, any bonds person convicted of any violation of this article shall

automatically be barred from signing bonds in the city.

(Code 1989, § 12-37; Ord. No. 139, § 8, 10-28-1974)

Secs. 10-374--10-404. Reserved.

ARTICLE XIII. TICKET BROKERS*¹¹⁹

***State law reference**--Ticket brokers, O.C.G.A. § 43-4b-25 et seq.

Sec. 10-405. Adoption of state law by reference.

(a) The provisions of O.C.G.A. §§ 43-4B-25 through 43-4B-30 regarding ticket brokers are hereby adopted and incorporated herein by reference as the city's ticket broker regulations with like effect, as if fully recited herein.

(b) Any person who violates this section is guilty of a misdemeanor and shall be subject to a fine ~~not to exceed one thousand dollars (\$1,000.00)~~ according to the penalties described in section 1-8 and in the discretion of the municipal judge.¹²⁰

(Code 1989, § 12-206; Ord. No. 623, § 1, 5-19-2008)

Secs. 10-406--10-423. Reserved.

ARTICLE XIV. VIDEO STORES¹²¹

Sec. 10-424. Findings.

(a) Based on the experience of other counties and municipalities, including, but not limited to Houston, Texas; Tucson, Arizona; Chattanooga, Tennessee; Minneapolis, Minnesota; Dayton, Ohio; Fulton County, Georgia and Gwinnett County, Georgia, which experiences are found to be relevant to the problems faced by the city, and based on documentary evidence and a transcript of oral testimony presented by law enforcement personnel during the Gwinnett County board of commissioners' public hearing and regular meeting on August 7, 2001, and based upon oral evidence presented to the mayor and council at their August 20, 2001 public hearing, the mayor and council take note of the opportunity for unlawful sexual activities, including, but not limited to, masturbation and oral and anal sex, to occur at video stores which provide private or semi-private booths or cubicles for viewing films or videos depicting nudity, and for sexually transmitted diseases to spread as a result of the unhealthy conditions and unlawful activities associated with such booths, and the mayor and council further note that persons frequent such video viewing booths for the purpose of engaging in sexual activities within such video viewing booths, and bodily fluids, including semen, urine and feces are found in such video viewing booths.

(b) The mayor and council find that removal of doors on such video viewing booths and prohibiting holes between such booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in such booths. The mayor and council therefore find that it is in the best interest of the health, safety and welfare of the community to require that doors or other partitions on video viewing booths in video stores be removed and that no holes be allowed to exist between adjoining booths. The mayor and council find that these regulations promote the public welfare by furthering legitimate public and governmental interests, including, but not limited to, reducing unlawful sexual activities and unhealthy conditions in video viewing booths found in video stores. The mayor and council further find that these regulations will not infringe upon the protected constitutional

¹¹⁹ **Code 1989, Ch. 12, Article X. Ticket Brokers.** We recommend moving the article to appear with the "Businesses and Business Regulations" chapter for purposes of subject matter consistency. *Change accepted.*

¹²⁰ **Code 1989, § 12-206. Adoption of state law by reference.** We recommend modifying the language of this provision for purposes of internal consistency with the general penalties clause in the General Provisions chapter. *Change accepted.*

¹²¹ **Code 1989, Article VII. Video stores.** We recommend moving the article to appear with the "Businesses and Business Regulations" chapter for purposes of subject matter consistency. *Change accepted.*

rights of freedom of speech or expression. To that end, this article is hereby adopted.

(Code 1989, § 12-192; Ord. No. 480, § 1, 8-27-2001)

Sec. 10-425. Regulations.

Any video store having available for customers, patrons or members, any booth, room or cubicle for the private viewing of any video or motion picture must comply with the following requirements:

- (1) *Access.* Each booth, room or cubicle shall be totally accessible to and from aisles and public areas of the video store, and shall be unobstructed by any curtain, door, lock or other control-type or view-obstructing devices or materials.
- (2) *Construction.* Every booth, room or cubicle shall meet the following requirements:
 - a. Each booth, room or cubicle shall be separated from adjacent booths, rooms and cubicles and any non-public areas by a wall.
 - b. Each booth, room or cubicle shall have at least one side totally open to a public lighted area or aisle so that there is an unobstructed view of anyone occupying the booth from the area in which the cash register for the video store is located.
 - c. All walls shall be solid and without openings, extended from the floor to a height of not less than six feet and be light-colored, non-absorbent, smooth-textured and easily cleanable.
 - d. The floor must be light-colored, non-absorbent, smooth-textured and easily cleaned.
 - e. The lighting level of each booth, room or cubicle, when not in use, shall be a minimum of ten footcandles at all times, as measured from the floor.
- (3) *Occupants.* Only one individual shall occupy a booth, room or cubicle at any time. No occupant of same shall engage in any type of sexual activity, cause any bodily discharge or litter while in the booth, room or cubicle. No individual shall damage or deface any portion of the booth, room or cubicle.
- (4) *Definition of video store.* The term "video store" means any establishment having a substantial or significant portion of its stock in trade which includes videotapes or movies or other reproductions, whether for sale or rent, or an establishment with a segment or section comprising five percent or more of its total floor space devoted to the sale or display of such material or which derives more than five percent of its net sales from videos. The term "video store" shall also include adult bookstores as defined in ~~article IV, section 10-2112-87~~ and adult entertainment establishments as defined in ~~article V, section 10-5512-102~~.
- (5) *Enforcement.* The provisions of this article may, in addition to any criminal remedy available, be enforced through an action for abatement of a nuisance in the manner provided by law. The city may apply to a court with jurisdiction to grant equitable relief to abate or remove private video viewing booths and to restrain or enjoin any person from operating or engaging in conduct contrary to the provisions of this article.

(Code 1989, § 12-193; Ord. No. 480, § 1, 8-27-2001)

Chapter 11
RESERVED

PROOFS

Chapter 12

CEMETERIES*

***State law reference**--Georgia Cemetery and Funeral Services Act of 2000, O.C.G.A. § 10-14-1 et seq.; city as trustee of cemetery funds, O.C.G.A. § 36-37-4 et seq.

Sec. 12-1. Cemetery authority--Created.¹²²

There is created a cemetery authority to be known as the Alpharetta Cemetery Authority.

(Code 1989, § 6-1; Ord. No. 142, § 1, 8-25-1975)

Sec. 12-2. Same--Composition; accounting for and auditing account.

The cemetery authority shall consist of the building and grounds committee. All funds coming under the purview of the authority shall be held in trust by the city, and shall be accounted for and audited the same as any other fiduciary account held by the city.

(Code 1989, § 6-2; Ord. No. 226, § 1, 5-27-1987)

Sec. 12-3. Same--Property; finances.

The cemetery authority is authorized to hold cemetery property in trust for the city and is authorized to receive gifts, trusts, income from trusts, real estate and donations of every kind, and to hold the same as trustee for the city; to convey real estate so received to any person, church or corporation as trustees for the city; to invest in bank certificates or government bonds; to accept deeds to secure debt from any source; and to expend any and all moneys received for the upkeep and maintenance of the city cemeteries. Any gifts and trusts of real estate shall be received by the cemetery authority as trustees for the city. The authority shall have the right to convey lots or other real property connected with the city cemeteries as trustee for the city.

(Code 1989, § 6-3; Ord. No. 142, § 1, 8-25-1975)

Sec. 12-4. Rest Haven Cemetery; assumption of ownership.

The city does assume full ownership and possession of Rest Haven Cemetery and claims all of the land located therein, with the exception of all lots privately owned.

(Code 1989, § 6-4; Ord. No. 142, § 1, 8-25-1975)

¹²² **Code 1989, § 6-1. Cemetery authority—Created.** Does the city still have a cemetery authority? *City confirmed that they do- keep section as is.*

Chapter 13
RESERVED

PROOFS

Chapter 14

CIVIL EMERGENCIES*

***State law reference**--Georgia Emergency Management Act of 1981, O.C.G.A. § 38-3-1 et seq.

Sec. 14-1. Emergency management defined.¹²³

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

(Code 1989, § 7-1; Ord. No. 81, § 1, 11-20-1961)

State law reference--Similar provisions, O.C.G.A. § 38-3-3.

Sec. 14-2. Council of emergency management--Created; composition.

The city council of emergency management is hereby created and shall include the following:

- (1) Mayor.
- (2) Director of emergency management (as appointed) (shall be executive vice-chairperson).
- (3) Police chief.
- (4) Fire chief.
- (5) Director of public works. ~~City engineer~~¹²⁴
- (6) American Red Cross representative.
- (7) Others, including representatives of business, labor and patriotic organizations, as appointed by the city council.

(Code 1989, § 7-2; Ord. No. 81, § 8, 11-20-1961)

Sec. 14-3. Same--Powers and duties.

It shall be the duty of the council of emergency management, and it is hereby empowered:

- (1) To develop a city emergency management plan. This plan shall provide for the effective mobilization of all the resources of the city, both private and public.
- (2) To prepare and recommend for consideration by the city council, ordinances necessary to implement the

¹²³ **Code 1989, § 7-1. "Emergency Management" defined.** We recommend modifying the language of this section, for purposes of conformity with O.C.G.A. § 38-3-3(2). *Change accepted.*

¹²⁴ **Code 1989, § 7-2. Council of emergency management.** *City requested clarification on who the City Engineer is. Could it be the Director of Public Works? Coty confirmed that it's Director of Public Works.*

emergency management plan.

(3) To consider and recommend to the city council for approval mutual aid plans and agreements.

(4) Others (as determined locally).

(Code 1989, § 7-3; Ord. No. 81, § 8, 11-20-1961)

Sec. 14-4. Director of emergency management.¹²⁵

There is hereby created the office of the city emergency management director. Such officer shall be nominated by the mayor, and appointed by the governor, as provided by law. The director is hereby charged:

- (1) To represent the mayor on all matters pertaining to emergency management.
- (2) To develop a city emergency management plan. This plan shall provide for the effective mobilization of all the resources of the city, both private and public.
- (3) To obtain and utilize cooperation of city officials in the preparation and implementation of emergency management plans.
- (4) During periods of emergency, to direct the services of all city emergency management forces.
- (5) During periods of emergency, to obtain vital supplies and equipment lacking, needed for the protection of life and property of people, and bind the city for the value thereof, and, if required immediately, requisition same.

(Code 1989, § 7-4; Ord. No. 81, § 2, 11-20-1961)

Sec. 14-5. Emergency management organization--Composition.

Officers and employees of the city with volunteer forces enrolled to aid them during an emergency and all groups, organizations and persons who make the agreements on operation of law charged with duties necessary for the protection of the life and property in the city during such an emergency shall constitute the emergency management organization.

(Code 1989, § 7-5; Ord. No. 81, § 3, 11-20-1961)

State law reference--Authority to form, O.C.G.A. § 38-3-27.

Sec. 14-6. Same--Divisions.

The functions and duties of the emergency management organization shall be distributed among the divisions as listed below. Each division shall be under the direction of a service chief appointed by the director. The service chiefs will be selected from among the best qualified in the city and may include, but not be restricted to, chiefs of existing community services. Arranged within each division are the various emergency management services, each service under the direction of a chief designated to head this service due to intimate knowledge of the particular service and qualities as a leader. The divisions are as follows:

<i>Operations</i>	<i>Intelligence</i>	<i>Logistics</i>	<i>Administration</i>
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¹²⁵ **Code 1989, § 7-4. Director of emergency management.** *City expressed doubt that there is/ever will be a Director of emergency management. We can strike this section, or, leave as-is in case a need arises for one in the future. City elected to leave provision as is.*

Communications	Attack warning	Manpower	Administrative and
Police	Radiological	Shelter	fiscal section
Fire Rescue	Defense industry and	Planning	(including matching
Transportation	institutions	Supply	funds)
Health	Emergency public	(1) Resources	Training and
Engineering	information	(2) Procurement	education
Welfare	Women's	(3) Controls	
Warden	activities ¹²⁶		

(Code 1989, § 7-6; Ord. No. 81, § 4, 11-20-1961)

Sec. 14-7. Volunteers.

All persons other than officers and employees of the city volunteering in service pursuant to ~~the~~ emergency management under this chapter shall serve with or without compensation. While engaged in such service, they shall have the same immunities as employees of the city performing similar duties.

(Code 1989, § 7-7; Ord. No. 81, § 5, 11-20-1961)

Sec. 14-8. Unlawful acts.

It shall be a misdemeanor during an emergency:

- (1) To willfully obstruct, hinder, or delay any member of the emergency management organizations, or any enforcement of a lawful rule or regulation issued pursuant to this chapter or in the performance of any duty imposed upon such person by the virtue of this chapter.
- (2) To do any act forbidden by any lawful rules or regulations issued pursuant to this chapter if such act is of such nature as to give assistance to the enemy or to imperil or delay emergency management thereof.
- (3) To wear or carry or display without authority any mark or identification specified by the council of emergency management.

(Code 1989, § 7-8; Ord. No. 81, § 6, 11-20-1961)

Sec. 14-9. Plan.

A complete and adequate emergency management plan will be formulated and maintained at once by the council of emergency management. This plan will be based upon plans formulated by the state, mutual aid agreements, and chiefs of divisions.

(Code 1989, § 7-9; Ord. No. 81, § 7, 11-20-1961)

Sec. 14-10. Emergency powers of mayor.

In addition to all powers enumerated in this Code, the mayor, as the chief executive of the city, shall have further emergency powers as follows:

- (1) The mayor shall have the right to declare an emergency to exist when, in such official's opinion, one or more of the following conditions exists:
 - a. That there is extreme likelihood of danger of destruction of life or property due to unusual conditions.
 - b. Unusual or extreme weather conditions, making use of city streets or areas difficult or impossible.
 - c. Civil unrest, commotion or uprising is imminent or exists.

¹²⁶ **Code 1989, § 7-6. Same—Divisions.** *City expressed doubt that "Women's Activities" is no longer a division, if not we can strike. City elected to strike.*

- d. There is a stoppage or loss of electrical power affecting a major portion of the city.
- (2) After declaration of such emergency, the mayor, as chief executive, shall have the right to exercise any or all of the following powers:
 - a. The power to use employees of the city to assist in the safety and preservation of life, limb and property of the citizenry of the city.
 - b. The power to close streets and sidewalks and to delineate areas within the city wherein an emergency exists.
 - c. The power to impose emergency curfew regulations.
 - d. The power to close business establishments within the affected area.
 - e. The power to close any municipally-owned building and other facilities to the use of the general public.
 - f. The power to do all acts necessary and incidental to the preservation of life, limb and property of the citizenry of the city.
 - g. No emergency power as set forth herein may be effective for more than 72 hours after the declaration of an emergency by the mayor. However, upon declaration of a second or further emergencies to exist, the emergency powers as set forth herein may be exercised during such further emergency period or periods, but never for more than 72 hours in one declared emergency period.
 - h. No emergency period shall extend beyond the next regular, special or called meeting of the city council.
- (3) The declaration of an emergency as to a portion of the city shall specify with exactness the area in which the emergency is declared to exist.

(Code 1989, § 7-10; Ord. No. 106, 10-9-1967)

Sec. 14-11. Conflict of interest.

Where provisions of this chapter are in conflict with provisions of existing ordinances, the provisions of this chapter, in an emergency, will govern.

(Code 1989, § 7-11; Ord. No. 81, § 8, 11-20-1961)

Sec. 14-12. Office of emergency management.

(a) The director of the city office of emergency management shall be authorized to exercise overall direction and coordination of emergency and disaster planning and operations, as stated in section ~~14-47-4~~.

(b) The director of the city office of emergency management shall be authorized to activate and deactivate the city emergency operations center, any secondary emergency operations center that may be opened, and/or support of all city departments in an emergency or disaster.

(c) The city administrator, or his designee, shall serve as the director of the city office of emergency management.

(d) The city emergency operations plan shall be binding on all city departments providing emergency support functions, and shall serve as the basis to assist the city in time of emergency or disaster.

(e) The director of the city office of emergency management shall provide direction and coordination of all activities and functions provided by state agencies and organizations, and shall perform other duties prescribed herein.

(f) The primary and support function responsibilities for emergency management services and resources shall be as follows:

<i>Emergency Support Function</i>	<i>Agency/Organization</i>
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1. Transportation	Primary: Department of recreation and parks
	Support: Department of engineering and public works ¹²⁷
2. Communications	Primary: Department of public safety
	Support: Department of technical services Division Department of fire and emergency services ¹²⁸ Office of homeland security and emergency management
3. Public works-AND ENGINEERING ¹²⁹	Primary: Department of engineering and public works ¹³⁰
	Support: Department of recreation and parks
4. Firefighting	Primary: Department of fire and emergency services
	Support: Division Department of police services ¹³¹
5. Emergency management	Primary: City administrator's office

¹²⁷ **Code 1989, § 7-12.** *Changed per city's request.*

¹²⁸ **Code 1989, § 7-12.** *City expressed doubt that this department still exists, perhaps incorporated into Department of Public Safety? City elected to change to Division.*

¹²⁹ **Code 1989, § 7-12.** *Changed per city's request.*

¹³⁰ **Code 1989, § 7-12.** *Changed per city's request.*

¹³¹ **Code 1989, § 7-12.** *City expressed doubt that this department still exists, perhaps incorporated into Department of Public Safety? City elected to change to Division.*

	Support: Department of public safety Department of police services Department of fire and emergency services Department of Engineering and public works ¹³² Department of recreation and parks Department of community development Department of financial services Department of human resources
6. Mass care	Primary: Department of recreation and parks
	Support: Department of community development
7. Resource support	Primary: Department of financial services
	Support: Department of human resources
8. Health and medical	Primary: Department of fire and emergency services
	Support: Department of police services Department of human resources
9. Search and rescue	Primary: Department of fire and emergency services

¹³² Code 1989, § 7-12. Changed per city's request.

	Support: Department of engineering and public works ¹³³ Department of police services Department of recreation and parks
10. Hazardous materials	Primary: Department of fire and emergency services
	Support: Department of police services Department of engineering and public works ¹³⁴
11. Food and water	Primary: Department of human resources
	Support: Department of community development Department of recreation and parks
12. Energy	Primary: Department of engineering and public works ¹³⁵
	Support: Department of fire and emergency services
13. Public safety and security	Primary: Department of public safety
	Support: Department of police services Department of fire and emergency services

¹³³ Code 1989, § 7-12. Changed per city's request.

¹³⁴ Code 1989, § 7-12. *Id.*

¹³⁵ Code 1989, § 7-12. *Id.*

14. Long term recovery and mitigation	Primary: Department of community development
	Support: Department of engineering and public works ¹³⁶
15. External affairs	Primary: City administrator's office
	Support: Department of public safety

(g) Each city department shall appoint an emergency coordinator and two alternates to serve in time of an emergency or disaster.

(h) Each city department assigned primary emergency support function responsibilities shall provide assistance in preparation and revision of such functions, collaborate with support agencies and maintain accompanying standard operating plans.

(i) Each city department with primary and/or support responsibilities shall assign personnel to serve in the emergency operations center (EOC), maintain a 24-hour response capability, conduct and participate in training and exercises, prepare updates to the city emergency operations plan, as necessary, and maintain reporting systems as required by state and federal laws and regulations.

(j) All other departments not assigned a primary or support role in emergency management shall implement duties or services that may be required during an emergency or disaster as requested by the mayor.

(Code 1989, § 7-12; Res. No. 991, 12-16-2002; Ord. No. 605, 5-21-2007; Res. No. 1626, 8-6-2012)

Editor's note—Res. No. 991, adopted Dec. 16, 2002, did not specifically amend the Code. Hence, its inclusion herein as section 7-12 was at the discretion of the editor.

¹³⁶ **Code 1989, § 7-12.** *Changed per city's request.*

Chapter 15
RESERVED

PROOFS

Chapter 16
EMERGENCY SERVICES
ARTICLE I. IN GENERAL

Secs. 16-1--16-18. Reserved.

ARTICLE II. ALARM SYSTEMS¹³⁷

~~*Editor's note~~ Ordinance No. 374, §§ 1–7, adopted April 1, 1996, did not specifically amend the Code; hence, §§ 13-41–13-45 were treated as deleted and replaced by §§ 13-41–13-47 at the discretion of the editor. Formerly, such sections pertained to similar provisions and derived from Ord. No. 283, §§ 1–5, 2-11-91.

Sec. 16-19. Purpose.

The purpose of this article is to regulate the responsibilities of those persons who purchase, rent or use alarm systems, devices or services. This article is also intended to encourage the improvement in reliability of these systems, devices and services and to ensure that police and fire department personnel will not be unduly diverted from responding to actual criminal activity as a result of responding to false alarms. This article specifically encompasses "fire alarms," "burglar alarms," "robbery alarms," "holdup alarms," "medical alarms" and "panic alarms," both audible and inaudible (silent). The provisions of this article shall not apply to alarm systems which are owned or maintained by the city and installed on premises in which the city has a property interest.

(Code 1989, § 13-41; Ord. No. 374, § 1, 4-1-1996; Ord. No. 567, 5-23-2005)

Sec. 16-20. 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:¹³⁸

~~For the purpose of this article, the following words and phrases shall have the respective meanings ascribed to them by this section:~~

Alarm means and includes any fire, robbery, burglary, holdup, medical or panic alarm that transmits any signal (audible, visual or silent) to the city, indicating a predetermined emergency condition exists, whether the alarm is received either:

- (1) By telephone line to a designated position on an alarm panel;
- (2) By a private alarm service company relayed to the city communications center telephone;
- (3) By an automated telephone alarm system, playing a recorded message when received on the city communications center telephone; or
- (4) By a signal relayed to the city communications center by a third party.

False alarm means any activation of an alarm system where none of the emergencies for which the alarm system has been installed have in fact occurred.

Response means the dispatch of any police or fire unit to the premises where an alarm has been activated or the arrival of an officer to the location by any means of notification.

Telephone alarm system means any alarm system which automatically transmits by telephone line a recorded electronic or mechanical signal to a telephone instrument at the city communications center.

¹³⁷ **Code 1989, Article III. Alarm Systems.** We recommend moving the article to appear within the "Emergency Services" chapter for purposes of subject matter consistency. *Change accepted*

¹³⁸ **Code 1989, § 13-42. Definitions.** We recommend adding introductory language to this provision for purposes of internal consistency. *Change accepted*

(Code 1989, § 13-42; Ord. No. 374, § 2, 4-1-1996; Ord. No. 567, 5-23-2005)

Sec. 16-21. Registration required after false alarm.¹³⁹

Each person who receives a warning notice for a false alarm as provided in section ~~16-2313-45(a)~~(2) of this article shall, within 30 days of the notice, apply for and obtain a registration certificate in accordance with the provisions of this article. When registration is required under this section, the application fee shall be \$50.00. Any other person may, but is not required to voluntarily register, and there shall be no application fee for voluntary registration.

(Code 1989, § 13-43; Ord. No. 374, § 3, 4-1-1996; Ord. No. 567, 5-23-2005)

Sec. 16-22. Contents of application; permit fee.

(a) Each applicant for a registration certificate shall complete a registration form prescribed by the city containing the following information:

- (1) The name and telephone number of the applicant, and the address of the premises where the alarm system is installed;
- (2) The person or business entity maintaining, monitoring or servicing the alarm system, along with a telephone number of the alarm dispatch center; and
- (3) Names and telephone numbers of all persons who have access to the premises and have knowledge of the operation of the alarm, and who shall be responsible for resetting, disconnecting or disarming the alarm.

(b) Registration applications, together with a fee of \$50.00, shall be filed with the finance department, which will disseminate registration application information to the inspections, fire, and police departments.¹⁴⁰

(c) Persons owning or using alarm systems shall provide response to the alarm location, when requested, in order to reset, disconnect or disable the alarm system within 90 minutes of such request. Failure to provide such response shall result in a service fee of not less than \$25.00 for each such occurrence. The imposition of this service fee may be appealed to the city administrator by sending a letter of appeal to the city administrator within ten days after the fee is imposed. The city administrator may waive the fee if the appellant establishes to the satisfaction of the city administrator that the failure to respond was due to circumstances not within the reasonable control of the appellant.¹⁴¹

(d) Nothing in this article shall be deemed to impose any liability upon the city in connection with the regulation of alarm systems, or otherwise constitute a waiver of sovereign immunity.

(e) All alarm systems installed after the effective date of the ordinance from which this article is derived having an audible or visual signal at the premises shall be equipped so as to automatically shut off the audible signal after no longer than ten minutes for residential installations and 15 minutes for nonresidential installations, except those systems required by law to have a longer operation period, in which case, such system shall be equipped so as to automatically shut off the audible signal at the conclusion of the longer operating time.

(f) Telephone alarm devices shall be construed or installed so as not to seize or otherwise hold or preempt the telephone lines of the city communications center. Beginning 12 months after the effective date of the ordinance from which this article is derived, no person shall use or cause to be used any telephone device or telephone attachment that automatically selects or dials a published emergency telephone number or any city telephone

¹³⁹ **Code 1989, § 13-43. Registration required after false alarm.** We recommend adding generic language for purposes of internal consistency and for ease of modification. *City elected to keep fee provision as is.*

¹⁴⁰ **Code 1989, § 13-44. Contents of application; permit fee.** *Id.* City elected to keep fee provision as is.

¹⁴¹ **Code 1989, § 13-44. Contents of application; permit fee.** We recommend adding generic language for purposes of internal consistency and for ease of modification. *City elected to keep fee provision as is.*

number and then reproduces any prerecorded message or signal, provided that this section shall not apply to a life safety alert system utilizing residential transmitting equipment designated for direct telephone access to dedicated control receiving equipment located in the city's public safety communications center.

(g) If, after a registration certificate is issued, any of the information contained within the application for which the registration certificate was issued changes, the certificate holder shall notify the inspections department in writing of each such change not later than 30 days after the change.

(Code 1989, § 13-44; Ord. No. 374, § 4, 4-1-1996; Ord. No. 567, 5-23-2005)

Sec. 16-23. Service fee for false alarms. ¹⁴²

For each police or fire response to a false alarm, the responding officer shall leave a false alarm notification slip at the premises. Service fees for police or fire response to false alarms shall be imposed as follows:

- (1) False alarms occurring during the first 120 days of operation of a newly installed or reinstalled alarm system shall not be counted as "false alarms" for the purposes of subsections (2) through (4) of this section.
- (2) For the first false alarm within a calendar year, no service shall be charged, but a warning notice shall be issued and a registration certificate shall be obtained within 30 days of the notice.
- (3) For the second, third and fourth false alarm within a calendar year, the property owner or lessee shall be charged a service fee of \$50.00 per false alarm.
- (4) For the fifth and each additional false alarm within a calendar year, the property owner or lessee shall be charged a service fee of \$125.00 per false alarm.
- (5) Service fees shall be billed by the city finance department directly to the occupant where the false alarm occurred. In the event the occupant fails to pay the service fees billed under this article, the city shall bill the owner of the property, if different than the occupant. The owner and the occupant shall be jointly responsible for the service fees billed under this article.
- (6) Should the service fees go unpaid, the city shall withhold the issuance of a business license or occupational tax certificate or apply funds paid for other charges and services to service fees billed under this article.
- (7) In the event fees go unpaid after the due date, a one-time ten percent penalty will be charged based upon the amount due, and interest at the rate of one percent per month shall accrue until the fees are paid in full.

(Code 1989, § 13-45; Ord. No. 374, § 5, 4-1-1996; Ord. No. 567, 5-23-2005)

Sec. 16-24. Duties of alarm system company or business.

Each alarm system company or business selling, leasing and/or monitoring an alarm system installed within the city limits shall provide the user with a copy of this article and an application for a registration certificate, and shall instruct the user in the proper operation of the system. Each business entity monitoring or servicing an alarm system installed within the city limits shall file an annual registration with the city identifying the name, address and telephone number of the entity, the name of a contact person, and the location of each system in the city that is monitored or serviced by the entity. The registration is due no later than January 15 of each year.

(Code 1989, § 13-46; Ord. No. 374, § 6, 4-1-1996; Ord. No. 567, 5-23-2005)

Sec. 16-25. Penalties.

Any person who violates any provision of this article, shall be guilty of a misdemeanor punishable according to the penalties described in section 1-8, by a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00). Each day that a violation occurs or continues shall constitute a separate offense. The punishment

¹⁴² **Code 1989, § 13-45. Service fee for false alarms.** *Id.* City elected to keep fee provision as is.

or conviction of any person under this section shall not relieve the person from paying any unpaid permit or service fee; nor shall payment of any unpaid permit or service fee bar criminal prosecution for any violation of this article. (Code 1989, § 13-47; Ord. No. 374, § 7, 4-1-1996; Ord. No. 567, 5-23-2005)

Secs. 16-26--16-53. Reserved.

ARTICLE III. EMERGENCY 911 SYSTEM¹⁴³

Sec. 16-54. Monthly wireless enhanced 911 charges.

(a) ~~The city council,~~ Pursuant to O.C.G.A. §§ 46-5-133 and 46-5-134(2), there is hereby imposed upon each subscriber of a wireless telecommunications connection whose billing address is within the jurisdiction of the city a monthly wireless enhanced 911 charge of \$1.50 ~~(\$1.00)~~ per month, per wireless telecommunications connection provided to the telephone subscriber, to be used to support the maintenance and operation of the emergency 911 system, which is capable of providing automatic number identification of a wireless telecommunications connection and the location of the base station or cell site which receives a 911 call from a wireless telecommunications connection.

(b) The monthly 911 charge heretofore imposed upon subscribers of exchange access facilities shall remain in full force and effect, and shall not be affected by this section.

(c) ~~The mayor and city council do hereby reaffirm the necessity for the monthly 911 charges of \$1.50 per telephone line, \$1.50 per wireless subscriber, \$1.50 per voice-over-internet protocol subscriber, and \$0.75 per retail transaction of prepaid wireless telecommunications services within the city for fiscal year 2016~~7, and hereby authorize the imposition of such fees to continue to fund and maintain the emergency 911 fund.¹⁴⁴

~~— The mayor and council of the city resolve and reaffirm the necessity for the monthly 911 charge of one dollar fifty cents (\$1.50) per telephone line and one dollar fifty cents (\$1.50) per wireless subscriber, for each wireless enhanced connection, imposed to establish and maintain an emergency 911 fund.~~

~~— The mayor and council hereby declare the necessity of a monthly 911 service charge of one dollar and fifty cents (\$1.50) per voice over internet protocol subscriber within the city for fiscal year 2015 and hereby authorize the imposition of such fee to continue to fund and maintain the emergency 911 fund.~~

(d) ~~The mayor and council of the city do hereby declare the necessity of a charge of seventy five cents (\$0.75) per retail transaction of prepaid wireless telecommunications services within the city for fiscal year 2015 and hereby authorize the imposition of such fee to continue to fund and maintain the emergency 911 fund.~~¹⁴⁵

(Code 1989, § 13-76; Ord. No. 739, 9-28-1998; Ord. No. 570, 6-20-2005; Ord. No. 594, 6-19-2006; Res. No. 1299, 6-4-2007; Res. No. 1358, 6-2-2008; Res. No. 1422, 6-15-2009; Res. No. 1493, 6-7-2010; Res. No. 1557, 6-13-2011; Res. No. 1617, 6-4-2012; Res. No. 1667, 6-3-2013; Res. No. 1723, 6-2-2014; Res. No. 1785, 6-1-2015; Res. No. 1847, 6-6-2016)

¹⁴³ **Code 1989, Article IV. Emergency 911 System.** We recommend moving this article to appear within the "Emergency Services" chapter for purposes of subject matter consistency. *Change accepted*

¹⁴⁴ **Code 1989, § 13-76. Monthly wireless enhanced 911 charges.** We recommend updating the monthly charge to reflect the most current resolution and then striking the repetitive language in the rest of the section.

¹⁴⁵ **Code 1989, § 13-76. Monthly wireless enhanced 911 charges.** We recommend striking the current (c), (d), and (e) as the resolution no. 1785, 6-1-2015 supersedes and condenses these subsections. *Change accepted*

Chapter 17
RESERVED

PROOFS

Chapter 18
ENVIRONMENT

ARTICLE I. IN GENERAL

Secs. 18-1--18-18. Reserved.

ARTICLE II. CHATTAHOOCHEE RIVER PROTECTION*¹⁴⁶

***State law reference**--Metropolitan River Protection Act, O.C.G.A. § 12-5-440 et seq.

Sec. 18-19. Definitions.

~~As used in this article, the following terms shall have the respective meanings ascribed to them:~~

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:¹⁴⁷

Chattahoochee River Tributary Protection Area, also referred to as the protection area, means the stream channel and the land area extending outward 35 horizontal feet from the banks on either side of all flowing streams in the drainage basins of all tributaries of the Chattahoochee River which enter the Chattahoochee River downstream from Buford Dam and upstream from Peachtree Creek, except for such land within the Chattahoochee Corridor, as defined in O.C.G.A. § 12-5-441.

Flowing stream means any stream which is designated and shown as a permanent stream on the 7 5/10-minute quadrangle maps of the U.S. Department of the Interior, U.S. Geological Survey, plus any stream which the city council may determine to be, and designate as, a flowing stream.

Land disturbing activity means scraping, plowing, clearing, dredging, grading, excavating, transporting, or filling of land or placement of any structure or impervious surface, dam, obstruction, or deposit.

Parcel means any plot, lot or acreage shown correctly as a unit on the latest county tax assessment records.

~~*Person*, as defined in section 1-2, includes specifically any individual, partnership, corporation, trust, entity, or authority and his agents or contractors, and the state, its political subdivisions and all its departments, boards, bureaus, commissions, or other agencies.~~

Watershed means the land area which drains into a particular stream.

(Code 1989, § 5-118; Ord. No. 204-B, § 4, 1-28-1985)

Sec. 18-20. Statutory authorization.

This article is adopted pursuant to the requirements of O.C.G.A. § 12-5-453.

(Code 1989, § 5-119; Ord. No. 204-B, § 2.0, 1-28-1985)

Sec. 18-21. Finding.

The city council finds that:

- (1) The Chattahoochee River provides multiple public benefits, which include use of the river as the primary water supply for metropolitan Atlanta.

¹⁴⁶ **Code 1989, Article VI. Chattahoochee River Protection.** We recommend moving the article to appear within the "Environment" chapter for purposes of subject matter consistency. *Change accepted by city.*

¹⁴⁷ **Code 1989, § 5-118. Definitions.** We recommend adding introductory language to this provision for purposes of internal consistency. *Change accepted.*

- (2) The water quality of the Chattahoochee River depends upon the water quality of the flowing streams tributary to the river.
- (3) Sediment and other polluting materials and conditions, including, but not limited to, pesticides, nutrients such as nitrogen and phosphorous, toxic materials, and elevations in water temperature are harmful to the water quality of the river and its tributaries.
- (4) The riparian vegetation along these watercourses helps preserve water quality. Dense tree growth helps to prevent stream bank erosion, and streamside vegetation reduces the amount of sediment and other polluting materials that would otherwise wash into streams. Riparian trees, by shading, help maintain cooler water temperatures and thus enhance water quality.

(Code 1989, § 5-120; Ord. No. 204-B, § 3.1, 1-28-1985)

Sec. 18-22. Purpose.

It is the purpose of this article to promote the public health, safety and general welfare; to minimize public and private losses due to erosion, siltation, and water pollution; and to maintain stream water quality in specific areas by provisions designed to:

- (1) Create vegetative buffer areas adjacent to tributary streams in the drainage area of the Chattahoochee Corridor.
- (2) Minimize land disturbing activities within such buffer areas by requiring issuance of a permit for such activities.

(Code 1989, § 5-121; Ord. No. 204-B, § 3.2, 1-28-1985)

Sec. 18-23. Establishment of tributary protection area.

The Chattahoochee River Tributary Protection Area within the city, hereinafter referred to as the protection area, is hereby established. The designated protection area shall be shown on the official map of the city.

(Code 1989, § 5-122; Ord. No. 204-B, § 5.0, 1-28-1985)

Sec. 18-24. Permit--Required; exceptions.¹⁴⁸

(a) *Required.* No person shall engage in any land disturbing activity in a protection area without first having obtained a written permit from the director of public works-city engineer.

(b) *Exceptions.* The permit provisions of this article shall not apply to:

- (1) Emergency work necessary to preserve life or property. When emergency work is performed under this section, the person performing it shall report the pertinent facts relating to the work to the director of public works-city engineer on the next business day after commencement of the work. Within ten days thereafter, the person shall apply for a permit and perform such work within such time period as may be determined by the director of public works-city engineer to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability, or water quality of the protection area.
- (2) Work consisting of the repair or maintenance of any lawful use of land which was zoned and approved for such use on or before January 1, 1984, whichever is earlier.

(Code 1989, § 5-123; Ord. No. 204-B, §§ 6.0, 6.1, 1-28-1985; Ord. No. 276, § 1, 6-11-1990)

Sec. 18-25. Same--Application.

A separate application for a permit shall be made to the director of public works-city engineer, on a form approved by the director of public works-city engineer, for each land disturbing activity, except that only one application need be made for two or more such acts which are to be done on the same parcel. The application shall

¹⁴⁸ Reference to city engineer has been changed to director of public works per the request of the City.

include a map of the site and such information concerning the proposed action as the director of public works-city engineer deems necessary to describe the nature and extent of the proposed action and to determine the effect of the proposed action on the protection area.

(Code 1989, § 5-124; Ord. No. 204-B, § 6.2, 1-28-1985; Ord. No. 276, § 1, 6-11-1990)

Sec. 18-26. Same--Issuance; conditions; term; extension; renewal.

(a) *Issuance.* No application for a permit shall be approved and no permit shall be issued for any land disturbing activity within the protection area unless:

- (1) The land disturbing activity is for the purpose of constructing one of the following: a stream crossing by a driveway, a dam and/or impoundment; a detention, retention, or sediment control pond or facility; a transportation route or public utility line when, due to natural conditions in an area, such construction would be less harmful to the environment than if it were located outside the protection area;
- (2) The land disturbing activity is within a right-of-way of any public agency pursuant to a permit issued by such public agency; or
- (3) The director of public works-city engineer finds and determines that a minimum amount of land disturbance necessary for the beneficial use of the parcel has been proposed.

(b) *Conditions.* In each permit issued under the provisions of this article, the director of public works-city engineer shall include conditions designed to:

- (1) Limit erosion, sedimentation, and water pollution within the protection zone to amounts and rates not greater than those occurring before the land disturbing activity; and
- (2) Preserve, protect, or replace the maximum feasible amount of natural vegetation.

(c) *Term; extension; renewal.* The permittee shall complete the work authorized by the permit within the time limits specified in the permit, which in no event shall extend more than 12 months from the date of issuance. Should the work not be commenced and completed within the time limits, then the permit shall become void; provided, however, that if prior to the date established for commencement of work, the permittee makes a written request to the director of public works-city engineer for an extension of time to commence the work, setting forth the reasons for the required extension, the director of public works-city engineer may grant such extension. A permit which has become void may be renewed at the discretion of the director of public works-city engineer.

(Code 1989, § 5-125; Ord. No. 204-B, §§ 6.3, 6.7, 1-28-1985; Ord. No. 276, § 1, 6-11-1990)

Sec. 18-27. Same--Suspension; revocation; modification.

The permit may be suspended, revoked or modified by the director of public works-city engineer upon finding that the holder is in violation of the terms of the permit or any portion of this article.

(Code 1989, § 5-126; Ord. No. 204-B, § 7.4, 1-28-1985; Ord. No. 276, § 1, 6-11-1990)

Sec. 18-28. Variance.

The city council shall grant no variance from any provision of this article without first conducting a public hearing on the application for a variance and authorizing the granting of the variance by majority vote of the full membership of the city council. The city council shall give public notice of each such public hearing at least two weeks prior to the hearing in a newspaper of general circulation within the city.

(Code 1989, § 5-127; Ord. No. 204-B, § 6.5, 1-28-1985)

Sec. 18-29. Responsibility.

Neither the issuance of a permit, nor compliance with the conditions thereof, nor with the provisions of this article shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of any permit hereunder serve to impose any liability upon the city, its officers or employees, for injury or damage to persons or property. A permit issued pursuant to this article does not relieve the permittee of the responsibility of securing and complying with any other permit which may be required by any other county or city ordinance or state law.

(Code 1989, § 5-128; Ord. No. 204-B, § 6.6, 1-28-1985)

Sec. 18-30. Inspection.

(a) The ~~director of public works-city engineer~~ may cause inspections of the work to be made periodically during the course thereof and shall make a final inspection following completion of the work. The permittee shall assist the ~~director of public works-city engineer~~ in making such inspections. The city shall have the power to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this article, and, for this purpose, to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any land disturbing activities within a protection area.

(b) No person shall refuse entry or access to any authorized representative or agent who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

(Code 1989, § 5-129; Ord. No. 204-B, § 6.8, 1-28-1985; Ord. No. 276, § 1, 6-11-1990)

Sec. 18-31. Performance bond.

Prior to the issuance of any permit for land disturbing activities within the protection area, the applicant shall submit a performance and maintenance bond which shall ensure that all terms and conditions of the permit are complied with. The bond shall pertain to and recite therein an exact description of the property in question. The length of time for which the bond shall be valid shall be determined by the ~~director of public works-city engineer~~, and shall be specified on the face of the bond. The bond shall be in an amount equal to twice the estimated cost for carrying out the land disturbing activity in compliance with all terms and conditions of the permit. The sum of the bond shall be made payable to the city. The bond shall be provided by a bonding company licensed and registered in the state.

(Code 1989, § 5-130; Ord. No. 204-B, § 6.9, 1-28-1985; Ord. No. 276, § 1, 6-11-1990)

Sec. 18-32. Failure to obtain a permit for land disturbing activity.

If any person commences any land disturbing activity requiring a land disturbing permit as prescribed in this article without first obtaining such permit, that person shall be subject to revocation of such person's business license, work permit, building permit, or other authorization for the conduct of business and associated work activities within the jurisdictional boundaries of the city.

(Code 1989, § 5-131; Ord. No. 204-B, § 7.1, 1-28-1985)

Sec. 18-33. Stop-work orders.

Upon notice from the ~~director of public works-city engineer~~, work on any project that is being done contrary to the provisions of this article shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property, the owner's authorized agent or the person in charge of the activity on the property, and shall state the conditions under which work may be resumed or the site restored to its original condition, or its equivalent. Where an emergency exists, no written notice shall be required.

(Code 1989, § 5-132; Ord. No. 204-B, § 7.2, 1-28-1985; Ord. No. 276, § 1, 6-11-1990)

Sec. 18-34. Performance bond forfeiture.

If, through inspection, it is determined that a person engaged in land disturbing activities has failed to comply with the terms and conditions of the permit, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the permit and shall state the time within which such measures must be completed. If the person engaged in the land disturbing activity fails to comply within the time specified, such person shall be deemed in violation of this article and, in addition to other penalties, the performance bond shall be subject to forfeiture.

(Code 1989, § 5-133; Ord. No. 204-B, § 7.3, 1-28-1985)

Sec. 18-35. Civil penalties.

Any person violating any provision of this article, or permitting conditions for a stop-work order, and the owner of the land on which the violation occurs shall be liable for a civil penalty of not less than \$100.00 per day

or not to exceed \$500.00 per day. Each day the violation continues shall constitute a separate offense.

(Code 1989, § 5-134; Ord. No. 204-B, § 7.5, 1-28-1985)

Sec. 18-36. Administrative appeal.

Any person aggrieved by a decision or order of the ~~director of public works-city engineer~~ shall be entitled to a hearing before the city council within 15 days after receipt by the ~~director of public works-city engineer~~ of written notice of appeal.

(Code 1989, § 5-135; Ord. No. 204-B, § 8.1, 1-28-1985; Ord. No. 276, § 1, 6-11-1990)

Sec. 18-37. Judicial review.

Any person aggrieved by a decision or order of the ~~director of public works-city engineer~~, after exhausting such person's administrative remedies, shall have the right to appeal de novo to the superior court.

(Code 1989, § 5-136; Ord. No. 204-B, § 8.2, 1-28-1985; Ord. No. 276, § 1, 6-11-1990)

PROOFS

Chapter 19
RESERVED

PROOFS

Chapter 20

FIRE PREVENTION AND PROTECTION*

***State law reference**--Authority to provide police and fire protection, Ga. Const. art. IX, § II, ¶ III(a)(1); regulation of fire and other hazards to persons and property generally, O.C.G.A. § 25-2-1 et seq.; statewide application of International Fire Code, O.C.G.A. § 8-2-25(a).

~~Art. I. In General, §§ 9-1-9-19~~

~~Art. II. Standards for Multifamily Housing, §§ 9-20-9-50~~

~~Art. III. Clean Up, Abatement, Removal of Debris, Hazardous Material or Refuse, §§ 9-51-9-57~~

ARTICLE I. IN GENERAL**Sec. 20-1. Fire prevention code--Adoption.**

As to fire prevention code, adopted by reference, see section ~~8-29(a)~~5-4(3).

(Code 1989, § 9-1)

~~Sec. 9-2. Same--Amendments.~~¹⁴⁹

~~The fire prevention code is amended and changed in the following respects:~~

~~Section 4004, entitled "Burning Operations" is amended by striking such section in its entirety and substituting a new section to read as follows:~~

~~"4004 Burning Operations. The burning of wrecked or discarded automobiles or any parts thereof, or junk or any waste materials shall be done only in an incinerator approved by the county health officers to comply with applicable air pollution control laws."~~

~~Section 1901.3, entitled "Bond Required," is amended by adding to such section the following:~~

~~"Bond Required For Blasting. Before a permit to do blasting shall be issued, the applicant for such permit shall file a bond, or a certified copy of applicant's liability blasting insurance, deemed adequate in each case by the bureau of fire prevention, which bond or insurance shall become available for the payment of any damages arising from the permitted blasting."~~

~~Chapter 20, entitled "Fireworks" is stricken in its entirety.~~

~~Chapter 35, entitled "Garages," is amended by adding a section 3502.5, Heating, to read as follows:~~

~~State law reference--Similar provisions, fireworks control, O.C.G.A. § 25-10-1.~~

~~"3502.5, Heating. All garage heating appliances, fired with gas, liquid or solid fuel, except unit heaters installed not less than eight (8) feet above floor level, shall be located in a room separated from other parts of the garage by approved noncombustible material having a fire resistance rating of not less than two (2) hours. Such separate room shall not be used for any other purpose and shall have no direct access from the garage storage or repair areas. Openings in the walls separating the heater room from the garage storage and repair areas shall be restricted to those necessary for heating pipes and ducts and such ducts shall be protected with approved fire dampers. All air for combustion purposes entering such separated room shall be from outside the building. Where gasoline dispensing equipment is located within twenty five (25) feet from the entrance to such heater room, the floor of such room shall not be below outside grade level."~~

~~Chapter 5, entitled "General Precautions Against Fire, is amended by adding a section 502.10, Combustible Material Heating, to read as follows:~~

¹⁴⁹ **Code 1989, § 9-2. Amendments.** As the minimum standard codes are now mandatory, we recommend striking this section as it amends an old fire code. *Change accepted.*

~~"502.10. Combustible Material Heating. It is hereby prohibited for any person to heat tar, asphalt, pitch or other combustible material in, on or within fifty (50) feet of any building, structure, combustible material, or substance for roofing, weatherproofing, waterproofing or insulation purpose except in conformance with the following safety requirements:~~

~~(1) — The fire prevention bureau shall be notified before any kettle or other container used for heating the above mentioned materials, shall be placed in, on or within fifty (50) feet of any building, structure, combustible material or substance, and no such kettle or heating equipment shall be operated within any building, except by the written permission of the chief of fire prevention bureau.~~

~~(2) — There shall be a kettle operator experienced with the equipment involved, familiar with the fire hazards, the precautions to be observed, and the use of fire extinguishing facilities required, in attendance at the kettle at all times the kettle is being fired or heated, and so remain until the temperature of the kettle and its contents does not exceed three hundred fifty (350) degrees Fahrenheit as may be determined by a thermometer which shall be provided and maintained at or near the kettle at all times.~~

~~(3) — There shall be provided at all times at or near the kettle and accessible to the operator, one (1) approved type twenty (20) pound size dry chemical fire extinguisher or two (2) twenty (20) pound size carbon dioxide fire extinguishers.~~

~~(4) — Not more than six hundred (600) pounds of combustible material or substance to be heated shall be stored within twenty five (25) feet of any kettle while same is in operation.~~

~~(5) — No kettle using flammable liquid for fuel shall be refueled while in operation and any flammable liquid placed within twenty five (25) feet of a kettle shall be stored in an approved safety container which shall be kept sealed or closed at all times the kettle is in operation.~~

~~(6) — No mop or other applicator which has been used or submerged in tar, pitch, asphalt or other combustible material or substance in the process of applying roofing, weatherproofing, waterproofing or insulation shall be left over night in, on or within twenty five (25) feet of any building, structure, or combustible material or substance."~~

Section 501.1 entitled "Bonfires and Outdoor Rubbish Fires" is stricken in its entirety.

(Code 1989, § 9-2; Ord. No. 165, § 10, 5-14-1979)

Sec. 20-2. Same--Modifications.

The chief of the fire department shall have the power to modify any of the provisions of the fire prevention code upon application in writing by the owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the intent of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed, and the decision of the chief thereon, shall be entered upon the records of the department, and a signed copy shall be furnished the applicant.

(Code 1989, § 9-3; Ord. No. 165, § 11, 5-14-1979)

Sec. 20-3. Same--New materials, processes or occupancies which require permits.

The mayor and city council, or their designee, and the chief of the fire department shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which shall require permits, in addition to those now enumerated in the fire prevention code. The chief shall post such list in a conspicuous place in such chief's office, and distribute copies thereof to interested persons.

(Code 1989, § 9-4; Ord. No. 165, § 13, 5-14-1979)

Sec. 20-4. Same--Appeals.

Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the fire prevention code have been misconstrued or wrongly interpreted, the applicant is permitted to appeal from the decision of the chief of the fire department to the city council within 30 days from the date of the decision appealed.

(Code 1989, § 9-5; Ord. No. 165, § 12, 5-14-1979)

Sec. 20-5. Limits of districts in which storage of explosives and blasting agents is prohibited.¹⁵⁰

The limits referred to in chapter 56 section 1901.4.2 of the fire prevention code, in which storage of explosives and blasting agents is prohibited, are all areas within the incorporated limits of the city, except those areas zoned "I," light industrial district.

(Code 1989, § 9-6; Ord. No. 165, § 4, 5-14-1979)

~~Sec. 9-7. Limits of districts in which storage of flammable liquids in outside aboveground tanks is to be prohibited.~~¹⁵¹

~~— The limits referred to in section 902.1.1 of the fire prevention code in which storage of flammable liquids in outside aboveground tanks is prohibited, are all areas within the incorporated limits of the city except those areas zoned "I" "Light Industrial District."~~

~~— The limits referred to in section 906.1 of the fire prevention code, in which new bulk plants for flammable or combustible liquids are prohibited, are all areas within incorporated limits of the city except those areas zoned "I" "Light Industrial District."~~

(Code 1989, § 9-7; Ord. No. 165, § 5, 5-14-1979)

Sec. 20-6. Limits in which bulk storage of liquefied petroleum gases is to be restricted.¹⁵²

The limits referred to in chapter 61 section 1701.4.2 of the fire prevention code, in which bulk storage of liquefied petroleum gas is restricted, are all areas within incorporated limits of the city, except those areas zoned "I," light industrial district.

(Code 1989, § 9-8; Ord. No. 165, § 6, 5-14-1979)

~~Sec. 9-9. Routes of vehicles transporting explosives and blasting agents.~~¹⁵³

~~The route referred to in section 1903.1.11 of the fire prevention code for vehicles transporting explosives and blasting agents are hereby established as follows: State and national highway systems.~~

(Code 1989, § 9-9; Ord. No. 165, § 7, 5-14-1979)

~~Sec. 9-10. Routes for vehicles transporting hazardous chemicals or other dangerous articles.~~¹⁵⁴

~~The routes for vehicles transporting hazardous chemicals and other dangerous articles as regulated in Chapter 22 of the fire prevention code are hereby established as follows: State and national highway systems.~~

(Code 1989, § 9-10; Ord. No. 165, § 8, 5-14-1979)

¹⁵⁰ **Code 1989, § 9-6. Limits on districts in which storage of explosives and blasting agents is prohibited.** Citation changed to reflect the 2012 edition of the International Fire Code chapter pertaining to Explosives and Fireworks, but the city should determine if they want to include this provision at all.

¹⁵¹ **Code 1989, § 9-7. Limits of districts in which storage of flammable liquids in outside aboveground tanks is to be prohibited.** We could not locate the equivalent provision in the 2012 edition of the International Fire Code so we suggest removing this provision. *Change accepted*

¹⁵² **Code 1989, § 9-8. Limits in which bulk storage of liquefied petroleum gases is to be restricted.** Citation changed to reflect the 2012 edition of the International Fire Code chapter pertaining to Liquefied Petroleum Gases, but the city should determine if they want to include this provision at all. *Change accepted*

¹⁵³ **Code 1989, § 9-9. Routes of vehicles transporting explosives and blasting agents.** We recommend removing this provision as no longer necessary. *Change accepted*

¹⁵⁴ **Code 1989, § 9-10. Routes for vehicles transporting hazardous chemicals or other dangerous articles.** *Id.* *Change accepted*

Sec. 9-11. Fire lanes on private property, devoted to public use.

The fire lanes referred to in section 602.6.5 of the fire prevention code are hereby established as those alleys, driveways or fire lanes, devoted to public use, where the parking of motor vehicles or other obstructions can interfere with the ingress or egress of fire department vehicles for the protection of persons and property such as at shopping centers, theaters, hospitals, bowling lanes, churches, multifamily housing, high-rise buildings and similar locations. The minimum width of this driveway, alley or fire lane shall be twenty (20) feet. Minimum turning radii shall be thirty-two (32) feet.

(Code 1989, § 9-11; Ord. No. 165, § 9, 5-14-1979)

Sec. 20-7. Domestic sprinkler installation code.

The domestic sprinkler installation code attached as Exhibit A to the ordinance from which this section is derived shall govern the installation of domestic sprinklers in the city. Such code is hereby incorporated herein by reference as fully as if set out at length herein.

(Code 1989, § 9-12; Ord. No. 220, § 1, 11-25-1986)

Note: The provisions of Ord. No. 220 were subsequently amended by Ord. No. 684, adopted November 18, 2013.

Sec. 20-8. Outdoor burning prohibited.

(a) Except as otherwise provided by law, or as otherwise set forth in this Code, no persons shall cause, suffer, allow or permit open burning of refuse, rubbish, brush, wood, trash, leaves, tree limbs or other combustible materials anywhere in the city.

(b) The following are exceptions to the prohibition on outside burning:

- (1) Outdoor burning in connection with the preparation of food for immediate human consumption;
- (2) Camp fires and fires used solely for recreational or ceremonial occasions, provided that the burning is approved in advance by the fire department and conducted pursuant to such conditions as the fire department may require;
- (3) Burning for the purpose of training private firefighting personnel when conducted in accordance with the guidelines set forth by the department of natural resources, subject to approval of the fire chief;
- (4) Burning associated with the operation of devices that require open flames, such as tar kettles, blow torches, welding torches, portable heaters and other flame-making equipment, provided that the use of such equipment does not violate other local or state laws; and
- (5) Burning associated with the disposal of packaging materials previously containing explosives, in accordance with the U.S. Department of Labor Safety Regulations.

(c) The fire chief, or his designee, and the director of environmental services, or his designee, shall be responsible for the enforcement of the provisions of this section, and may issue citations for violations thereof. Any person violating any provision of this section shall be fined not less than \$50.00 nor more than \$1,000.00 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. In addition, any person violating any provision of this section which results in a fire requiring the response of the fire department shall also be liable for the costs incurred by the fire department in responding to the fire, including actual labor costs, costs of equipment operation, and costs of materials.

(Code 1989, § 9-13; Ord. No. 187, § 16, 9-20-1982; Ord. No. 199, 5-14-1984; Ord. No. 439, § 1, 3-6-2000)

Sec. 20-9. Use of fire plugs.

(a) No person, other than a city employee in the discharge of official duty, shall use water from a city fire plug for any purpose whatsoever unless that person has been granted a permit to do so by the city.

(b) Any person found using water from a city fire plug by deliberately turning on such fire plug for personal use without the express permission of the qualified officials as required in subsection (a) of this section will be subject to punishment as provided in section 1-8.

(Code 1989, § 9-14; Ord. No. 95, §§ 1, 2, 10-26-1965)

Sec. 20-10. Fire safety standards for plan review of new commercial construction.

(a) The city adopts the minimum fire safety standards as set forth in ~~subsection (a) of O.C.G.A. § 25-2-12(a).~~

(b) The fire chief shall be responsible for the reviews, inspections and enforcement required by such minimum fire safety standards.

(c) At such time that the minimum standards are revised by the state, such revisions shall be incorporated into the city's standards, provided that nothing herein shall prohibit the city from adopting fire safety provisions more stringent than the state standards.

(Code 1989, § 9-15; Res. No. 396, 4-8-1991)

~~Editor's note—Resolution No. 396, adopted April 8, 1991, did not specifically amend the Code; hence, its inclusion as § 9-15 was at the discretion of the editor.~~

Sec. 20-11. Enforcement powers.

Officers of the city fire department are authorized to enforce the provisions of the fire prevention code and this chapter. This authority shall include the power to arrest by the issuance of a citation.

(Code 1989, § 9-16; Ord. No. 319, § 1, 9-27-1993)

Secs. 20-12--20-33. Reserved.**ARTICLE II. STANDARDS FOR MULTIFAMILY HOUSING****Sec. 20-34. Scope.**

(a) The fire prevention standards set forth in this article shall apply to multifamily housing with three or more units and containing three or less stories.

(b) Sections ~~20-429-29~~ and ~~20-439-30~~ shall apply to all attached and detached residential units.

(Code 1989, § 9-20; Ord. No. 204, 10-22-1984)

Sec. ~~9-21. Water mains and fire hydrants on private property.~~¹⁵⁵

~~— Water mains and fire hydrants shall be installed according to the city subdivision regulations and must be approved by the public works department.~~

~~— Water mains and fire hydrants shall be inspected and approved by the city after testing under pressure and ready for firefighting before any combustible construction begins.~~

~~— Pressure requirement. The public water system supplying water to the multifamily development must be able to provide sufficient pressure and flow for fire department usage. (Residual pressure at least twenty (20) psi and flow shall be at least seventy five (75) percent of the needed fire flow of the buildings being considered). Fire department personnel shall test the water system which must meet these minimum requirements before any improvement permits shall be issued.~~

(Code 1989, § 9-21; Ord. No. 204, § 1, 10-22-1984)

Sec. 20-35. Accessibility for firefighting equipment.

(a) Reasonable accessibility shall be provided to all buildings for firefighting equipment including ladder trucks on multiple-story projects. A minimum of ten feet of level ground on all sides of the building shall be considered reasonable for ground ladders. Accessibility for ladder trucks shall be determined and approved by the city fire department.

(b) Access to the job site shall consist of roads or streets being finished to the extent that curbing and base

¹⁵⁵ **Code 1989, § 9-21. Water mains and fire hydrants on private property.** *Struck as no longer applicable since city no longer has its own water system, public works is no longer involved in private development permitting, and water mains and fire hydrants are permitted through Fulton County.*

coat must be applied before combustible construction starts, and shall be maintained throughout construction operations.

(Code 1989, § 9-22; Ord. No. 204, § 2, 10-22-1984)

Sec. 20-36. Partitions for multifamily dwellings.

(a) Every dwelling unit shall be separated from every other dwelling unit, hallway, or breezeway by partitions and floor-ceiling assemblies having a fire resistance rating of not less than one hour and be completely firestopped at each floor-ceiling level. The one-hour wall assemblies of the halls, corridors or breezeways may stop at the ceiling level if the ceiling is five-eighths-inch type X sheetrock and a smoke stop of one layer of one-half-inch regular sheetrock on the hall side of each wall and is continued to the roof deck. Exception: if the ceiling of the uppermost unit is one layer five-eighths-inch type X sheetrock, the one-hour partition shall be allowed to stop at the ceiling.

(b) Buildings having only a single row of units shall have fire-stops between each unit. These fire-stops shall be not less than five-eighths-inch type X sheetrock, taped with one coat of joint compound. This firestopping must extend into soffits.

(c) In buildings having units back to back, where roof trusses are perpendicular to the tenant separations, the fire stops shall separate every two units, but shall not, however, exceed 3,000 square feet between stops.

(d) Doors to hallways and breezeways shall have a minimum fire rating of 20 minutes in a 20-minute wood frame with a closer. Door openings within 15 feet horizontally of a single exit stair shall have a three-quarter-hour door, with a closer in steel frame.

(e) Buildings within 20 feet of other buildings shall have exterior exposed walls of not less than a one-hour fire rating with no openings.

(f) Buildings using floor truss systems shall protect the end of these trusses where they meet the one-hour rated wall between units. The trusses shall be banded at the wall by two-inch nominal wood of sufficient width to completely fire stop the trusses horizontally. Note: Fee simple townhouses require two-hour separation, per city building code.

(Code 1989, § 9-23; Ord. No. 204, § 3, 10-22-1984)

Sec. 20-37. Fire wall requirements for multifamily dwellings.

(a) No building shall have more than 6,000 square feet per floor, nor more than six units between a four-hour fire wall.

(b) Fire wall definition. Fire walls shall be self-supporting from the foundation, and shall extend through and 36 inches from combustible roofs, and flush with the outside of roof overhang. Fire walls need not extend through fire-resistance roof decks. Fire walls shall be four-hour rated. Certification of block will be required. There shall be no unprotected opening in fire walls.

(Code 1989, § 9-24; Ord. No. 204, § 4, 10-22-1984)

Sec. 20-38. Requirements for early fire detection system and exits in multifamily dwellings.

(a) An approved single station smoke detector, powered by the house electrical system, shall be installed in every living unit. There shall be additional detectors located in each exit corridor every 30 feet. For additional protection, a battery-powered backup detector is required.

(b) Exits in multifamily units shall be as follows: every living unit shall have access to at least two separate exits remote from each other as required by 5-5.1 of the Life Safety Code adopted by the city.

(c) Exception 1. Any living unit which has an exit directly to the street or yard at ground level or by way of an outside stairway, or an enclosed stairway with a fire resistance rating of one hour or more serving that apartment only and not communicating with any floor below the level of exit discharge or other area not a part of the apartment served, may have a single exit.

(d) Exception 2. A building of any height with not more than four living units per floor with a smoke-proof tower or outside stair in accordance with the requirements of 5-2.3 of the Life Safety Code, adopted by the city, as

the exit immediately accessible to all living units served thereby, may have a single exit. (The term "immediately accessible" means there is not more than 20 feet of travel distance to reach an exit from the entrance door of any living unit.)

(e) Exception 3. Any building three stories or less in height with one-hour horizontal and vertical separation between living units, may have a single exit, under the following conditions:

- (1) The stairway is completely enclosed with a partition having a fire resistance rating of at least one hour, with self-closing one-hour fire protection rated doors protecting all openings between the stairway enclosure and the building.
- (2) The stairway does not serve more than one-half story below the level of exit discharge.
- (3) All corridors serving as access to exits have at least a one-hour fire resistance rating.
- (4) There is not more than 35 feet of travel distance to reach an exit from the entrance door of any living unit.

(Code 1989, § 9-25; Ord. No. 204, § 5, 10-22-1984)

Sec. 20-39. Protection of hazardous areas.

All hazardous areas shall be separated from other parts of the building by construction having a fire resistance of at least one hour, with three-quarter-hour labeled doors, with steel frame and a closer. These areas shall include, but not be limited to, boiler or furnace rooms, general storage and maintenance shops, or parking or storage of motorized vehicles. This does not include furnaces or hot water heaters located within individual units which serve only that unit, nor does this include storage rooms in individual units.

(Code 1989, § 9-26; Ord. No. 204, § 6, 10-22-1984)

Sec. 20-40. Control of flame spread.

The flame spread on carpet, wall coverings, paneling, or wood in multifamily units shall be as follows:

- (1) Vertical exits, corridors and breezeways shall have a Class "B" (26-75) flame spread rating.
- (2) The interior of the units shall have a Class "C" (76-200) flame spread rating.

(Code 1989, § 9-27; Ord. No. 204, § 7, 10-22-1984)

Sec. 20-41. Opening through floors.

(a) Any opening through floors from one unit to another for heating or plumbing shall be sealed with lightweight concrete or other permanently attached non-combustible material.

(b) Any opening through any floor for any purpose shall be sealed in a like manner.

(c) The double wall furnace vent must be sealed tight at each floor level and at the ceiling level of the top unit. The double wall furnace vent is not required to be enclosed in the attic space, but proper clearances must be maintained.

(d) If a combustion air vent pipe is required for combustion air to the furnace, it shall extend up through the floor-ceiling assembly and into the attic 18 inches above the ceiling, with proper firestopping at each floor level.

(e) Each attic space shall have an attic access measuring 22 inches by 36 inches. This access cannot be located in a closet, unless the closet is a walk-in, and must be shown on the plans.

(Code 1989, § 9-28; Ord. No. 204, § 8, 10-22-1984)

Sec. 20-42. Chimney chases.

(a) *Exterior chase.* A chimney chase located on an exterior wall shall have a five-eighths-inch type X fire rated sheetrock on the inside of the chimney chase, on the house side only.

(b) *Interior chase.* The chase shall be constructed of metal studs with five-eighths-inch type X fire sheetrock on the outside, completely sealed from the rest of the building with no combustibles inside the chase.

(c) *General.* If there is no fireplace above, firestopping at floor-ceiling levels may be omitted if there are no

combustibles inside the chase. If there is a fireplace on the floor above, the bottom of the floor joist must be covered with five-eighths-inch type X fire rated sheetrock with metal fire stops installed around the flue.

(Code 1989, § 9-29; Ord. No. 204, § 9, 10-22-1984)

Sec. 20-43. Firebox and fireplace openings.

(a) The firebox must be installed on a wooden platform with a one-half-inch plywood floor. No wood shall be used to construct the raised hearth above the sub-floor. The hearth must extend at least 20 inches from the firebox.

(b) The woodwork shall not be placed within six inches of the fireplace opening. The woodwork above and projecting more than 1 1/2 inches from the fireplace opening shall not be placed less than 12 inches from the top of a fireplace opening.

(Code 1989, § 9-30; Ord. No. 204, § 10, 10-22-1984)

Secs. 20-44--20-61. Reserved.

ARTICLE III. CLEAN-UP, ABATEMENT, REMOVAL OF DEBRIS, HAZARDOUS MATERIAL OR REFUSE*

***State law reference**--Georgia Hazardous Waste Management Act, O.C.G.A. § 12-8-60 et seq.

~~*Editor's note~~ Ordinance No. 257, adopted May 8, 1989, did not specifically amend this Code; hence, inclusion of §§ 1-7 as Art. III, §§ 9-51-9-57 was at the discretion of the editor.

Sec. 20-62. 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:

~~As used in this article, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:~~

~~City. The City of Alpharetta, Georgia.~~¹⁵⁶

Debris means any loose material not attached to the land or any structure, or the remains of anything broken or destroyed.

Fire chief means the fire chief of the city or his appointed designee.

Hazardous material means any material that, because of its quantity, concentration or physical or chemical characteristics, poses significant present or potential hazard to human health and safety if released into the environment. Hazardous materials include, but are not limited to, explosives, pyrotechnics, flammable gas, flammable liquid, poisonous gas, poisonous liquid, irritating material, material that causes diseases in humans, radioactive material, corrosive material, or liquefied petroleum gas.

~~*Person* means any individual, trust, firm, joint stock company, corporation, partnership or association.~~

Refuse means all waste substances, including garbage, as well as combustible and non-combustible wastes.

(Code 1989, § 9-51; Ord. No. 257, § 1, 5-8-1989)

Sec. 20-63. Deposit or release of debris, hazardous material and refuse; clean-up or abatement; liability for costs.

(a)—In the event the city fire department is summoned to clean up or abate the effects of any deposit or release of debris, hazardous material or refuse in the city, the following described persons shall be jointly and severally liable to the city for the payment of all costs incurred by the city as a result of such clean-up or abatement activity:

- (1) Any person whose negligent or willful act or omission proximately caused such deposit or release;

¹⁵⁶ **Code 1989, § 9-51. Definitions ("City").** We recommend striking this definition as covered in the General Provisions chapter. *Change accepted.*

- (2) The person who owned or had custody or control of the debris, hazardous material or refuse at the time of or immediately prior to such deposit or release, without regard to fault or proximate cause; and
- (3) The person who owned or had custody or control of the container which held such debris, hazardous material or refuse at the time of or immediately prior to such deposit or release, without regard to fault or proximate cause.

(Code 1989, § 9-52; Ord. No. 257, § 2, 5-8-1989)

Sec. 20-64. Verification and supervision.

In the event that any person other than a member of the city's fire department undertakes, either voluntarily or upon order of the fire chief or other city official, to clean up or abate the effects of the deposit or release of any debris, hazardous material or refuse, the fire chief may take such action as is necessary to supervise or verify the adequacy of the clean-up or abatement. The persons described in section ~~20-639-52~~ shall be liable to the city for all costs incurred as a result of such supervision or verification.

(Code 1989, § 9-53; Ord. No. 257, § 3, 5-8-1989)

Sec. 20-65. Determination of costs; charges for service; disposition of funds; fee schedule.

(a) The charges to persons under this article shall be based on actual costs incurred by the city and shall include, but shall not necessarily be limited to, actual labor costs or city personnel, including benefits and administrative overhead, cost of equipment operation, cost of materials obtained directly by the city and the cost of any contract labor and materials. Labor costs shall be based on the current fiscal year salary and benefit budget established for each employee. Equipment costs shall be based on the equipment cost schedule established in the city's financial system. The cost for materials used shall be based on the actual costs incurred to purchase, lease, or contract for goods and/or services during clean-up and abatement activities.

(b) The charges for the provision of services under this article shall be binding upon all persons liable under this article as well as their successors in interest, assigns, estates and heirs.

(c) All moneys received under this article shall be placed in a general fund revenue account.

(Code 1989, § 9-54; Ord. No. 257, § 4, 5-8-1989; Ord. No. 595, 6-19-2006)

Sec. 20-66. Fire suppression services.

The authority to recover costs under this article shall not include actual fire suppression services which are normally or usually provided by the city's fire department.

(Code 1989, § 9-55; Ord. No. 257, § 5, 5-8-1989)

Sec. 20-67. Collection of charges.

The city may enforce the provisions of this article by civil actions in an appropriate court for the collection of amounts due or other appropriate relief.

(Code 1989, § 9-56; Ord. No. 257, § 6, 5-8-1989)

Sec. 20-68. Service not to be refused for nonpayment.

Nothing in this article shall authorize any city department or city personnel to refuse or delay any service to any person who has not reimbursed the city as provided in this article.

(Code 1989, § 9-57; Ord. No. 257, § 7, 5-8-1989)

Chapter 21
RESERVED

PROOFS

Chapter 22

HEALTH AND SANITATION*

***State law reference**—Smoke-free air, O.C.G.A. § 31-12A-1 et seq., the Georgia Smoke-free Air Act of 2005.

ARTICLE I. IN GENERAL**Sec. 22-1. Air pollution control; adoption of regulation.**

The county board of health regulation number 24 entitled "Air Pollution Control," attached to the ordinance from which this section is derived, is hereby adopted by the city by reference, and incorporated herein as fully as if set out at length herein. One or more copies thereof are on file in the office of the city clerk.

(Code 1989, § 10-1; Ord. No. 110, 11-29-1969)

Sec. 22-2. Clean community system.

(a) The city council hereby endorses the clean community system, and supports the participation of the city in the system.

(b) In keeping with the design of the clean community system, the city council hereby recognizes the city clean and beautiful commission. Such commission shall be an official committee of the city and accountable to the mayor. The members and chairperson of the clean and beautiful commission shall be appointed by the city council.

(Code 1989, § 10-2; Res. of 2-10-1986)

Sec. 22-3. Burial of materials on property under development.

(a) It shall be unlawful for any person to bury, or cause or permit any person to bury, glass, cans, tires, appliances, and similar manmade materials on any property under development.

(b) It shall be unlawful for any person to bury, or cause or permit any person to bury, tree stumps, limbs and similar natural materials on any property under development, except in compliance with the following conditions:

- (1) No burial shall be permitted on any lot having an area of 20,000 square feet or less, exclusive of the right-of-way of any road;
- (2) No portion of any burial site shall lie within 50 feet of any roadbed, driveway, building or other structure;
- (3) Prior to any burial, the city director of planning and community development shall receive and approve a detailed site plan which shall set forth, in addition to other information required by ordinances of the city, the location of the proposed burial site;
- (4) In the event that a burial is permitted in accordance with the foregoing provisions, the location of the burial site shall be shown on the final plat submitted for recording.

(Code 1989, § 10-3; Ord. No. 215, § 2, 10-14-1985)

Sec. 22-4. Regulation of smoking in certain public places.

(a) *Areas where prohibited.* It shall be unlawful for any person to smoke in any facility owned or leased by the city, and in any private facility where a public meeting is called by the city, or an agency thereof, during the time such meeting is being held. For the purposes of this section, the term "smoking" or "to smoke" means the act of smoking or carrying a lighted or smoldering cigar, cigarette or pipe of any kind or lighting a cigar, cigarette or pipe of any kind.

(b) *Posting of signs.* Signs prohibiting smoking shall be conspicuously posted in those areas in which smoking is prohibited by this section.

(c) *Enforcement.* This section may be enforced by any member of the city police department or fire department.

(d) *Penalties.* Any person violating any provision of this section shall be fined according to the penalties described in section 1-8 ~~not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00)~~ for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.¹⁵⁷

(Code 1989, § 10-4; Ord. No. 329, §§ 1--4, 1-24-1994)

~~**Editor's note**—Section 10-4, which pertained to the restricted smoking policy in municipal buildings and derived from Res. No. 352, adopted February 12, 1990, was deleted as being superseded by the provisions of Ord. No. 329 included herein as a new § 10-4 at the discretion of the editor.~~

Sec. 22-5. Spill containment kits required.

(a) The city shall acquire and equip all city vehicles with appropriate spill containment kits as selected and designated by the city's director of environmental services.

(b) All employees operating city vehicles shall be appropriately trained in the safe and effective use of spill containment kits.

(Code 1989, § 10-5; Res. No. 800, 10-18-1999)

~~**Editor's note**—Resolution No. 800, adopted Oct. 18, 1999, did not specifically amend the Code; hence, its inclusion as § 10-5, was at the discretion of the editor.~~

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¹⁵⁷ **Code 1989, § 10-4. Regulation of smoking in certain public spaces.** We recommend modifying the language of this provision for purposes of internal consistency with the general penalties clause in the general provisions chapter. *Change accepted*

Chapter 23
RESERVED

PROOFS

Chapter 24

IMPACT FEES

ARTICLE I. IN GENERAL

Secs. 24-1--24-18. Reserved.

ARTICLE II. PUBLIC SAFETY IMPACT FEE*

*State law reference--Georgia Development Impact Fee Act, O.C.G.A. § 36-71-1 et seq.

Sec. 24-19. Short title; authority; applicability.

(a) Short title. This article shall be known and may be cited as the "Development Impact Fee Ordinance of Alpharetta, Georgia," or, for brevity, the "Impact Fee Ordinance."

(b) Authority. The ordinance from which this article is derived has been prepared and adopted by the city council in accordance with the authority provided by article 9, section 2, paragraph 3 of the state constitution, the Georgia Development Impact Fee Law (O.C.G.A. § 36-71-1 et seq., as amended), and such other laws as may apply to the provision of public facilities and the power to charge fees for such facilities.

(c) Applicability.

(1) The provisions of this article shall not be construed to limit the power of the city to use any other legal methods or powers otherwise available for accomplishing the purposes set forth herein, either in substitution of or in conjunction with this article.

(2) This article shall apply to all areas under the regulatory control and authority of the city and such other areas as may be included by intergovernmental agreement.

Sec. 24-20. Findings; purpose; intent.

(a) Findings. The city council finds and declares:

(1) That an equitable program for planning and financing public facilities to serve new growth and development is necessary in order to promote and accommodate orderly growth and development and to protect the public health, safety, and general welfare of the citizens of the city;

(2) That certain public facilities as herein defined have been and must be further expanded if new growth and development is to be accommodated at the same level of service available to existing development; and

(3) That it is fair and equitable that new growth and development shall bear a proportionate share of the cost of such public facilities necessary to serve new growth and development.

(b) Purpose.

(1) The purpose of this article is to impose impact fees, as hereinafter set forth, for certain public facilities, as hereinafter defined.

(2) It is also the purpose of this article to ensure that adequate public facilities are available to serve new growth and development in the city and to provide that new growth and development bears a proportionate share of the cost of new public facilities needed to serve them.

(c) Intent. This article is intended to implement and be consistent with the Alpharetta Comprehensive Plan, as it may be adopted or amended in accord with the Georgia Comprehensive Planning Act (O.C.G.A. § 50-8-1 et seq.); and the applicable Minimum Standards and Procedures for Local Comprehensive Planning and the Development Impact Fee Compliance Requirements, both as adopted by the state board of community affairs and amended from time to time.

Sec. 24-21. Rules of construction; definitions.

The provisions of this article shall be construed so as to effectively carry out its purpose in the interest of the public health, safety, and general welfare of the citizens of the city.

(1) *Rules of construction.* Unless otherwise stated in this article, the following rules of construction shall apply to the text of this article:

- a. In the case of any difference of meaning or implication between words or phrases as used in this article and as used in other codes, regulations or laws of the city, such difference shall not affect the meaning or implication of such words or phrases as used in this article.
- b. In the case of any difference of meaning or implication between the text of this article and any caption, illustration, summary table or illustrative table, the text shall control.
- c. The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
- d. Words used in the present tense shall include the future and words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.
- e. The term "person" includes an individual, a corporation, a partnership, an incorporated association, or any other legal or similar entity.
- f. The conjunction "and" indicates that all the connected terms, conditions, provisions, or events shall apply.
- g. The conjunction "or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
- c. The use of "either ... or" indicates that the connected items, conditions, provisions, or events shall apply singly and not in combination.
- d. The term "includes" or "including" and the phrase "such as" shall not limit a term to the specific example given but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- e. The article, section, and paragraph headings and enumerations used in this article are included solely for convenience and shall not affect the interpretation of this article.

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

As used in this article, the following terms shall have the meaning set forth below:

Administrator means the director of community development of the city, or the director's designee, who is hereby charged with implementation and enforcement of this article.

Building permit means the document issued by the city authorizing the construction, repair, alteration or addition to a structure, or authorizing the installation of a mobile home or recreational vehicle. For the purposes of this article, the term "building permit" also means a change of use permit.

Capital improvement means an improvement with a useful life of ten years or more, by new construction or other action, which increases the service capacity of a public facility.

Capital improvements element means that portion of the city comprehensive land use plan that sets out projected needs for system improvements during the planning horizon established therein, which provides a schedule that will meet the anticipated need for system improvements, and which provides a description of anticipated funding sources for each required improvement, as most recently adopted or amended by the city council.

City means Alpharetta, a municipal corporation of the state of Georgia.

City council means the city council of Alpharetta, Georgia.

Commencement of construction, for private development, means initiation of physical construction activities as authorized by a development or building permit and leading to completion of a foundation inspection or other

initial inspection and approval by a public official charged with such duties; and for public projects, the term "commencement of construction" means expenditure or encumbrance of any funds, whether they are development impact fee funds or not, for a public facilities project, or advertising of bids to undertake a public facilities project.

Comprehensive plan means the city plan or planning elements as adopted or amended in accord with the Georgia Comprehensive Planning Act (O.C.G.A. § 50-8-1 et seq.) and the applicable minimum standards and procedures for local comprehensive planning as adopted by the state board of community affairs.

Day means a calendar day, unless otherwise specifically identified as a work day, or other designation, when used in the text.

Developer means any person or legal entity undertaking development.

Development means any action which creates demand on or need for public facilities, as defined herein, and includes any construction or expansion of a building, structure, or use; any change in use of land, a building, or structure; or the connection of any building or structure to a public utility.

Development approval means written authorization, such as issuance of a building permit, land disturbance permit or other approval, for grading or site development, or other forms of official action required by local law or regulation prior to commencement of construction.

Development impact fee means the payment of money imposed upon and paid by new development as a condition of development approval as its proportionate share of the cost of system improvements needed to serve it.

Dwelling unit means one or more rooms connected together and constituting a separate, independent housekeeping establishment designed for use by one family with provisions for cooking, eating, sleeping, bathing and personal sanitation, and physically set apart from any other rooms or dwelling units in the same structure or another structure. A dwelling unit may be a single-family detached home, an apartment or condominium in a multifamily structure, or a manufactured home.

Encumber means to legally obligate by contract or otherwise commit to use by appropriation or other official act of the city council.

Excess capacity means that portion of the capacity of a public facility or system of public facilities which is beyond that necessary to provide adequate service to existing development at the adopted level-of-service standard.

Feepayer means that person or entity who pays a development impact fee, or his legal successor in interest when the right or entitlement to any refund of previously paid development impact fees that are required by this article has been expressly transferred or assigned to the successor in interest.

Floor area means the total number of square feet of heated floor space within the exterior walls of a building. Also referred to as the "gross floor area."

Individual assessment determination means a finding by the administrator that an individual assessment study does or does not meet the requirements for such a study as established by this article or, if the requirements are met, the fee calculated therefrom.

Individual assessment study means the engineering, financial, or economic documentation prepared by a feepayer or applicant to allow individual determination of a development impact fee other than by use of the applicable fee schedule.

Level of service means a measure of the relationship between service capacity and service demand for specified public facilities as established by the city in terms of demand-to-capacity ratios, or the comfort and convenience of use or service of such public facilities, or both.

Present value means the current value of past, present, or future payments, contributions, or dedications of goods, services, materials, construction, or money, as calculated using accepted methods of financial analysis for determination of net present value.

Project means a single improvement or set of interrelated improvements undertaken together within a finite time period at a specific location. With regard to land development, a project may be identified as those construction activities authorized collectively by a building permit or other development approval, or for an interrelated

collection of buildings and common public facilities such as a residential subdivision or an office park.

Project improvements means site-specific improvements or facilities that are planned, designed, or built to provide service for a specific development project and that are necessary for the use and convenience of the occupants or users of that project only, and that are not system improvements. The character of the improvement shall control a determination of whether an improvement is a project improvement or a system improvement, and the physical location of the improvement on-site or off-site shall not be considered determinative of whether an improvement is a project improvement or a system improvement. A project improvement may provide no more than incidental service or facility capacity to persons other than users or occupants of the particular project they serve. No improvement or facility included in a plan for public facilities and approved for public funding by the city shall be considered a project improvement.

Property owner means that person or entity who holds legal title to property.

Proportionate share means that portion of the cost of system improvements that is reasonably and fairly related to the service demands and needs of a project.

Public facilities. The term "public facilities" means:

- (1) Parks, open space, and recreation areas and related facilities;
- (2) Public safety facilities, including police, fire and emergency medical and communications facilities; and
- (3) Roads, streets, and bridges, including rights-of-way, traffic signals, landscaping, and any other components of local, state or federal streets or highways.

Service area means a geographically defined area as designated in the capital improvements element of the comprehensive plan in which a defined set of public facilities provide, or are proposed to provide, service to existing or future development.

System improvement costs means costs incurred to provide public facilities capacity to serve new growth and development, including the costs of planning, design, engineering, construction, land acquisition, and land improvement for the construction or reconstruction of facility improvements or expansions. The term "system improvement costs" includes the construction contract price, surveying and engineering fees, related land acquisition costs (including land purchases, court awards and costs, attorney's fees, and expert witness fees), and expenses incurred for qualified staff or any qualified engineer, planner, architect, landscape architect, or financial consultant for preparing or updating the capital improvements element, and administrative costs of up to three percent of the total of all other system improvement costs. Projected interest charges and other finance costs may be included if the impact fees are to be used for the payment of principal and interest on bonds, notes, or other financial obligations issued to finance system improvements, but such costs do not include routine and periodic maintenance expenditures, personnel training, and other operating costs.

System improvements means capital improvements that are public facilities designed to provide service to more than one project or to the community at large, in contrast to project improvements.

Unit of development means the standard incremental measure of land development activity for a specific type of land use upon which the rate of demand for public service and facilities is based, such as a dwelling unit, square foot of floor area, motel room, etc.

Unused or excess impact fee means any individual impact fee payment from which no amount of money, or only a portion thereof, has been encumbered or expended according to the requirements of this article.

Sec. 24-22. Exceptions; grandfathered projects; method of calculation.

Any person who, after the effective date of the ordinance from which this article is derived, engages in development, shall pay a development impact fee in the manner and amount set forth in this article.

- (1) Construction not subject to impact fees.

- a. The following projects and construction activities do not constitute development as defined in this article, and are therefore not subject to the imposition of impact fees:

1. Rebuilding no more than the same number of units of development (as defined in this article)

that were removed by demolition, or destroyed by fire or other catastrophe, on the same lot or property.

2. Remodeling or repairing a structure that does not result in an increase in the number of units of development.
 3. Replacing a residential housing unit with another housing unit on the same lot or property.
 4. Placing a temporary construction or sales office on a lot during the period of construction or build-out of a development project.
 5. Constructing an addition to or expansion of a residential housing unit that may increase the floor area or number of rooms, but does not increase the number of housing units.
 6. Adding uses that are typically accessory to residential uses and intended for the personal use of the residents, such as a deck or patio, detached garage or utility shed, satellite antenna, pet enclosure, or private recreational facility such as a swimming pool or tennis court.
- b. A person claiming to be not subject to impact fees under subsection (1)a.1 of this section shall submit to the administrator information and documentation sufficient to permit the administrator to determine whether such claim is correct.

(2) Grandfathered projects.

- a. Notwithstanding any other provision of this article, that portion of a project for which a valid building permit has been issued prior to the effective date of the ordinance from which this article is derived shall not be subject to development impact fees, so long as the permit remains valid and construction is commenced and is pursued according to the terms of the permit.
- b. Any building for which a valid and complete application for a building permit has been received prior to the effective date of the ordinance from which this article is derived may proceed without payment of fees otherwise imposed by this article, provided that:
 1. All fees and development exactions in effect prior to the effective date of the ordinance from which this article is derived shall be or have been paid in full; and
 2. Said construction shall be commenced, pursued and completed within the time established by the building permit, or within 180 days, whichever is later.

(3) Method of calculation.

- a. Any development impact fee imposed pursuant to this article shall not exceed a project's proportionate share of the cost of system improvements, and shall be calculated on the basis of levels of service for public facilities that are the same for existing development as for new growth and development, as established in the capital improvements element.
- b. Notwithstanding anything to the contrary in this article, the calculation of impact fees shall be the net of credits for the present value of ad valorem taxes or other revenues as established in the capital improvements element, and which:
 1. Are reasonably expected to be generated by new growth and development; and
 2. Are reasonably expected on the basis of historical funding patterns to be made available to pay for system improvements of the same category for which an impact fee is imposed.
- c. The method of calculating impact fees for public facilities under this article shall be maintained for public inspection as a part of the official records of the city, and may be amended from time to time by official act.
- d. In addition to the cost of new or expanded system improvements needed to be built to serve new development, the cost basis of a development impact fee may also include the proportionate cost of existing system improvements, to the extent that such public facilities have excess service capacity and new development will be served by such facilities, as established in the capital improvements element.

- e. Development impact fees shall be based on actual system improvement costs or reasonable estimates of such costs, as set forth in the capital improvements element.

Sec. 24-23. Fee schedule; payment; individual assessment; certification.

(a) Fee schedule.

- (1) Payment of a development impact fee pursuant to the fee schedule attached to the ordinance from which this article is derived and incorporated herein as Attachment A, shall constitute full and complete payment of the project's proportionate share of system improvements as individually levied by the city, and shall be deemed to be in compliance with the requirements of this article.
- (2) When a land development activity for which an application for a building permit has been made includes two or more buildings, structures or other land uses in any combination, including two or more uses within a building or structure other than a shopping center, the total development impact fee shall be the sum of the fees for each and every building, structure, or use, including each and every use within a building or structure. Shopping centers shall be assessed a single impact fee, in accordance with Attachment A, as a single use without regard to its individual tenants.
- (3) In the event that an applicant contends that the land use category of the proposed development is not shown on the fee schedule or fits within a different category, then:
 - a. The administrator, in his reasonable discretion, shall make a determination as to the appropriate land use designation and the appropriate development impact fee.
 - b. In making such determination, the administrator may require such additional information from the applicant as necessary to form a logical fee determination relative to the impact fees shown on the adopted fee schedule.
 - c. If a land use designation is not in a category contained in this article, then an appropriate new category may be added by the administrator and an appropriate fee established under the city's current impact fee methodology, subject to annual confirmation by the city council.
 - d. Appeals from the decision of the administrator shall be made to the city council in accordance with the administrative appeals section of this article.

(b) Timing of assessment and payment.

- (1) Development impact fees shall be assessed at the time of application for a building permit.
- (2) All development impact fees shall be collected no earlier than at the time of issuance of a building permit, and no later than as a prerequisite to issuance of an interior finishes permit or a certificate of occupancy for the building or building shell.
- (3) For projects not involving issuance of a building permit, all development impact fees shall be collected at the time of approval of the development permit or such other authorization to commence construction or to commence use of a property.
- (4) If the final use of a building cannot be determined at the time of the initial building permit, the administrator shall have the authority to assess a development impact fee based on the most likely use of the building, and shall adjust the fee in accordance with the following:
 - a. Prior to the completion of the project, and as a condition to the issuance of an interior finishes permit or a certificate of occupancy, as applicable, the developer shall recertify in writing to the administrator the actual land use or uses of the project, and shall present an architect's certificate of the actual gross square footage of floor area attributable to each use.
 - b. In the event that the actual land use or uses and/or the actual gross square footage applicable to the actual land use or uses differs from that originally certified, and in the event that the impact fee applicable to the actual land use or uses and/or gross square footage exceeds the impact fee previously paid, the developer shall be required to pay the amount of the excess as a condition to the issuance of an interior finishes permit or a certificate of occupancy.

- c. The amount of the excess shall be based upon the impact fee schedule in effect on the date the interior finishes permit or the certificate of occupancy is issued.
- d. If the actual gross square footage constructed after the issuance of the building permit is less than the amount originally certified, the developer shall be entitled to a refund of the excess portion of the fee.

(5) Notwithstanding any other provision of this article, any future change in demand for public facilities in excess of the average demand anticipated at the time of issuance of the building permit shall be assessed such additional fee as would otherwise have been due. Future changes in demand may result from a change in the land use category of the occupant of the building or property, the expansion of a building or use on a property that results in an increase in the units of development (as defined herein), or the subsequent discovery of facts unknown or misrepresented at the time of issuance of the building permit.

(c) Individual assessment determinations. An individual assessment of development impact fees for a particular property or proposed use may be established as follows:

- (1) At his option, an applicant for development approval may petition the administrator for an individual assessment determination of development impact fees due for his project in lieu of the fee established on the fee schedule attached hereto and incorporated herein as Attachment A.
- (2) In the event that an applicant elects an individual assessment, the applicant shall submit an individual assessment study. The individual assessment study shall:
 - a. Be based on relevant and credible information from an accepted standard source of engineering or planning data; or
 - b. Be based on actual, relevant, and credible studies or surveys of facility demand conducted in Alpharetta or its region, carried out by qualified engineers or planners pursuant to accepted methodology; and
 - c. Provide any other written specifications as may be reasonably required by the administrator to substantiate the individual assessment determination.
- (3) The administrator, in his reasonable discretion, shall determine whether the content of an individual assessment study satisfies the requirements of this article. A negative determination by the administrator may be appealed to the city council in accordance with the administrative appeals section of this article.
- (4) Any fee approved as an individual assessment determination shall have standing for 180 days following the date of approval. Payment of such an approved individual assessment determination shall constitute full and complete payment of the project's proportionate share of system improvements as individually levied by the city, and shall be deemed to be in compliance with the requirements of this article.

(d) Fee certification. Upon application to the administrator, a property owner or developer may receive a certification of the development impact fee schedule attached to the ordinance from which this article is derived and incorporated herein as Attachment A, or a certified fee for a particular project, as applicable.

- (1) The administrator shall provide an applicant with a written certification of the impact fee schedule within five working days after the administrator's receipt of a completed application. The fee schedule certified by the administrator shall establish the impact fee schedule for the proposed development activity for a period of 180 days from the date of certification.
- (2) The administrator shall provide the applicant with a written certification of an individual fee determination within 30 days after receipt of a completed application. The individual fee determination certified by the administrator shall establish the total impact fee for the proposed development activity for the 180-day period immediately following the date of such certification.
- (3) Notwithstanding the issuance of any certification of an individual fee determination, any additions to the proposed development activity different from the development activity identified in the original application shall be subject to increased or additional impact fees in accordance with the new total amount of development. The impact fees shall be based upon the impact fee schedule in effect at the time of building permit issuance for the development.

Sec. 24-24. Exemptions.

(a) *Exemption policy.* The city recognizes that certain office, retail trade and industrial development projects provide extraordinary benefit in support of the economic advancement of the city's citizens over and above the access to jobs, goods and services that such uses offer in general. To encourage such development projects, the mayor and city council may consider granting a reduction in the impact fee for such a development project upon the determination and relative to the extent that the business or project represents extraordinary economic development and employment growth or public benefit to the city, in accordance with exemption criteria the city may adopt. It is also recognized that the cost of system improvements otherwise foregone through exemption of any impact fee must be funded through revenue sources other than impact fees.

(b) *Process for exemption approval.* An application for exemption shall be considered under the following procedures:

- (1) An application for exemption approval must be made to the administrator prior to or along with an application for a building permit. Any exemptions not so applied for shall be deemed waived.
- (2) A building permit may be issued upon approval of an exemption, or may be issued without payment of applicable impact fees following receipt of a complete exemption application and pending its approval, but a certificate of occupancy shall not be issued until a decision regarding the exemption has been made, or until such time that the application for exemption is otherwise withdrawn by the applicant and impact fees have been paid.
- (3) Documentation must be provided to the administrator that demonstrates the applicant's eligibility for an exemption. This documentation shall address, but need not be limited to, all applicable exemption criteria adopted by the city. This documentation constitutes the application for exemption.
- (4) The administrator, in his reasonable discretion, shall determine whether an application for exemption addresses the exemption criteria adopted by the city and is complete. A negative determination by the administrator may be appealed to the city council in accordance with the administrative appeals section of this article.
- (5) The administrator or the city council shall determine the eligibility for and extent of exemption, in accordance with the standards and procedures contained in the exemption criteria adopted by the city council. If action by the city council is required, the application for exemption shall be considered at the next regularly scheduled meeting of the city council that falls at least two weeks after a complete application for exemption has been received by the administrator.

Sec. 24-25. Deposit and expenditure of fees.

(a) *Maintenance of funds.*

- (1) All development impact fee funds collected for future expenditure on construction or expansion of facilities pursuant to this article shall be maintained in one or more interest-bearing accounts until encumbered or expended. Restrictions on the investment of development impact fee funds shall be the same that apply to investment of all such funds generally.
- (2) Separate accounting records shall be maintained for each category of system improvements (public safety, recreation and parks, and roads) and for administration fees collected.
- (3) Interest earned on development impact fees shall be allocated to each category of system improvements and the administration accounts in proportion to the impact fees collected, shall be considered funds of the account on which it is earned and shall be subject to all restrictions placed on the use of development impact fees under this article.

(b) *Expenditures; restrictions.*

- (1) Expenditures from the system improvements impact fee accounts shall be made only for the category of system improvements for which the development impact fee was assessed and collected.
- (2) Expenditures from the administration account may be expended directly for administrative purposes or transferred to the general fund to cover administrative costs.

- (3) Except as provided below, development impact fees shall not be expended for any purpose that does not involve building or expanding system improvements that create additional capacity available to serve new growth and development.
- (4) Notwithstanding anything to the contrary in this article, the following shall be considered general revenue of the city, and may be expended accordingly:
 - a. Impact fees collected to recover the present value of excess capacity in existing system improvements;
 - b. Any portion of an impact fee collected as a repayment for expenditures made by the city for system improvements intended to be funded by such impact fee; and
 - c. Any portion of the impact fee (but not to exceed three percent of the total) collected and allocated by the administrator for administration of the impact fee ordinance, and such additional amount assessed for repayment of the cost of preparing the capital improvements element of the comprehensive plan.
- (c) Annual report.
 - (1) The administrator shall prepare an annual report to the city council as part of the annual audit describing the amount of any development impact fees collected, encumbered, and used during the preceding fiscal year, by category of public facility.
 - (2) Such annual report shall be prepared following guidelines of the state department of community affairs (DCA), and submitted to DCA in conjunction with the annual update of the city's capital improvements element.

Sec. 24-26. Credits.

When eligible, feepayors shall be entitled to a credit against impact fees otherwise due and owing under the circumstances and in the manner set forth in this section.

- (1) Credits; restrictions.
 - a. Except as provided in subsection (1)b of this section, no credit shall be given for construction, contribution, or dedication of any system improvement or funds for system improvements made before the effective date of the ordinance from which this article is derived.
 - b. If the value of any construction, dedication of land, or contribution of money made by a developer (or his predecessor in title or interest) prior to the effective date of the ordinance from which this article is derived for system improvements that are included for impact fee funding in the capital improvements element is greater than the impact fee that would otherwise have been paid for the project, then the developer shall be entitled to a credit for such excess construction, dedication, or funding. Notwithstanding anything to the contrary in this article, any credit due under this section shall not constitute a liability of the city, and shall accrue to the developer to the extent of impact fees assessed for new development for the same category of system improvements.
 - c. In no event shall credit be given for project improvements or for system improvements not included for impact fee funding in the capital improvements element.
- (2) Granting of credits.
 - a. Credit shall be given for the present value of any construction of improvements, contribution or dedication of land, or payment of money by a developer or his predecessor in title or interest for system improvements of the same public facilities category for which a development impact fee is imposed, provided that:
 - 1. The system improvement is included for impact fee funding in the capital improvements element;
 - 2. The amount of the credit does not exceed the portion of the system improvement's cost that is eligible for impact fee funding, as shown in the capital improvements element.

- b. The credit allowed pursuant to this section shall not exceed the impact fee due for such system improvement unless a greater credit is authorized under a private contractual agreement executed under the provisions of this article.

(3) Guidelines for credit valuation. Credits under this section shall be valued using the following guidelines:

- a. For the construction of any system improvements by a developer or his predecessor in title or interest and accepted by the city, the developer must present evidence satisfactory to the administrator of the original cost of the improvement, from which present value may be calculated.
- b. For any contribution or dedication of land for system improvements by a developer or his predecessor in title or interest and accepted by the city, the original value of the land shall be the same as that attributed to the property by the validated tax appraisal at the time of dedication, from which present value may be calculated.
- c. For any contribution of capital equipment that qualifies as a system improvement by a developer or his predecessor in title or interest and accepted by the city, the value shall be the original cost to the developer of the capital equipment or the cost that the city would normally pay for such equipment, whichever is less.
- d. For any contribution of money for system improvements from a developer or his predecessor in title or interest accepted by the city, the original value of the money shall be the same as that at the time of contribution, from which present value may be calculated.
- e. In making a present value calculation, the discount rate used shall be the interest rate being earned on the city's impact fee funds, less average annual inflation, or such other discount rate or inflation rate as the city council, in its sole discretion, may deem appropriate.

(4) Credits; application.

- a. Credits shall be given only upon written request of the developer to the administrator. A developer must present written evidence satisfactory to the administrator at or before the time of development impact fee assessment.
- b. The administrator, in his reasonable discretion, shall review all claims for credits and make determinations regarding the allowance of any claimed credit, and the value of any allowed credit.
- c. Any credit approved by the administrator shall be acknowledged in writing by the administrator and calculated at the time of impact fee assessment.
- d. Appeals from the decision of the administrator shall be made to the city council in accordance with the administrative appeals section of this article.

(5) Credits; registry.

- a. Credits shall be recognized in writing setting forth the name of the person or entity to whom the credit is issued and the amount of the credit.
- b. The city shall maintain a register (the "credit register") which shall set forth the name of the credit holder and the amount of the credit.
- c. Credits are transferable from one developer to another and from one project to another, provided that the transfer is accomplished in accordance with the provisions of this section.
 - 1. Transfers of credits shall only be effective when entered in the credit register of the city, upon written notification, signed and dated as of the date of the purported transfer, by the person in whose name the credit is registered, or on his behalf by a person legally authorized to so sign.
 - 2. Any attempted transfer not in compliance with the terms of this section shall not be effective, shall not be recognized by the city, and shall result in the waiver and forfeiture of the credit.

(6) Credits; abandoned building permits.

- a. In the event that an impact fee is paid but the building permit is abandoned, credit shall be given for the amount of the impact fee against future impact fees for the same parcel of land, upon

- submission of adequate evidence to the administrator that an impact fee was received by the city, the amount paid, and that the building permit was abandoned.
- b. A building permit shall be deemed abandoned if no construction has been commenced prior to the expiration of the building permit.

Sec. 24-27. Refunds; private agreements.

(a) Eligibility for a refund.

- (1) Upon the request of a feepayor regarding a property on which a development impact fee has been paid, the development impact fee shall be refunded if:
- a. Capacity is available in the public facilities for which the fee was collected but service is permanently denied; or
 - b. The development impact fee has not been encumbered or construction has not been commenced within six years after the date the fee was collected.
- (2) In determining whether development impact fees have been encumbered, development impact fees shall be considered encumbered on a first-in, first-out (FIFO) basis.

(b) Notice of entitlement to a refund. When the right to a refund exists due to a failure to spend or encumber the development impact fees, the administrator shall provide written notice of entitlement to a refund to the feepayor who paid the development impact fee at the address shown on the application for development approval or to a successor in interest who has given adequate notice to the administrator of a legal transfer or assignment of the right to entitlement to a refund and who has provided a mailing address. Such notice shall also be published in a newspaper of general circulation in the city within 30 days after the expiration of the six-year period after the date that the development impact fee was collected, and shall contain a heading: "Notice of Entitlement to Development Impact Fee Refund." No refund shall be made for a period of 30 days from the date of said publication.

(c) Filing a request for a refund. A request for a refund shall be made in writing to the administrator within one year of the time the refund becomes payable or within one year of publication of the notice of entitlement to a refund, whichever is later. Failure to make a claim for a refund within said time period shall result in a waiver of all claims to said funds.

(d) Payment of refunds.

- (1) All refunds shall be made to the feepayor within 60 days after it is determined by the administrator that a sufficient proof of claim for refund has been made, but no sooner than 30 days after publication of the notice of entitlement to the refund.
- (2) A refund shall include a refund of a pro rata share of interest actually earned on the unused or excess impact fee collected.
- (3) In no event shall a feepayor be entitled to a refund for impact fees assessed and paid to recover the cost of excess capacity in existing system improvements, for any portion of an impact fee collected as a repayment for expenditures made by the city for system improvements intended to be funded by such impact fee, or for that portion of the fee payment that was assessed for administration of the impact fee ordinance or for recovery of the cost of preparation of the capital improvements element.

Sec. 24-28. Private agreements procedure.

(a) Private agreements; authorized. Nothing in this article shall prohibit the voluntary mutual approval of a private contractual agreement between the city and any developer or property owner or group of developers and/or property owners in regard to the construction or installation of system improvements and providing for credits or reimbursement for system improvement costs incurred by a developer, including inter-project transfers of credits or providing for reimbursement for project improvement costs which are used or shared by more than one development project.

(b) Private agreements; procedure.

- (1) Any private agreement proposed by an applicant pursuant to this section shall be submitted to the

administrator for review and negotiation, prior to submission to the city council.

- (2) Any private agreement proposed by an applicant pursuant to this section shall be reviewed and approved by the city attorney as to form and sufficiency prior to consideration by the city council.
- (3) Any such agreement must be presented to and approved by the city council prior to the issuance of a building permit.
- (4) Any such agreement shall provide for execution by mortgagees, lien holders or contract purchasers in addition to the land owner, and shall require the applicant to submit such agreement to the clerk of the superior court for recording.

Sec. 24-29. Amendments; review; continuation.

(a) Article amendments.

- (1) This article may be amended from time to time as deemed appropriate or desirable.
- (2) Interim amendments to the impact fee schedule regarding the establishment of new land use categories by the administrator under section 24-23(a)(3)c are expressly authorized, and shall be confirmed by the city council when the annual CIE update required under subsection (b)(1) of this section is approved, or when this article is subsequently amended.

(b) Capital improvements element periodic review.

- (1) Annual update. At least once each year, the city council shall review and may update the capital improvements element so as to maintain, at a minimum, a schedule of system improvements for each of the subsequent five years. The capital improvements element update may include changes in funding sources or project costs, or changes in the list or scheduling of projects. The capital improvements element update shall be submitted to the Atlanta Regional Commission for its review, in accordance with the development impact fee compliance requirements as adopted by the state board of community affairs.
- (2) Amendment. In conducting a periodic review of the capital improvements element and calculation of development impact fees, the city council may determine to amend the capital improvements element. Amendments to the capital improvements element shall comply with the procedural requirements of the development impact fee compliance requirements as adopted by the state board of community affairs, and shall be required for any change to the capital improvements element that would:
 - a. Redefine growth projections, land development assumptions, or goals or objectives that would affect system improvements proposed in the capital improvements element;
 - b. Add new public facility categories for impact fee funding, modify impact fee service areas or make changes to system improvement projects;
 - c. Change service levels established for an existing impact fee service area; or
 - d. Make any other revisions needed to keep the capital improvements element up to date.

(c) Continuation of validity. Failure of the city council to undertake a periodic review of the capital improvements element shall result in the continued use and application of the latest adopted development impact fee schedule and other data. The failure to periodically review such data shall not invalidate this article.

Sec. 24-30. Appeals.

(a) Eligibility to file an appeal. Only applicants or fee payors who have already been assessed an impact fee by the city or who have already received a written determination of individual assessment, refund or credit amount shall be entitled to an appeal. Such appeals may address:

- (1) The imposition of an impact fee.
- (2) The amount of an impact fee.
- (3) The entitlement to and/or the amount of credits applicable to an impact fee.
- (4) The entitlement to and/or the amount of a refund of an impact fee.

(b) Appeals process.

- (1) The aggrieved applicant or feepayor (hereinafter, the "appellant") must file a written appeal with the administrator within 15 days of the decision or receipt of written determination from which the appeal is taken.
- (2) Such written appeal shall constitute an application for relief, shall be of sufficient content to set forth the basis for the appeal and the relief sought, and shall include:
 - a. The name and address of the appellant;
 - b. The location of the affected property; and
 - c. A copy of any applicable written decision or determination made by the administrator from which the appeal is taken.
- (3) Within 15 days after receipt of the appeal, the administrator shall make a written final decision with respect to the appeal, such decision to be of sufficient content to set forth the basis for the determination.
- (4) Appeals from the final decision of the administrator shall be made to the city council within 30 days of receipt by the appellant of the administrator's final decision. Delivery by hand or certified mail to, or posting upon the property at, the address given by the appellant in the application for relief shall constitute receipt by the appellant under this provision.
- (5) The city council shall thereafter hold a hearing on the appeal within 30 days, provided that at least two weeks' written notice thereof can be given to the appellant. The city council shall decide the issue within a reasonable time following the hearing, but in no case later than its next regular meeting, unless the appellant agrees to an extension to a later date. Any party making an appeal shall have the right to appear at the hearing to present evidence and may be represented by counsel.

(c) Payment of impact fee during appeal.

- (1) The filing of an appeal shall not stay the collection of a development impact fee as a condition to the issuance of development approval.
- (2) A developer may pay a development impact fee under protest to obtain a development approval, and by making such payment, shall not be estopped from exercising this right of appeal or receiving a refund of any amount deemed to have been collected in excess.

Sec. 24-31. Enforcement; violations.(a) Enforcement authority.

- (1) The enforcement of this article shall be the responsibility of the administrator and such personnel as the administrator may designate from time to time.
- (2) The administrator shall have the right to inspect the lands affected by this article and shall have the right to issue a written notice, a stop-work order or citation for violations, as the administrator, in his reasonable determination, may deem appropriate to the circumstances. Refusal of written notice of violation, stop-work order or citation under this article shall constitute legal notice of service. The citation shall be in the form of a written official notice issued in person or by certified mail to the owner of the property, or to his agent, or to the person performing the work. The receipt of a citation shall require that corrective action be taken within 30 days, unless otherwise extended at the discretion of the administrator.
- (3) The administrator may suspend or revoke any building permit or withhold the issuance of other development approvals if the provisions of this article have been violated by the developer or the owner or his assigns.

(b) Violations.

- (1) Knowingly furnishing false information on any matter relating to the administration of this article shall constitute an actionable violation.
- (2) Proceeding with construction of a project that is not consistent with the project's impact fee assessment,

such as the use category claimed or units of development indicated, shall constitute an actionable violation.

(3) Failure to take corrective action following the receipt of a citation shall constitute an actionable violation.

(4) A violation of this article shall be a misdemeanor punishable according to law, including the general penalty provisions of this Code. In addition to or in lieu of criminal prosecution, the city council shall have the power to sue in law or equity for relief in civil court to enforce this article, including recourse to such civil and criminal remedies in law and equity as may be necessary to ensure compliance with the provisions of this article, including, but not limited to, injunctive relief to enjoin and restrain any person from violating the provisions of this article and to recover such damages as may be incurred by the implementation of specific corrective actions.

(Ord. No. 714, 9-28-2015)

PROOFS

Attachment A: Impact Fee Schedule

<u>Impact Fee Schedule</u>							
<u>City of Alpharetta, Georgia</u>							
	<u>ITE Code</u>	<u>Land Use Category</u>	<u>Net Impact Fee</u>	<u>Administration (3%)</u>	<u>Total Impact Fee</u>		
<u>Residential</u>	210	<u>Single-family detached housing</u>	<u>\$6,494.69</u>	<u>\$194.84</u>	<u>\$6,689.53</u>	<u>per</u>	<u>dwelling</u>
	220	<u>Apartment</u>	<u>\$6,494.69</u>	<u>\$194.84</u>	<u>\$6,689.53</u>	<u>per</u>	<u>dwelling</u>
	230	<u>Residential condominium/townhouse</u>	<u>\$6,494.69</u>	<u>\$194.84</u>	<u>\$6,689.53</u>	<u>per</u>	<u>dwelling</u>
<u>Port and terminal</u>	030	<u>Intermodal truck terminal</u>	<u>\$0.57</u>	<u>\$0.02</u>	<u>\$0.59</u>	<u>per</u>	<u>sq. ft.</u>
<u>Industrial/agricultural</u>	110	<u>General light industrial</u>	<u>\$0.58</u>	<u>\$0.02</u>	<u>\$0.60</u>	<u>per</u>	<u>sq. ft.</u>
	120	<u>General heavy industrial</u>	<u>\$0.31</u>	<u>\$0.01</u>	<u>\$0.32</u>	<u>per</u>	<u>sq. ft.</u>
	140	<u>Manufacturing</u>	<u>\$0.39</u>	<u>\$0.01</u>	<u>\$0.40</u>	<u>per</u>	<u>sq. ft.</u>
	150	<u>Warehousing</u>	<u>\$0.26</u>	<u>\$0.01</u>	<u>\$0.27</u>	<u>per</u>	<u>sq. ft.</u>
	151	<u>Mini-warehouse</u>	<u>\$0.11</u>	<u>\$0.00</u>	<u>\$0.11</u>	<u>per</u>	<u>sq. ft.</u>
	152	<u>High-cube warehouse</u>	<u>\$0.08</u>	<u>\$0.00</u>	<u>\$0.08</u>	<u>per</u>	<u>sq. ft.</u>
<u>Lodging</u>	310	<u>Hotel or conference motel</u>	<u>\$419.49</u>	<u>\$12.58</u>	<u>\$432.07</u>	<u>per</u>	<u>room</u>
	311	<u>All suites hotel</u>	<u>\$273.07</u>	<u>\$8.19</u>	<u>\$281.26</u>	<u>per</u>	<u>room</u>
	320	<u>Motel</u>	<u>\$295.44</u>	<u>\$8.86</u>	<u>\$304.30</u>	<u>per</u>	<u>room</u>
<u>Recreational</u>	430	<u>Golf course</u>	<u>\$212.75</u>	<u>\$6.38</u>	<u>\$219.14</u>	<u>per</u>	<u>acre</u>
	437	<u>Bowling alley</u>	<u>\$1.32</u>	<u>\$0.04</u>	<u>\$1.36</u>	<u>per</u>	<u>sq. ft.</u>
	443	<u>Movie theater</u>	<u>\$2.98</u>	<u>\$0.09</u>	<u>\$3.07</u>	<u>per</u>	<u>sq. ft.</u>
	460	<u>Arena</u>	<u>\$1,638.82</u>	<u>\$49.16</u>	<u>\$1,687.98</u>	<u>per</u>	<u>acre</u>
	480	<u>Amusement park</u>	<u>\$3,931.18</u>	<u>\$117.94</u>	<u>\$4,049.12</u>	<u>per</u>	<u>acre</u>
	490	<u>Tennis court</u>	<u>\$611.95</u>	<u>\$18.36</u>	<u>\$630.31</u>	<u>per</u>	<u>acre</u>
	491	<u>Racquet/tennis club</u>	<u>\$0.54</u>	<u>\$0.02</u>	<u>\$0.56</u>	<u>per</u>	<u>sq. ft.</u>

	<u>492</u>	<u>Health/fitness center</u>	<u>\$1.27</u>	<u>\$0.04</u>	<u>\$1.31</u>	<u>per</u>	<u>sq. ft.</u>
	<u>495</u>	<u>Recreational community center</u>	<u>\$1.37</u>	<u>\$0.04</u>	<u>\$1.41</u>	<u>per</u>	<u>sq. ft.</u>
<u>Institutional</u>	<u>520</u>	<u>Private elementary school</u>	<u>\$0.65</u>	<u>\$0.02</u>	<u>\$0.67</u>	<u>per</u>	<u>sq. ft.</u>
	<u>530</u>	<u>Private high school</u>	<u>\$0.55</u>	<u>\$0.02</u>	<u>\$0.56</u>	<u>per</u>	<u>sq. ft.</u>
	<u>560</u>	<u>Church/place of worship</u>	<u>\$0.39</u>	<u>\$0.01</u>	<u>\$0.40</u>	<u>per</u>	<u>sq. ft.</u>
	<u>565</u>	<u>Day care center</u>	<u>\$0.71</u>	<u>\$0.02</u>	<u>\$0.74</u>	<u>per</u>	<u>sq. ft.</u>
	<u>566</u>	<u>Cemetery</u>	<u>\$189.34</u>	<u>\$5.68</u>	<u>\$195.02</u>	<u>per</u>	<u>acre</u>
<u>Medical</u>	<u>610</u>	<u>Hospital</u>	<u>\$0.82</u>	<u>\$0.02</u>	<u>\$0.85</u>	<u>per</u>	<u>sq. ft.</u>
	<u>620</u>	<u>Nursing home</u>	<u>\$0.56</u>	<u>\$0.02</u>	<u>\$0.57</u>	<u>per</u>	<u>sq. ft.</u>
	<u>630</u>	<u>Clinic</u>	<u>\$1.55</u>	<u>\$0.05</u>	<u>\$1.59</u>	<u>per</u>	<u>sq. ft.</u>
<u>Office</u>	<u>710</u>	<u>General office building</u>	<u>\$0.88</u>	<u>\$0.03</u>	<u>\$0.90</u>	<u>per</u>	<u>sq. ft.</u>
	<u>714</u>	<u>Corporate headquarters building</u>	<u>\$0.77</u>	<u>\$0.02</u>	<u>\$0.80</u>	<u>per</u>	<u>sq. ft.</u>
	<u>715</u>	<u>Single-tenant office building</u>	<u>\$0.88</u>	<u>\$0.03</u>	<u>\$0.90</u>	<u>per</u>	<u>sq. ft.</u>
	<u>720</u>	<u>Medical-dental office building</u>	<u>\$1.94</u>	<u>\$0.06</u>	<u>\$2.00</u>	<u>per</u>	<u>sq. ft.</u>
	<u>760</u>	<u>Research and development center</u>	<u>\$0.71</u>	<u>\$0.02</u>	<u>\$0.73</u>	<u>per</u>	<u>sq. ft.</u>
	<u>770</u>	<u>Business park</u>	<u>\$0.90</u>	<u>\$0.03</u>	<u>\$0.92</u>	<u>per</u>	<u>sq. ft.</u>
<u>Retail</u>	<u>812</u>	<u>Building materials and lumber store</u>	<u>\$1.72</u>	<u>\$0.05</u>	<u>\$1.77</u>	<u>per</u>	<u>sq. ft.</u>
	<u>813</u>	<u>Freestanding discount superstore</u>	<u>\$1.72</u>	<u>\$0.05</u>	<u>\$1.78</u>	<u>per</u>	<u>sq. ft.</u>
	<u>814</u>	<u>Variety store</u>	<u>\$1.44</u>	<u>\$0.04</u>	<u>\$1.49</u>	<u>per</u>	<u>sq. ft.</u>
	<u>815</u>	<u>Freestanding discount store</u>	<u>\$1.73</u>	<u>\$0.05</u>	<u>\$1.78</u>	<u>per</u>	<u>sq. ft.</u>
	<u>816</u>	<u>Hardware/paint store</u>	<u>\$0.99</u>	<u>\$0.03</u>	<u>\$1.02</u>	<u>per</u>	<u>sq. ft.</u>
	<u>817</u>	<u>Nursery (garden center)</u>	<u>\$2.73</u>	<u>\$0.08</u>	<u>\$2.82</u>	<u>per</u>	<u>sq. ft.</u>
	<u>818</u>	<u>Nursery (wholesale)</u>	<u>\$1.55</u>	<u>\$0.05</u>	<u>\$1.60</u>	<u>per</u>	<u>sq. ft.</u>
	<u>820</u>	<u>Shopping center</u>	<u>\$1.58</u>	<u>\$0.05</u>	<u>\$1.62</u>	<u>per</u>	<u>sq. ft.</u>
	<u>823</u>	<u>Factory outlet center</u>	<u>\$1.13</u>	<u>\$0.03</u>	<u>\$1.16</u>	<u>per</u>	<u>sq. ft.</u>
	<u>826</u>	<u>Specialty retail center</u>	<u>\$1.77</u>	<u>\$0.05</u>	<u>\$1.83</u>	<u>per</u>	<u>sq. ft.</u>
	<u>841</u>	<u>Automobile sales</u>	<u>\$1.28</u>	<u>\$0.04</u>	<u>\$1.31</u>	<u>per</u>	<u>sq. ft.</u>

	<u>843</u>	<u>Auto parts store</u>	<u>\$1.27</u>	<u>\$0.04</u>	<u>\$1.31</u>	<u>per</u>	<u>sq. ft.</u>
	<u>848</u>	<u>Tire store</u>	<u>\$0.87</u>	<u>\$0.03</u>	<u>\$0.90</u>	<u>per</u>	<u>sq. ft.</u>
	<u>849</u>	<u>Tire superstore</u>	<u>\$0.88</u>	<u>\$0.03</u>	<u>\$0.91</u>	<u>per</u>	<u>sq. ft.</u>
	<u>850</u>	<u>Supermarket</u>	<u>\$2.00</u>	<u>\$0.06</u>	<u>\$2.06</u>	<u>per</u>	<u>sq. ft.</u>
	<u>851</u>	<u>Convenience market (open 24 hours)</u>	<u>\$6.43</u>	<u>\$0.19</u>	<u>\$6.62</u>	<u>per</u>	<u>sq. ft.</u>
	<u>853</u>	<u>Convenience market with gasoline pumps</u>	<u>\$5.91</u>	<u>\$0.18</u>	<u>\$6.09</u>	<u>per</u>	<u>sq. ft.</u>
	<u>854</u>	<u>Discount supermarket</u>	<u>\$2.28</u>	<u>\$0.07</u>	<u>\$2.35</u>	<u>per</u>	<u>sq. ft.</u>
	<u>860</u>	<u>Wholesale market</u>	<u>\$0.28</u>	<u>\$0.01</u>	<u>\$0.29</u>	<u>per</u>	<u>sq. ft.</u>
	<u>861</u>	<u>Discount club</u>	<u>\$1.24</u>	<u>\$0.04</u>	<u>\$1.28</u>	<u>per</u>	<u>sq. ft.</u>
	<u>862</u>	<u>Home improvement superstore</u>	<u>\$0.53</u>	<u>\$0.02</u>	<u>\$0.55</u>	<u>per</u>	<u>sq. ft.</u>
	<u>863</u>	<u>Electronics superstore</u>	<u>\$0.64</u>	<u>\$0.02</u>	<u>\$0.66</u>	<u>per</u>	<u>sq. ft.</u>
	<u>870</u>	<u>Apparel store</u>	<u>\$1.59</u>	<u>\$0.05</u>	<u>\$1.64</u>	<u>per</u>	<u>sq. ft.</u>
	<u>875</u>	<u>Department store</u>	<u>\$0.74</u>	<u>\$0.02</u>	<u>\$0.76</u>	<u>per</u>	<u>sq. ft.</u>
	<u>880</u>	<u>Pharmacy/drugstore</u>	<u>\$1.74</u>	<u>\$0.05</u>	<u>\$1.79</u>	<u>per</u>	<u>sq. ft.</u>
	<u>890</u>	<u>Furniture store</u>	<u>\$0.10</u>	<u>\$0.00</u>	<u>\$0.10</u>	<u>per</u>	<u>sq. ft.</u>
<u>Services</u>	<u>912</u>	<u>Drive-in bank</u>	<u>\$2.01</u>	<u>\$0.06</u>	<u>\$2.08</u>	<u>per</u>	<u>sq. ft.</u>
	<u>931</u>	<u>Quality restaurant</u>	<u>\$2.44</u>	<u>\$0.07</u>	<u>\$2.52</u>	<u>per</u>	<u>sq. ft.</u>
	<u>932</u>	<u>High-turnover (sit-down) restaurant</u>	<u>\$3.04</u>	<u>\$0.09</u>	<u>\$3.13</u>	<u>per</u>	<u>sq. ft.</u>
	<u>934</u>	<u>Fast food restaurant</u>	<u>\$7.09</u>	<u>\$0.21</u>	<u>\$7.30</u>	<u>per</u>	<u>sq. ft.</u>
	<u>941</u>	<u>Quick lubrication vehicle shop</u>	<u>\$1,675.45</u>	<u>\$50.26</u>	<u>\$1,725.72</u>	<u>per</u>	<u>service bay</u>
	<u>944</u>	<u>Gasoline/service station</u>	<u>\$1,433.65</u>	<u>\$43.01</u>	<u>\$1,476.66</u>	<u>per</u>	<u>pump</u>
	<u>945</u>	<u>Gasoline station w/convenience market</u>	<u>\$954.49</u>	<u>\$28.63</u>	<u>\$983.13</u>	<u>per</u>	<u>pump</u>
	<u>947</u>	<u>Self-service car wash</u>	<u>\$1,836.45</u>	<u>\$55.09</u>	<u>\$1,891.55</u>	<u>per</u>	<u>stall</u>

Notes: All dollar amounts are shown rounded to cents. See the fee schedule for each public facility component for more accurate amounts to four decimals.

"ITE Code" means the land use code assigned in the Trip Generation Manual published by the Institute of Transportation Engineers, 9th Edition.

Parks fee applies only to residential uses.

"Square foot" means square foot of gross building floor area.

[GRAPHIC]

Funding Alternatives Impact Fee Program Alpharetta, Georgia

August 31, 2015

ROSS & Associates

Urban planning and plan implementation

in association with

[GRAPHIC]

Net program costs

[GRAPHIC]

PROOFS

Example Impact Fees

<u>Land Use</u>	<u>Unit</u>	<u>Public Safety</u>	<u>Recreation and Parks</u>	<u>Roads</u>	<u>Total Fee</u>
<u>Single-family house</u>	<u>per dwelling</u>	<u>\$133.00</u>	<u>\$5,111.81</u>	<u>\$1,444.72</u>	<u>\$6,689.53</u>
<u>Apartment</u>	<u>per dwelling</u>	<u>\$133.00</u>	<u>\$5,111.81</u>	<u>\$1,444.72</u>	<u>\$6,689.53</u>
<u>General light industrial</u>	<u>per square foot</u>	<u>\$0.14</u>	<u>\$0.19</u>	<u>\$0.28</u>	<u>\$0.60</u>
<u>Warehousing</u>	<u>per square foot</u>	<u>\$0.05</u>	<u>\$0.07</u>	<u>\$0.14</u>	<u>\$0.27</u>
<u>General office building</u>	<u>per square foot</u>	<u>\$0.20</u>	<u>\$0.27</u>	<u>\$0.44</u>	<u>\$0.90</u>
<u>Motel</u>	<u>per room</u>	<u>\$26.10</u>	<u>\$35.32</u>	<u>\$242.87</u>	<u>\$304.30</u>
<u>Day care center</u>	<u>per square foot</u>	<u>\$0.17</u>	<u>\$0.23</u>	<u>\$0.34</u>	<u>\$0.74</u>
<u>Drive-in bank</u>	<u>per square foot</u>	<u>\$0.28</u>	<u>\$0.38</u>	<u>\$1.41</u>	<u>\$2.08</u>
<u>Discount superstore</u>	<u>per square foot</u>	<u>\$0.06</u>	<u>\$0.08</u>	<u>\$1.64</u>	<u>\$1.78</u>
<u>Shopping center</u>	<u>per square foot</u>	<u>\$0.10</u>	<u>\$0.13</u>	<u>\$1.39</u>	<u>\$1.62</u>
<u>Specialty retail center</u>	<u>per square foot</u>	<u>\$0.12</u>	<u>\$0.16</u>	<u>\$1.55</u>	<u>\$1.83</u>
<u>Quality restaurant</u>	<u>per square foot</u>	<u>\$0.44</u>	<u>\$0.60</u>	<u>\$1.47</u>	<u>\$2.52</u>
<u>Fast food restaurant</u>	<u>per square foot</u>	<u>\$0.65</u>	<u>\$0.88</u>	<u>\$5.78</u>	<u>\$7.30</u>
<u>Pharmacy/drugstore</u>	<u>per square foot</u>	<u>\$0.10</u>	<u>\$0.13</u>	<u>\$1.55</u>	<u>\$1.79</u>
<u>Convenience market w/gas</u>	<u>per square foot</u>	<u>\$0.11</u>	<u>\$0.14</u>	<u>\$5.84</u>	<u>\$6.09</u>
<u>Supermarket</u>	<u>per square foot</u>	<u>\$0.07</u>	<u>\$0.09</u>	<u>\$1.90</u>	<u>\$2.06</u>

Notes: All dollar amounts shown are rounded to cents.

All fees include administration at three percent.

<i>Impact Fee Schedule - Maximum Allowable Fees</i>								
<u>ITE Code</u>	<u>Land Use Category</u>	<u>Public Safety</u>	<u>Recreation and Parks</u>	<u>Roads</u>	<u>Subtotal</u>	<u>Admin (3%)</u>	<u>Total Impact Fee</u>	<u>Unit of Measure</u>
<u>Residential (200-299)</u>								
<u>210</u>	<u>Single-family detached housing</u>	<u>\$129.13</u>	<u>\$4,962.92</u>	<u>\$1,402.64</u>	<u>\$6,494.69</u>	<u>\$194.84</u>	<u>\$6,689.53</u>	<u>per dwelling</u>
<u>220</u>	<u>Apartment</u>	<u>\$129.13</u>	<u>\$4,962.92</u>	<u>\$1,402.64</u>	<u>\$6,494.69</u>	<u>\$194.84</u>	<u>\$6,689.53</u>	<u>per dwelling</u>
<u>230</u>	<u>Residential condominium/townhouse</u>	<u>\$129.13</u>	<u>\$4,962.92</u>	<u>\$1,402.64</u>	<u>\$6,494.69</u>	<u>\$194.84</u>	<u>\$6,689.53</u>	<u>per dwelling</u>
<u>Port and Terminal (000-099)</u>								
<u>030</u>	<u>Intermodal truck terminal</u>	<u>\$0.08</u>	<u>\$0.11</u>	<u>\$0.38</u>	<u>\$0.57</u>	<u>\$0.02</u>	<u>\$0.59</u>	<u>per sq. ft.</u>
<u>Industrial/Agricultural (100-199)</u>								
<u>110</u>	<u>General light industrial</u>	<u>\$0.13</u>	<u>\$0.18</u>	<u>\$0.27</u>	<u>\$0.58</u>	<u>\$0.02</u>	<u>\$0.60</u>	<u>per sq. ft.</u>
<u>120</u>	<u>General heavy industrial</u>	<u>\$0.11</u>	<u>\$0.14</u>	<u>\$0.06</u>	<u>\$0.31</u>	<u>\$0.01</u>	<u>\$0.32</u>	<u>per sq. ft.</u>
<u>140</u>	<u>Manufacturing</u>	<u>\$0.10</u>	<u>\$0.14</u>	<u>\$0.15</u>	<u>\$0.39</u>	<u>\$0.01</u>	<u>\$0.40</u>	<u>per sq. ft.</u>
<u>150</u>	<u>Warehousing</u>	<u>\$0.05</u>	<u>\$0.07</u>	<u>\$0.14</u>	<u>\$0.26</u>	<u>\$0.01</u>	<u>\$0.27</u>	<u>per sq. ft.</u>
<u>151</u>	<u>Mini-warehouse</u>	<u>\$0.00</u>	<u>\$0.01</u>	<u>\$0.10</u>	<u>\$0.11</u>	<u>\$0.00</u>	<u>\$0.11</u>	<u>per sq. ft.</u>
<u>152</u>	<u>High-cube warehouse</u>	<u>\$0.00</u>	<u>\$0.01</u>	<u>\$0.06</u>	<u>\$0.08</u>	<u>\$0.00</u>	<u>\$0.08</u>	<u>per sq. ft.</u>
<u>Lodging (300-399)</u>								
<u>310</u>	<u>Hotel or conference motel</u>	<u>\$32.85</u>	<u>\$44.46</u>	<u>\$342.18</u>	<u>\$419.49</u>	<u>\$12.58</u>	<u>\$432.07</u>	<u>per room</u>
<u>311</u>	<u>All suites hotel</u>	<u>\$28.83</u>	<u>\$39.02</u>	<u>\$205.22</u>	<u>\$273.07</u>	<u>\$8.19</u>	<u>\$281.26</u>	<u>per room</u>
<u>320</u>	<u>Motel</u>	<u>\$25.34</u>	<u>\$34.30</u>	<u>\$235.80</u>	<u>\$295.44</u>	<u>\$8.86</u>	<u>\$304.30</u>	<u>per room</u>
<u>Recreational (400-499)</u>								
<u>430</u>	<u>Golf course</u>	<u>\$14.16</u>	<u>\$19.17</u>	<u>\$179.42</u>	<u>\$212.75</u>	<u>\$6.38</u>	<u>\$219.14</u>	<u>per acre</u>
<u>437</u>	<u>Bowling alley</u>	<u>\$0.06</u>	<u>\$0.08</u>	<u>\$1.19</u>	<u>\$1.32</u>	<u>\$0.04</u>	<u>\$1.36</u>	<u>per sq. ft.</u>

443	<u>Movie theater</u>	<u>\$0.08</u>	<u>\$0.11</u>	<u>\$2.78</u>	<u>\$2.98</u>	<u>\$0.09</u>	<u>\$3.07</u>	<u>per sq. ft.</u>
460	<u>Arena</u>	<u>\$192.19</u>	<u>\$260.09</u>	<u>\$1,186.55</u>	<u>\$1,638.82</u>	<u>\$49.16</u>	<u>\$1,687.98</u>	<u>per acre</u>
480	<u>Amusement park</u>	<u>\$524.42</u>	<u>\$709.70</u>	<u>\$2,697.05</u>	<u>\$3,931.18</u>	<u>\$117.94</u>	<u>\$4,049.12</u>	<u>per acre</u>
490	<u>Tennis courts</u>	<u>\$14.06</u>	<u>\$19.03</u>	<u>\$578.86</u>	<u>\$611.95</u>	<u>\$18.36</u>	<u>\$630.31</u>	<u>per acre</u>
491	<u>Racquet/tennis club</u>	<u>\$0.02</u>	<u>\$0.02</u>	<u>\$0.50</u>	<u>\$0.54</u>	<u>\$0.02</u>	<u>\$0.56</u>	<u>per sq. ft.</u>
492	<u>Health/fitness center</u>	<u>\$0.04</u>	<u>\$0.06</u>	<u>\$1.17</u>	<u>\$1.27</u>	<u>\$0.04</u>	<u>\$1.31</u>	<u>per sq. ft.</u>
495	<u>Recreational community center</u>	<u>\$0.07</u>	<u>\$0.10</u>	<u>\$1.20</u>	<u>\$1.37</u>	<u>\$0.04</u>	<u>\$1.41</u>	<u>per sq. ft.</u>
<u>Institutional (500-599)</u>								
520	<u>Private elementary school</u>	<u>\$0.06</u>	<u>\$0.08</u>	<u>\$0.52</u>	<u>\$0.65</u>	<u>\$0.02</u>	<u>\$0.67</u>	<u>per sq. ft.</u>
530	<u>Private high school</u>	<u>\$0.04</u>	<u>\$0.05</u>	<u>\$0.46</u>	<u>\$0.55</u>	<u>\$0.02</u>	<u>\$0.56</u>	<u>per sq. ft.</u>
560	<u>Church/place of worship</u>	<u>\$0.02</u>	<u>\$0.03</u>	<u>\$0.34</u>	<u>\$0.39</u>	<u>\$0.01</u>	<u>\$0.40</u>	<u>per sq. ft.</u>
565	<u>Day care center</u>	<u>\$0.16</u>	<u>\$0.22</u>	<u>\$0.33</u>	<u>\$0.71</u>	<u>\$0.02</u>	<u>\$0.74</u>	<u>per sq. ft.</u>
566	<u>Cemetery</u>	<u>\$4.70</u>	<u>\$6.35</u>	<u>\$178.29</u>	<u>\$189.34</u>	<u>\$5.68</u>	<u>\$195.02</u>	<u>per acre</u>
<u>Medical (600-699)</u>								
610	<u>Hospital</u>	<u>\$0.17</u>	<u>\$0.23</u>	<u>\$0.43</u>	<u>\$0.82</u>	<u>\$0.02</u>	<u>\$0.85</u>	<u>per sq. ft.</u>
620	<u>Nursing home</u>	<u>\$0.13</u>	<u>\$0.18</u>	<u>\$0.24</u>	<u>\$0.56</u>	<u>\$0.02</u>	<u>\$0.57</u>	<u>per sq. ft.</u>
630	<u>Clinic</u>	<u>\$0.23</u>	<u>\$0.31</u>	<u>\$1.01</u>	<u>\$1.55</u>	<u>\$0.05</u>	<u>\$1.59</u>	<u>per sq. ft.</u>
<u>Office (700-799)</u>								
710	<u>General office building</u>	<u>\$0.19</u>	<u>\$0.26</u>	<u>\$0.43</u>	<u>\$0.88</u>	<u>\$0.03</u>	<u>\$0.90</u>	<u>per sq. ft.</u>
714	<u>Corporate headquarters building</u>	<u>\$0.20</u>	<u>\$0.27</u>	<u>\$0.31</u>	<u>\$0.77</u>	<u>\$0.02</u>	<u>\$0.80</u>	<u>per sq. ft.</u>
715	<u>Single-tenant office building</u>	<u>\$0.18</u>	<u>\$0.25</u>	<u>\$0.45</u>	<u>\$0.88</u>	<u>\$0.03</u>	<u>\$0.90</u>	<u>per sq. ft.</u>
720	<u>Medical-dental office building</u>	<u>\$0.23</u>	<u>\$0.32</u>	<u>\$1.39</u>	<u>\$1.94</u>	<u>\$0.06</u>	<u>\$2.00</u>	<u>per sq. ft.</u>
760	<u>Research and development center</u>	<u>\$0.17</u>	<u>\$0.23</u>	<u>\$0.31</u>	<u>\$0.71</u>	<u>\$0.02</u>	<u>\$0.73</u>	<u>per sq. ft.</u>
770	<u>Business park</u>	<u>\$0.18</u>	<u>\$0.24</u>	<u>\$0.48</u>	<u>\$0.90</u>	<u>\$0.03</u>	<u>\$0.92</u>	<u>per sq. ft.</u>
<u>Retail (800-899)</u>								
812	<u>Building materials and lumber store</u>	<u>\$0.08</u>	<u>\$0.11</u>	<u>\$1.53</u>	<u>\$1.72</u>	<u>\$0.05</u>	<u>\$1.77</u>	<u>per sq. ft.</u>
813	<u>Freestanding discount superstore</u>	<u>\$0.06</u>	<u>\$0.07</u>	<u>\$1.59</u>	<u>\$1.72</u>	<u>\$0.05</u>	<u>\$1.78</u>	<u>per sq. ft.</u>

814	Variety store	\$0.06	\$0.07	\$1.31	\$1.44	\$0.04	\$1.49	per sq. ft.
815	Freestanding discount store	\$0.11	\$0.15	\$1.46	\$1.73	\$0.05	\$1.78	per sq. ft.
816	Hardware/paint store	\$0.06	\$0.08	\$0.86	\$0.99	\$0.03	\$1.02	per sq. ft.
817	Nursery (garden center)	\$0.18	\$0.24	\$2.31	\$2.73	\$0.08	\$2.82	per sq. ft.
818	Nursery (wholesale)	\$0.10	\$0.13	\$1.32	\$1.55	\$0.05	\$1.60	per sq. ft.
820	Shopping center	\$0.10	\$0.13	\$1.35	\$1.58	\$0.05	\$1.62	per sq. ft.
823	Factory outlet center	\$0.10	\$0.13	\$0.90	\$1.13	\$0.03	\$1.16	per sq. ft.
826	Specialty retail center	\$0.11	\$0.15	\$1.50	\$1.77	\$0.05	\$1.83	per sq. ft.
841	Automobile sales	\$0.09	\$0.12	\$1.07	\$1.28	\$0.04	\$1.31	per sq. ft.
843	Auto parts store	\$0.06	\$0.07	\$1.14	\$1.27	\$0.04	\$1.31	per sq. ft.
848	Tire store	\$0.07	\$0.10	\$0.70	\$0.87	\$0.03	\$0.90	per sq. ft.
849	Tire superstore	\$0.07	\$0.10	\$0.71	\$0.88	\$0.03	\$0.91	per sq. ft.
850	Supermarket	\$0.07	\$0.09	\$1.84	\$2.00	\$0.06	\$2.06	per sq. ft.
851	Convenience market (open 24 hours)	\$0.10	\$0.14	\$6.18	\$6.43	\$0.19	\$6.62	per sq. ft.
853	Convenience market with gasoline pumps	\$0.10	\$0.14	\$5.67	\$5.91	\$0.18	\$6.09	per sq. ft.
854	Discount supermarket	\$0.13	\$0.18	\$1.98	\$2.28	\$0.07	\$2.35	per sq. ft.
860	Wholesale market	\$0.05	\$0.06	\$0.17	\$0.28	\$0.01	\$0.29	per sq. ft.
861	Discount club	\$0.07	\$0.10	\$1.07	\$1.24	\$0.04	\$1.28	per sq. ft.
862	Home improvement superstore	\$0.06	\$0.07	\$0.40	\$0.53	\$0.02	\$0.55	per sq. ft.
863	Electronics superstore	\$0.06	\$0.07	\$0.51	\$0.64	\$0.02	\$0.66	per sq. ft.
870	Apparel store	\$0.10	\$0.13	\$1.36	\$1.59	\$0.05	\$1.64	per sq. ft.
875	Department store	\$0.11	\$0.15	\$0.47	\$0.74	\$0.02	\$0.76	per sq. ft.
880	Pharmacy/drugstore	\$0.10	\$0.13	\$1.51	\$1.74	\$0.05	\$1.79	per sq. ft.
890	Furniture store	\$0.02	\$0.03	\$0.04	\$0.10	\$0.00	\$0.10	per sq. ft.
Services (900-999)								
912	Drive-in bank	\$0.28	\$0.37	\$1.37	\$2.01	\$0.06	\$2.08	per sq. ft.

<u>931</u>	<u>Quality restaurant</u>	<u>\$0.43</u>	<u>\$0.58</u>	<u>\$1.43</u>	<u>\$2.44</u>	<u>\$0.07</u>	<u>\$2.52</u>	<u>per sq. ft.</u>
<u>932</u>	<u>High-turnover (sit-down) restaurant</u>	<u>\$0.43</u>	<u>\$0.58</u>	<u>\$2.02</u>	<u>\$3.04</u>	<u>\$0.09</u>	<u>\$3.13</u>	<u>per sq. ft.</u>
<u>934</u>	<u>Fast food restaurant</u>	<u>\$0.63</u>	<u>\$0.85</u>	<u>\$5.61</u>	<u>\$7.09</u>	<u>\$0.21</u>	<u>\$7.30</u>	<u>per sq. ft.</u>
<u>941</u>	<u>Quick lubrication vehicle shop</u>	<u>\$121.09</u>	<u>\$163.87</u>	<u>\$1,390.49</u>	<u>\$1,675.45</u>	<u>\$50.26</u>	<u>\$1,725.72</u>	<u>per service bay</u>
<u>944</u>	<u>Gasoline/service station</u>	<u>\$9.23</u>	<u>\$12.49</u>	<u>\$1,411.94</u>	<u>\$1,433.65</u>	<u>\$43.01</u>	<u>\$1,476.66</u>	<u>per pump</u>
<u>945</u>	<u>Gasoline station w/convenience market</u>	<u>\$0.01</u>	<u>\$0.02</u>	<u>\$954.46</u>	<u>\$954.49</u>	<u>\$28.63</u>	<u>\$983.13</u>	<u>per pump</u>
<u>947</u>	<u>Self-service car wash</u>	<u>\$11.53</u>	<u>\$15.61</u>	<u>\$1,809.32</u>	<u>\$1,836.45</u>	<u>\$55.09</u>	<u>\$1,891.55</u>	<u>per stall</u>

Comparison of Impact Fees

Examples 2015 and as Currently Adopted

<u>Land Use</u>	<u>Units in Example</u>	<u>Public Safety</u>	<u>Recreation and Parks</u>	<u>Roads</u>	<u>Total</u>
<u>Maximum Impact Fees-2015</u>					
<u>Single-family house</u>	<u>1 house</u>	<u>\$133.00</u>	<u>\$5,112.00</u>	<u>\$1,445.00</u>	<u>\$6,690.00</u>
<u>Apartment</u>	<u>200 units</u>	<u>\$26,601.00</u>	<u>\$1,022,362.00</u>	<u>\$288,944.00</u>	<u>\$1,337,907.00</u>
<u>General light industrial</u>	<u>30,000 sq. ft.</u>	<u>\$4,110.00</u>	<u>\$5,565.00</u>	<u>\$8,300.00</u>	<u>\$17,975.00</u>
<u>Warehousing</u>	<u>100,000 sq. ft.</u>	<u>\$5,438.00</u>	<u>\$7,354.00</u>	<u>\$14,132.00</u>	<u>\$26,924.00</u>
<u>General office building</u>	<u>40,000 sq. ft.</u>	<u>\$7,894.00</u>	<u>\$10,683.00</u>	<u>\$17,510.00</u>	<u>\$36,087.00</u>
<u>Motel</u>	<u>120 rooms</u>	<u>\$3,132.00</u>	<u>\$4,239.00</u>	<u>\$29,145.00</u>	<u>\$36,516.00</u>
<u>Day care center</u>	<u>3,000 sq. ft.</u>	<u>\$502.00</u>	<u>\$679.00</u>	<u>\$1,026.00</u>	<u>\$2,207.00</u>
<u>Drive-in bank</u>	<u>3,000 sq. ft.</u>	<u>\$853.00</u>	<u>\$1,154.00</u>	<u>\$4,218.00</u>	<u>\$6,226.00</u>
<u>Discount superstore</u>	<u>120,000 sq. ft.</u>	<u>\$6,835.00</u>	<u>\$9,258.00</u>	<u>\$197,031.00</u>	<u>\$213,123.00</u>
<u>Shopping center</u>	<u>600,000 sq. ft.</u>	<u>\$59,513.00</u>	<u>\$80,525.00</u>	<u>\$833,558.00</u>	<u>\$973,597.00</u>
<u>Specialty retail center</u>	<u>10,000 sq. ft.</u>	<u>\$1,177.00</u>	<u>\$1,593.00</u>	<u>\$15,486.00</u>	<u>\$18,257.00</u>
<u>Quality restaurant</u>	<u>3,000 sq. ft.</u>	<u>\$1,329.00</u>	<u>\$1,799.00</u>	<u>\$4,424.00</u>	<u>\$7,551.00</u>
<u>Fast food restaurant</u>	<u>2,500 sq. ft.</u>	<u>\$1,618.00</u>	<u>\$2,190.00</u>	<u>\$14,446.00</u>	<u>\$18,255.00</u>
<u>Pharmacy/drugstore</u>	<u>30,000 sq. ft.</u>	<u>\$2,976.00</u>	<u>\$4,026.00</u>	<u>\$46,622.00</u>	<u>\$53,624.00</u>
<u>Convenience market w/gas</u>	<u>2,000 sq. ft.</u>	<u>\$214.00</u>	<u>\$289.00</u>	<u>\$11,673.00</u>	<u>\$12,176.00</u>
<u>Supermarket</u>	<u>60,000 sq. ft.</u>	<u>\$4,153.00</u>	<u>\$5,611.00</u>	<u>\$113,792.00</u>	<u>\$123,557.00</u>
<u>Currently Adopted Impact Fees</u>					
<u>Single-family house</u>	<u>1 house</u>	<u>\$264.00</u>	<u>\$545.00</u>	<u>\$1,131.00</u>	<u>\$1,940.00</u>
<u>Apartment</u>	<u>200 units</u>	<u>\$40,600.00</u>	<u>\$79,200.00</u>	<u>\$224,600.00</u>	<u>\$344,400.00</u>
<u>General light industrial</u>	<u>30,000 sq. ft.</u>	<u>\$8,160.00</u>	<u>\$420.00</u>	<u>\$15,390.00</u>	<u>\$23,970.00</u>
<u>Warehousing</u>	<u>100,000 sq. ft.</u>	<u>\$28,500.00</u>	<u>\$1,400.00</u>	<u>\$65,400.00</u>	<u>\$95,300.00</u>
<u>General office building</u>	<u>40,000 sq. ft.</u>	<u>\$7,840.00</u>	<u>\$560.00</u>	<u>\$48,440.00</u>	<u>\$56,840.00</u>
<u>Motel</u>	<u>120 rooms</u>	<u>\$24,480.00</u>	<u>\$960.00</u>	<u>\$130,920.00</u>	<u>\$156,360.00</u>
<u>Day care center</u>	<u>3,000 sq. ft.</u>	<u>\$753.00</u>	<u>\$42.00</u>	<u>\$8,295.00</u>	<u>\$9,090.00</u>
<u>Drive-in bank</u>	<u>3,000 sq. ft.</u>	<u>\$753.00</u>	<u>\$42.00</u>	<u>\$8,295.00</u>	<u>\$9,090.00</u>
<u>Discount superstore</u>	<u>120,000 sq. ft.</u>	<u>\$28,800.00</u>	<u>\$1,680.00</u>	<u>\$499,920.00</u>	<u>\$530,400.00</u>
<u>Shopping center</u>	<u>600,000 sq. ft.</u>	<u>\$137,400.00</u>	<u>\$8,400.00</u>	<u>\$2,401,200.00</u>	<u>\$2,547,000.00</u>

<u>Specialty retail center</u>	<u>10,000 sq. ft.</u>	<u>\$2,510.00</u>	<u>\$140.00</u>	<u>\$27,650.00</u>	<u>\$30,300.00</u>
<u>Quality restaurant</u>	<u>3,000 sq. ft.</u>	<u>\$753.00</u>	<u>\$42.00</u>	<u>\$8,295.00</u>	<u>\$9,090.00</u>
<u>Fast food restaurant</u>	<u>2,500 sq. ft.</u>	<u>\$628.00</u>	<u>\$35.00</u>	<u>\$6,913.00</u>	<u>\$7,575.00</u>
<u>Pharmacy/drugstore</u>	<u>30,000 sq. ft.</u>	<u>\$7,440.00</u>	<u>\$420.00</u>	<u>\$89,070.00</u>	<u>\$96,930.00</u>
<u>Convenience market w/gas</u>	<u>2,000 sq. ft.</u>	<u>\$502.00</u>	<u>\$28.00</u>	<u>\$5,530.00</u>	<u>\$6,060.00</u>
<u>Supermarket</u>	<u>60,000 sq. ft.</u>	<u>\$14,640.00</u>	<u>\$840.00</u>	<u>\$252,600.00</u>	<u>\$268,080.00</u>

(a) Why the Differences?

(1) The current impact fees were initially adopted as separate ordinances by 1992, with one amendment to the Public Safety ordinance in 1998. Alpharetta has grown considerably in population since 1990, increasing to 62,824 people in 2014, a 350 percent increase over 13,984 in 1990. The new impact fees reflect several factors:

- a. The progress already made by the city;
- b. Limitations on future growth; and
- c. A focus on quality of life.

(2) At this point, fire department facilities and equipment are in place to serve the city's residents and businesses without further expansion, other than the need for additional administrative space.

(3) Police department needs for additional capacity focus on expansion of the public safety headquarters (which will accommodate the fire department also) and one additional "heavy" vehicle. While personnel, maintenance and vehicle replacement needs will continue, only capital improvements that expand capacity (and have at least a 10-year life) are impact fee eligible.

(4) The major road network in the city has also undergone major improvements as a result of the current impact fee program over the past 25 years. Many improvements are planned for the future as traffic congestion persists, but impact fee eligibility has lessened as the proportion of vehicle trips generated by new growth, compared to existing traffic, is much smaller than 20 years ago when the city was on the cusp of explosive growth. Overall, of the planned major road improvements that will relieve congestion, slightly less than 26 percent of the cost can come from new growth.

(5) On the other hand, recreation and parks reflect a major increase in potential impact fee funding. This is due primarily because of the increase in level of service standards adopted as part of the 2015 master plan update, supplemented by numerous recreation projects included in the city's capital improvement plan. The recreation and parks master plan update raises the level of service for parks and recreation facilities for today's residents and those expected in the future, in many cases showing the existing facilities to be below the new standards even for the current population. These new standards, extended from the master plan's target of 2025 out to 2035, results in a major increase in recreational opportunities for all citizens of the city.

(b) Reducing the impact fee amounts.

(1) Adoption of reduced impact fees. The city may adopt the maximum fee for any given public facility category, or could adopt a lower fee if all fees in a particular public facility category are reduced proportionally (that is, by the same percentage).

(2) Individual fee assessment. A land owner or developer may request an individual assessment when the average figures used in the methodology report do not apply to the specific project being proposed.

(3) Individual appeals. The city's impact fee ordinance provides for the appeal by anyone assessed an impact fee, first to the impact fee administrator and then, if not resolved, to the city council.

- (4) Exemptions. Exemptions from the established impact fee amounts on the adopted impact fee schedule can be adopted by the city council for development that represents extraordinary economic or employment growth. The exemptions can be applied by the council in whole or in part to specified uses based on standards reflecting the exemption policy.
- (5) Exemption policy in CIE. The city recognizes that certain office, retail trade and industrial development projects provide extraordinary benefit in support of the economic advancement of the city's citizens over and above the access to jobs, goods and services that such uses offer in general. To encourage such development projects, the mayor and city council may consider granting a reduction in the impact fee for such a development project upon the determination and relative to the extent that the business or project represents extraordinary economic development and employment growth of public benefit to the city, in accordance with exemption criteria the city may adopt. It is also recognized that the cost of system improvements otherwise foregone through exemption of any impact fee must be funded through revenue sources other than impact fees.
- (c) Examples of impact fees at 100 percent maximum:

<u>Land Use</u>	<u>Units in Example</u>	<u>Public Safety</u>	<u>Recreation and Parks</u>	<u>Roads</u>	<u>Total</u>
<u>Single-family house</u>	<u>1 house</u>	<u>\$133.00</u>	<u>\$5,112.00</u>	<u>\$1,445.00</u>	<u>\$6,690.00</u>
<u>Apartment</u>	<u>200 units</u>	<u>\$26,601.00</u>	<u>\$1,022,362.00</u>	<u>\$288,944.00</u>	<u>\$1,337,907.00</u>
<u>General light industrial</u>	<u>30,000 sq. ft.</u>	<u>\$4,110.00</u>	<u>\$5,565.00</u>	<u>\$8,300.00</u>	<u>\$17,975.00</u>
<u>Warehousing</u>	<u>100,000 sq. ft.</u>	<u>\$5,438.00</u>	<u>\$7,354.00</u>	<u>\$14,132.00</u>	<u>\$26,924.00</u>
<u>General office building</u>	<u>40,000 sq. ft.</u>	<u>\$7,894.00</u>	<u>\$10,683.00</u>	<u>\$17,510.00</u>	<u>\$36,087.00</u>
<u>Motel</u>	<u>120 rooms</u>	<u>\$3,132.00</u>	<u>\$4,239.00</u>	<u>\$29,145.00</u>	<u>\$36,516.00</u>
<u>Day care center</u>	<u>3,000 sq. ft.</u>	<u>\$502.00</u>	<u>\$679.00</u>	<u>\$1,026.00</u>	<u>\$2,207.00</u>
<u>Drive-in bank</u>	<u>3,000 sq. ft.</u>	<u>\$853.00</u>	<u>\$1,154.00</u>	<u>\$4,218.00</u>	<u>\$6,226.00</u>
<u>Discount superstore</u>	<u>120,000 sq. ft.</u>	<u>\$6,835.00</u>	<u>\$9,258.00</u>	<u>\$197,031.00</u>	<u>\$213,123.00</u>
<u>Shopping center</u>	<u>600,000 sq. ft.</u>	<u>\$59,513.00</u>	<u>\$80,525.00</u>	<u>\$833,558.00</u>	<u>\$973,597.00</u>
<u>Specialty retail center</u>	<u>10,000 sq. ft.</u>	<u>\$1,177.00</u>	<u>\$1,593.00</u>	<u>\$15,486.00</u>	<u>\$18,257.00</u>
<u>Quality restaurant</u>	<u>3,000 sq. ft.</u>	<u>\$1,329.00</u>	<u>\$1,799.00</u>	<u>\$4,424.00</u>	<u>\$7,551.00</u>
<u>Fast food restaurant</u>	<u>2,500 sq. ft.</u>	<u>\$1,618.00</u>	<u>\$2,190.00</u>	<u>\$14,446.00</u>	<u>\$18,255.00</u>
<u>Pharmacy/drugstore</u>	<u>30,000 sq. ft.</u>	<u>\$2,976.00</u>	<u>\$4,026.00</u>	<u>\$46,622.00</u>	<u>\$53,624.00</u>
<u>Convenience market</u>	<u>2,000 sq.</u>	<u>\$214.00</u>	<u>\$289.00</u>	<u>\$11,673.00</u>	<u>\$12,176.00</u>

<u>w/gas</u>	<u>ft.</u>				
<u>Supermarket</u>	<u>60,000</u> <u>sq. ft.</u>	<u>\$4,153.00</u>	<u>\$5,611.00</u>	<u>\$113,792.00</u>	<u>\$123,557.00</u>

(Ord. No. 714, 9-28-2015)

~~Sec. 16-50. Short title; authority; applicability.~~

~~— This article shall be known and may be cited as the "City of Alpharetta Public Safety Impact Fee Ordinance."~~

~~— The city has the authority to adopt this article pursuant to Article 9, Section 2, Paragraph 4 of the Constitution of the State of Georgia, and Title 36, Chapter 71 of O.C.G.A.~~

~~— This article shall apply to the incorporated areas of the city.~~

~~(Code 1989, § 16-50; Ord. No. 415, § 1, 11-2-1998)~~

~~Sec. 16-51. Intents and purposes.~~

~~— This article is intended to implement and be consistent with the city's comprehensive land use plan adopted in accordance with Title 36, Chapter 70 of O.C.G.A. and pursuant to the minimum standards and procedures established by the department of community affairs.~~

~~— The purpose of this article is to regulate the use and development of land so as to assure that new development bears a proportionate share of the cost of system improvements necessary to provide public safety in the city.~~

~~— Nothing in this article shall be deemed to prevent or prohibit private development agreements between property owners or developers and the city.~~

~~(Code 1989, § 16-51; Ord. No. 415, § 2, 11-2-1998)~~

~~Sec. 16-52. Rules of construction.~~

~~— The provisions of this article shall be liberally construed so as to effectively carry out its purpose in the interest of the public health, safety and welfare.~~

~~— For the purposes of administration and enforcement of this article, unless otherwise stated in this article, the following rules of construction shall apply to the text of this article:~~

~~— In the event of any difference of meaning or implication between the text of this article and any caption, illustration, summary table, or illustrative table, the text shall control.~~

~~— The word "shall" is mandatory and not discretionary; the word "may" is permissive.~~

~~— Words used in the present tense shall include the future; and words used in the singular shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.~~

~~— The phrase "used for" includes "arranged for," "designed for," "maintained for," or "occupied for."~~

~~— The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.~~

~~— Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions or events connected by the conjunction "and," "or," or "either. . . or," the conjunction shall be interpreted as follows:~~

~~— "And" indicates that all the connected terms, conditions, provisions or events shall apply.~~

~~— "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.~~

~~— "Either. . . or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.~~

~~— The word "includes" shall not limit a term to the specific example but is intended to extend its meaning~~

~~to all other instances or circumstances of like kind or character.~~

- ~~— The land use types listed in section 16-55 (computation of the amount of public safety impact fees) of this article shall have the same meaning as under the Alpharetta Zoning Ordinance.~~
- ~~— All public safety service terms used herein shall have the same meaning as those types have in the Alpharetta Comprehensive Land Use Plan and the Alpharetta Development Regulations unless otherwise indicated.~~

(Code 1989, § 16-52; Ord. No. 415, § 3, 11-2-1998)

Sec. 16-53. Definitions.

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

Building permit means the document issued by the city authorizing the construction, repair, alteration or addition to a structure, or authorizing the installation of a mobile home or recreational vehicle. For the purposes of this article, a building permit also means a change of use permit.

Capital improvement means an improvement with a useful life of ten (10) years or more, by new construction or other action, which increases the service capacity of the public safety facilities of the City of Alpharetta.

Capital improvements element means that portion of the Alpharetta Comprehensive Land Use Plan which sets out projected needs for system improvements during a planning horizon established in the Alpharetta Comprehensive Land Use Plan, a schedule of capital improvements that will meet the anticipated need for system improvements, and a description of anticipated funding sources for each required improvement.

City means the City of Alpharetta, Georgia.

Comprehensive plan means the city's comprehensive land use plan.

Developer means any person who engages in development activity.

Development activity means any construction or expansion of a building, structure or use, any change in use of a building or structure, or any change in use of land requiring the issuance of a building permit.

Development activity generating the need for public safety means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any change in the use of land, any of which cause additional demand for public safety facilities.

Director means the city director of planning and community development and/or the officials that he may designate to administer the various provisions of this article.

Encumber means to legally obligate by contract or otherwise commit to use by appropriation or other official act of the city.

Feepayer means that person who pays a public safety impact fee or his successor in interest with the right or entitlement to any refund of previously paid public safety impact fees which is required by this article and which has been expressly transferred or assigned to the successor in interest. In the absence of an express transfer or assignment of the right or entitlement to any refund of previously paid public safety impact fees, the right of entitlement shall be deemed "not to run with the land."

Public safety means the prevention and extinguishment of fires, the protection of life and property, and the enforcement of municipal, county and state fire prevention codes, as well as any law pertaining to the prevention and control of fires, when such duties are performed by firefighters and such other persons who may be employed to support firefighters in the performance of these duties. The term also includes what commonly is called "emergency medical services," or "EMS," and includes the provision of advanced life support and advanced life support services, the provision of ambulance and/or air ambulance service, and "rescue," a service which generally includes, among other things, the provision of basic life support, the extrication of accident victims from entrapment, and management of and protection of the public from hazardous materials and electrical hazards. The term also includes the detection and prevention of crime, the protection of life and property, the maintenance of order, and the enforcement of municipal, county, state and federal criminal codes, regulations and laws, when such

duties are performed by police officers and such other persons who may be employed to support police officers in the performance of these duties.

Public safety impact fee(s) means a payment of money imposed upon development activity as a condition of development approval to pay for a proportionate share of the cost of system improvements needed to serve new growth and development.

Public safety impact fee district means a geographic area identified by the city in which a defined set of public safety facilities provides service to development.

Individual fee calculation study means the documentation prepared by a fee payor to allow determination of the public safety impact fee other than by use of the fee schedule in section 16-55 (computation of the amount of public safety impact fees) of this article as required by O.C.G.A. § 36-71-4(g).

Individual fee determination means the public safety impact fee determined by the director on the basis of an individual fee calculation study.

Living unit is any temporary or permanent unit utilized for or designed or intended to be utilized for human habitation.

Methodology report means the report entitled "Public Safety Impact Fees, City of Alpharetta, Georgia," dated May 7, 1998, which provides a methodology and analysis for the determination of the impact of development activity on the need and costs for additional public safety facilities.

Present value means the current value of past, present or future payments, or contributions or dedications of goods, services, materials, construction, or money.

Project or development project means a particular development on an identified parcel of land.

Project improvements means site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience for the occupants or users of the project and are not system improvements. The character of the improvement shall control a determination of whether an improvement is a project improvement or system improvement and the physical location of the improvement on site or off site shall not be considered determinative of whether an improvement is a project improvement or a system improvement. If an improvement or facility provides or will provide more than incidental service or facilities capacity to persons other than users or occupants of a particular project, the improvement or facility is a system improvement and shall not be considered a project improvement.

Proportionate share means that portion of the cost of system improvements which is reasonably related to the service demands and needs of a project within the defined area.

System improvements means capital improvements that are public facilities which are designed to provide service to the community at large, in contrast to project improvements.

System improvement costs means costs incurred to provide additional public safety facilities including equipment, needed to serve new growth and development for planning, design and construction, land acquisition, land improvement, design and engineering related thereto, including the cost of constructing or reconstructing system improvements or facility expansions, including, but not limited to, the construction contract price, surveying and engineering fees, related land acquisition costs (including land purchases, court awards and costs, attorney's fees, and expert witness fees) and expenses incurred for qualified staff or any qualified engineer, planner, architect, landscape architect, or financial consultant for preparing or updating the capital improvement element, and administrative costs equal up to three (3) percent of the total amount of the costs. System improvement costs shall also include projected interest charges and other finance costs if and to the extent the public safety impact fees are to be used for the payment of principal and interest on bonds, notes, or other financial obligations issued by or on behalf of the city to finance the capital improvement elements. Such costs do not include routine and periodic maintenance expenditures, personnel training, and other operating costs.

(Code 1989, § 16-53; Ord. No. 415, § 4, 11-2-1998)

Sec. 16-54. Imposition of public safety impact fee.

— Any person who after the effective date of this article engages in a "development activity generating the

need for public safety" shall pay a public safety impact fee in the manner and amount set forth in this article.

— No building permit for any "development activity generating the need for public safety" shall be issued by the city unless and until the required public safety impact fee has been paid.

(Code 1989, § 16-54; Ord. No. 415, § 5, 11-2-1998)

Sec. 16-55. Computation of the amount of public safety impact fees.

— At the option of the developer, the amount of the public safety impact fee may be determined by the schedule set forth below.

Public Safety Impact Fee Schedule

	Improvement cost	Bond credit	Net cost	Fee
Residential per dwelling unit				
Single family	\$1,111.00	\$761.00	\$350.00	\$264.00
Multifamily	574.00	305.00	269.00	203.00
Retail/commercial per 1,000 square feet				
Under 25k square feet	781.00	469.00	312.00	251.00
25k – 49k square feet	781.00	469.00	312.00	248.00
50k – 99k square feet	781.00	469.00	312.00	244.00
100k – 299k square feet	781.00	469.00	312.00	240.00
300k – 399k square feet	781.00	469.00	312.00	237.00
400k – 499k square feet	781.00	469.00	312.00	233.00
500k – 999k square feet	781.00	469.00	312.00	229.00
1000k – 1250k square feet	781.00	469.00	312.00	225.00
Over 1250k square feet	781.00	469.00	312.00	220.00
Lodging per room				
Hotel/motel	663.00	158.00	505.00	204.00
Industrial per 1,000 feet				
Manufacturing per 1,000 square feet	409.00	134.00	275.00	272.00
Warehousing per 1,000 square feet	409.00	85.00	324.00	285.00
General office per 1,000 square feet				
Less than 100k square feet	781.00	438.00	343.00	204.00
100k – 199k square feet	781.00	438.00	343.00	198.00

Over 199k square feet	781.00	438.00	343.00	192.00
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— If a building permit is requested for a building with mixed uses, the fee shall be determined according to the above schedule by apportioning the space committed to uses specified on the schedule. If the type of development activity for which a building permit is applied for is not specified on the above fee schedule, the director shall use the fee applicable to the most nearly comparable type of land use on the above fee schedule. In the case of change of use, redevelopment or modification of an existing use which requires the issuance of a building permit, the public safety impact fee shall be based upon the net increase in the fee for the new use as compared to the previous use.

— If a developer shall elect not to have the public safety impact fee determined according to subsection (a) above, then pursuant to O.C.G.A. § 36-71-4(g) the developer may apply for an individual fee determination. A developer applying for an individual fee determination shall prepare and submit to the director an individual fee calculation study for the development activity for which a building permit is sought. The individual fee calculation study shall follow the methodology and format of the "methodology report," or subject to prior approval of the director, such other professionally accepted methodology that identifies a project's proportionate share. The developer shall attend a preapplication meeting with the director, and no agreement or understanding in regard to data assumptions or methodology shall be binding upon the city unless specifically agreed to by the city in writing. The documentation submitted shall show the basis upon which the individual fee calculation was made. This documentation shall be prepared and presented by qualified professionals in their respective fields and shall follow best professional practices and methodologies. The following formulae, as explained in the methodology report, shall be used by the director to determine the public safety impact fee per unit of development:

Residential public safety impact fee equals cost per dwelling minus bond credit.

Nonresidential public safety impact fee equals cost per one thousand (1,000) square feet of nonresidential floor area minus bond credit.

The director shall provide the developer with the individual fee determination within thirty (30) days after presentation of the individual fee calculation study.

— Upon application to the director, any person contemplating engaging in development activity requiring payment of a public safety impact fee may apply for and shall receive from the director a certification of the public safety impact fee schedule or a certification of an individual fee determination.

— Applications for certification shall include the following information and items:

— A full and complete description of the project.

— A full and complete description of the proposed land use and development activity.

— A statement as to whether the applicant seeks a certification of the public safety impact fee schedule or a certification of an individual fee determination.

— If the applicant seeks a certification of an individual fee determination, an individual fee calculation study complying with the requirements of subsection (b) of this section.

— The director shall provide an applicant with a written certification of the public safety impact fee schedule within five (5) working days after the director's receipt of a completed application. The fee schedule certified by the director shall establish the public safety impact fee schedule for the proposed development activity for a period of one hundred eighty (180) days from the date of certification. The director shall provide the applicant with a written certification of an individual fee determination within thirty (30) days after receipt of a completed application. The individual fee determination certified by the director shall establish the public safety impact fee for the proposed development activity for the one hundred eighty (180) day period immediately following the date of such certification. Notwithstanding the issuance of any such certification, any changes in or additions to the proposed development activity different from the development activity identified in the original application shall be subject to increased or additional public safety impact fees to the extent that such changes or additions require capital improvements or facilities expansions. The additional public safety impact fees shall be based upon the

public safety impact fee schedule in effect at the time of any such change or addition.

— Notwithstanding any other provision of this section 16-55, prior to engaging in "development activity generating the need for public safety," and in addition to any other applicable requirements, the developer shall certify in writing to the director:

- A full and complete description of the project;
- A full and complete description of the proposed land use or uses; and
- A statement of the gross square footage applicable to each category of land use.

Prior to the completion of the project, and as a condition to the issuance of a certificate of occupancy, the developer shall recertify in writing to the director the actual land use or uses of the project, and shall present an architect's certificate of the actual gross square footage attributable to each use. In the event that the actual land use or uses and/or the actual gross square footage applicable to the actual land use or uses differs from that originally certified, and in the event that the impact fee applicable to the actual land use or uses and/or gross square footage exceeds the impact fee previously paid, the developer shall be required to pay the amount of the excess as a condition to the issuance of a certificate of occupancy. The amount of the excess shall be based upon the public safety impact fee schedule in effect on the date the certificate of occupancy is issued. If the actual gross square footage constructed after the issuance of the building permit is less than the amount originally certified, the developer shall be entitled to a refund of the excess portion of the fee.

(Code 1989, § 16-55; Ord. No. 415, § 6, 11-2-1998)

Sec. 16-56. Payment of public safety impact fees.

— Any person required to pay public safety impact fees pursuant to this article shall pay such fees to the director prior to the issuance of a building permit unless the city has previously approved a private development agreement providing for an alternative method of payment.

— All funds collected pursuant to this article shall be properly identified by the public safety impact fee district from which it was collected and promptly transferred for deposit into the appropriate public safety impact fee trust fund to be held in separate accounts as provided for in section 16-62 (public safety impact fee trust funds established) of this article. Funds shall be used solely for the purposes specified in this article.

— In lieu of all or part of the public safety impact fee, the city may accept an offer to provide the items and/or services specified in subsection (2) of section 16-58 (credits) of this article. Any such offer must comply with the requirements of section 16-58 (credits) of this article. The portion of the fee represented by public safety facilities improvements shall be deemed paid when the construction is completed and accepted by the city or when the person claiming such credit posts security for the cost of such construction as provided in subsection (2)e. of section 16-58 (credits) of this article. The portion of the fee represented by land dedication shall be deemed paid when the title to such land has been accepted by the city. Notwithstanding subsection (a) of this section, the city may issue a building permit prior to accepting title to land if the refusal to issue the permit will result in an exceptional hardship to the developer and the city is otherwise reasonably assured that title will be conveyed and accepted within a reasonable time thereafter. For the purposes of this subsection, an exceptional hardship shall not include a hardship solely created by the developer.

(Code 1989, § 16-56; Ord. No. 415, § 7, 11-2-1998)

Sec. 16-57. Use of funds.

— Funds collected as public safety impact fees shall be used for system improvements. No funds shall be used for periodic or routine maintenance or for any purpose not in accordance with the requirements of O.C.G.A. § 36-71-8.

— Public safety impact fees shall be used exclusively for system improvements in the public safety impact fee district in which the project for which the fees were paid is located.

— Funds shall be expended in the order in which they are collected.

— Each fiscal period the director shall present to the mayor and city council an annual report describing the amount of public safety impact fees collected, encumbered and used during the preceding year by public safety

impact fee districts. Moneys, including any accrued interest, not encumbered in any fiscal period shall be retained in the same public safety impact fee trust fund(s) until the next fiscal period except as provided in section 16-60 (refunds) of this article.

— The city shall be entitled to retain up to three (3) percent of all public safety impact fees it collects as an administrative fee to offset the costs of administering this article.

— Public safety impact fees may be used for the payment of principal and interest on bonds, notes or other financial obligations issued by or on behalf of the city to finance public safety facilities.

(Code 1989, § 16-57; Ord. No. 415, § 8, 11-2-1998)

Sec. 16-58. Credits.

Credits against public safety impact fees shall be given as follows:

— No credit shall be given for project improvements.

— Credit shall be given for the present value of the construction of improvements or contribution or dedication of land or money by a developer subsequent to the effective date of this article and required or accepted by the city from the developer or his predecessor in title for system improvements (the post ordinance credits).

— A person claiming post ordinance credits shall submit to the director a project description in sufficient detail to allow the director to prepare an engineering and construction cost estimate. A person proposing credit for public safety facilities improvements shall present cost estimates and property appraisals prepared by qualified professionals to be used by the director in determining the amount of the credit. All construction must be carried out in accordance with applicable city, county or state development and design standards. A person proposing post ordinance credits for land dedication shall present the director with property appraisals prepared by qualified professionals and a certified copy of the most recent assessment of the property for tax purposes to be used by the director in determining the amount of credit. However, the director retains the right to determine the amount to be credited by preparing engineering and construction cost estimates and/or property appraisals for those improvements.

— Post ordinance credits must be claimed at the time of the application for a building permit. Any post ordinance credit not so claimed shall not be available as to the public safety impact fee owing with respect to that building permit.

— In the event a developer contracts with the city to construct, fund, or contribute system improvements so that the amount of the post ordinance credit created by such construction, funding or contribution is in excess of the public safety impact fee which would have been otherwise due and owing, the developer shall be reimbursed for such excess contribution, funding, or contribution from public safety impact fees paid by the development projects located in the public safety impact fee district which has benefitted by such improvements.

— In the event a building permit is abandoned, credit shall be given for the present value of any public safety impact fees paid against future public safety impact fees for the same parcel of land paid upon issuance of such building permit. A building permit shall be deemed abandoned if no construction has been commenced prior to the expiration of the building permit.

— Security in the form of a performance bond, irrevocable letter of credit, or escrow agreement shall be posted with the city, made payable to the city in the amount approved by the director equal to one hundred ten (110) percent of the full cost of the construction of such improvements. If a public safety facilities construction project will not be constructed within one (1) year of the acceptance of the offer by the city, the amount of the security shall be increased by ten (10) percent compounded, for each year of the life of the security. The security shall be reviewed and approved by the city attorney's office prior to the acceptance of the security by the city.

— Credits shall be represented by a written certificate (the "credit certificate") setting forth the name of the person or entity to whom the credit certificate is issued, the number of the credit certificate, and the

amount of the credit. Each credit certificate shall be numbered in the order in which it is issued, and shall be signed, either manually or facsimile, by the city clerk with the seal of the city affixed thereto. The city shall also maintain a register (the "credit certificate register") which shall set forth the name of the credit holder, the number of the credit certificate, the amount of the credit, and the name of any party claiming a security interest with respect to the credit represented by the credit certificate. The interest of a secured party shall not be effective and shall not be recognized by the city unless and until the city is in receipt of a written document satisfactory to the city signed by the secured party and the holder of the credit certificate verifying the creation of the security interest and directing the city to enter the secured party's name in the credit certificate register. Credits are transferable from one developer to another and from one project to another provided that such credits shall not be transferred to a project in a different public safety impact fee district, and provided further that the transfer is accomplished in accordance with the provisions of this section. Transfers of credit certificates shall only be effective when entered in the credit certificate register of the city upon surrender of the credit certificate signed and dated as of the date of the purported transfer by the person in whose name the credit certificate is registered or on his behalf by a person legally authorized to so sign. The credit certificate shall be surrendered to the city not later than ninety (90) days after the date of the purported transfer. Any attempted transfer not in compliance with the terms of this section shall not be effective, shall not be recognized by the city, and shall result in the waiver and forfeiture of the credit. If the credit certificate to be transferred is subject to a security interest reflected in the credit certificate register, the surrendered credit certificate shall also be accompanied by a written consent to transfer or release of security interest signed by the secured party. Upon compliance with the transfer provisions of this section, the city shall issue a new credit certificate in the name of the authorized transferee.

- In the event the public safety impact fee schedule is subsequently changed to reflect increases in construction costs or other relevant factors, then any person entitled to a credit under this section 16-58 may request a recalculation of credits to fairly reflect such changed circumstances. In the event the public safety impact fee schedule is subsequently changed to reflect decreases in construction costs or other relevant factors, the city may recalculate such credits to fairly reflect such changed circumstances.
- Credit shall be given for the present value of construction of improvements or contribution or dedication of land or money by a developer within the ten year period prior to March 30, 1992 and required or accepted by the city for system improvements (the "pre-ordinance credits").
- A person claiming pre-ordinance credit for public safety facilities improvements shall present actual cost records to be used by the director in determining the amount of the credit. A person proposing pre-ordinance credits for land dedications shall present the director with property appraisals applicable to the date of the dedication prepared by qualified professionals and a certified copy of the assessment of the property for tax purposes at the time of the dedication to be used by the director in determining the amount of the credit. However, the director retains the right to determine the amount to be credited by preparing construction cost estimates and/or property appraisals for those improvements. In determining the amount of any pre-ordinance credit, the director shall deduct an amount equal to the public safety impact fee that would have been imposed if this article had been in effect at the time of the issuance of each pre-ordinance building permit issued for the project from which the credit is derived.
- No pre-ordinance credits shall be given for construction, dedications or contributions that were undertaken outside of the public safety impact fee district within which the project is to be located.
- Pre-ordinance credits shall be applied for within six (6) months of the effective date of this article. Any pre-ordinance credit not so applied for shall be deemed waived. Pre-ordinance credits shall also be claimed at the time of the application for a building permit. Any pre-ordinance credit not so claimed shall not be available as to the public safety impact fee owing with respect to that building permit. Pre-ordinance credits not utilized within five (5) years of the date of application shall expire. However, upon timely request by the developer, the director shall extend the expiration date for five (5) years. Further, upon timely request by the developer, the city council may extend the expiration date for an additional period not to exceed five (5) years; provided, however, that the

~~council may grant such extension only when the developer establishes to the satisfaction of the council that the delay in use of the credit is attributable to adverse local economic conditions not reasonably anticipated. For the purposes of this subsection, a "timely" request is one that is made not sooner than three (3) months nor later than one (1) month prior to the applicable expiration date.~~

- ~~— Notwithstanding any other provision of this article, nothing in this article shall be deemed to reactivate any credits that have been waived or have expired under the fire protection impact fee ordinance prior to the adoption of this article.~~

(Code 1989, § 16-58; Ord. No. 415, § 9, 11-2-1998)

State law reference—Credits against development impact fees, O.C.G.A. § 36-71-7.

Sec. 16-59. Exemptions.

- ~~— The following shall be exempted from payment of public safety impact fees:~~
- ~~— Alteration or expansion of an existing building or use of land where no additional living units are created, where the use is not changed, and where no additional demand for public safety facilities will be produced over and above those produced by the existing use.~~
- ~~— The construction of accessory buildings or structures which will not produce additional demand for public safety facilities over and above those produced by the principal building or use of the land.~~
- ~~— The replacement of a building, mobile home or structure that was in place on the effective date of this article, or the replacement of a building, mobile home or structure that was constructed subsequent thereto and for which the correct public safety impact fee had been paid or otherwise provided for, with a new building, mobile home or structure of the same use, provided that no additional vehicular trips will be produced over and above those produced by the original use of the land.~~
- ~~— All or part of a particular project if and to the extent the city council determines such project to create extraordinary economic development and employment growth and provided that such project's proportionate share of public safety system improvements is funded through a revenue source other than public safety impact fees.~~
- ~~— A person claiming exemption(s) pursuant to subsections (a)(1), (2), or (3) above shall submit to the director information and documentation sufficient to permit the director to determine whether such exemption claimed is proper, and, if so, the extent of such exemption. A person seeking exemption under subsection (a)(4) above shall submit to the city council information and documentation sufficient to permit the city council to determine whether such exemption claimed is proper, and, if so, the extent of such exemption.~~
- ~~— Exemptions must be applied for at the time of the application for a building permit. Any exemptions not so applied for shall be deemed waived.~~

(Code 1989, § 16-59; Ord. No. 415, § 10, 11-2-1998)

State law reference—Minimum standards for development impact fee ordinances; exemptions, O.C.G.A. § 36-71-4(l).

Sec. 16-60. Refunds.

~~Refunds of public safety impact fees shall be made only in the following instances and in the following manner:~~

- ~~— Upon application to the director by the fee payor, the city shall refund ninety-seven (97) percent of the public safety impact fee paid if capacity is available and service is denied. The city shall retain three (3) percent of the fee paid as an administrative fee.~~
- ~~— a. Upon application to the director by the fee payor, the city shall refund ninety-seven (97) percent of the public safety impact fee paid and not expended or encumbered if the city, after collecting the fee when service is not available, has failed to encumber the fee or commence construction within six (6) years from the date the public safety impact fee was paid. The city shall retain three (3) percent of the fee paid as an administrative fee. In determining whether public safety impact fees have been expended or encumbered, fees shall be considered encumbered on a first in, first out (FIFO) basis.~~

~~— When the right to a refund exists due to a failure to encumber public safety impact fees, the city shall provide written notice of entitlement to a refund to the fee payor who paid the public safety impact fee at the address shown on the application for development approval, or to a fee payor's successor in interest who has given the city notice of the transfer or assignment of the right or entitlement to a refund and who has provided the city a mailing address. The city shall also publish such notice within thirty (30) days after the expiration of the six (6) year period from the date public safety impact fee was paid. The published notice shall contain the heading "Notice of Entitlement to Public Safety Impact Fee Refund."~~

~~— A refund application shall be made to the director within one (1) year from the date such refund becomes payable under subsections (1) and (2) of this section 16-60 or within one (1) year from the date of publication of the notice of entitlement of a refund under subsection (2) of this section 16-60, whichever is later. Any refund not applied for within such time period shall be deemed waived.~~

~~— A refund application shall include information and documentation sufficient to permit the director to determine whether the refund claimed is proper, and, if so, the amount of such refund.~~

~~— A refund shall include a pro rata share of interest actually earned on the unused or excess public safety impact fee paid.~~

~~— All refunds shall be paid within sixty (60) days after the director determines that such refund is due.~~

(Code 1989, § 16-60; Ord. No. 415, § 11, 11-2-1998)

State law reference Refunds of development impact fees, O.C.G.A. § 36-71-9.

~~Sec. 16-61. Public safety impact fee districts established.~~

~~There are hereby established public safety impact fee districts as shown in attachment 1 attached hereto and incorporated herein by reference.~~

(Code 1989, § 16-61; Ord. No. 415, § 12, 11-2-1998)

Editor's note The attachment referred to in this section and elsewhere in the code is not set out at length herein but is on file in the appropriate city offices.

~~Sec. 16-62. Public safety impact fee trust funds established.~~

~~— There are hereby established separate public safety impact fee trust funds, one for each public safety impact fee district as shown in attachment 1 attached hereto and incorporated herein by reference.~~

~~— Funds shall be deposited and maintained in one or more interest bearing accounts. Interest earned on funds shall be funds of the account on which it is earned and is subject to all restrictions imposed by section 16-57 (use of funds) of this article.~~

~~— Funds withdrawn from these accounts must be used in accordance with the provisions of section 16-57 (use of funds) of this article.~~

(Code 1989, § 16-62; Ord. No. 415, § 13, 11-2-1998)

State law reference Receipt, deposit, and expenditure of development impact fee funds; system improvement projects; audits, O.C.G.A. § 36-71-8.

~~Sec. 16-63. Review of fee structure.~~

~~The public safety impact fees structure shall be reviewed by the mayor and the city council annually; provided, however, the failure to review such structure shall not invalidate this article.~~

(Code 1989, § 16-63; Ord. No. 415, § 14, 11-2-1998)

~~Sec. 16-64. Administrative appeals.~~

~~— Any person aggrieved by a decision of the director with respect to any of the following determinations shall have the right to appeal to the mayor and city council:~~

~~— The imposition of a public safety impact fee.~~

- ~~— The amount of a public safety impact fee.~~
- ~~— The entitlement to and/or the amount of credits to a public safety impact fee.~~
- ~~— The entitlement to an exemption from a public safety impact fee.~~
- ~~— The entitlement to and/or the amount of a refund of a public safety impact fee. Prior to any appeal to the mayor and city council, the aggrieved party shall file a request for reconsideration with the director, who shall act upon the request within fifteen (15) days.~~
- ~~— All appeals shall be taken within fifteen (15) days of the director's decision on the request for reconsideration by filing with the director a notice of appeal specifying the grounds therefor. The director shall forthwith transmit to the city council all papers constituting the record upon which the action appealed from is taken. The city council shall thereafter establish a reasonable date and time for a hearing on the appeal, give due notice thereof to the parties in interest, and decide the same within a reasonable period of time following the hearing. Any party taking an appeal shall have the right to appear at the hearing to present evidence and may be represented by counsel. Any person aggrieved by a decision of the mayor and city council may take an appeal to the superior court of the county within thirty (30) days after the decision of the city council is rendered.~~
- ~~— A developer may pay a public safety impact fee under protest to obtain a building permit, and by making such payment shall not be estopped from:~~
 - ~~— Exercising this right of appeal provided in this section 16-64; or~~
 - ~~— Receiving a refund of any amount deemed to have been illegally collected.~~

(Code 1989, § 16-64; Ord. No. 415, § 15, 11-2-1998)

State law reference—Administrative appeals, O.C.G.A. § 36-71-10.

Sec. 16-65. Penalty and enforcement.

~~A violation of this article shall be a misdemeanor punishable according to law; however, in addition to or in lieu of any criminal prosecution, the city shall have the power to sue for relief in civil court to enforce the provisions of this article. Knowingly furnishing false information to the director on any matter relating to the administration of this article shall constitute a violation thereof.~~

(Code 1989, § 16-65; Ord. No. 415, § 16, 11-2-1998)

Chapter 25
RESERVED

PROOFS

Chapter 26
NUISANCES

ARTICLE I. IN GENERAL

Secs. 26-1--26-18. Reserved.

ARTICLE II. ABANDONED VEHICLES*¹⁵⁸

***State law reference**--Abandoned vehicles, O.C.G.A. § 40-11-1 et seq.

Sec. 26-19. Person's responsibility--Generally.

No person shall occupy as owner or occupant or let or sublet to another for occupancy, or keep and maintain, whether in use or abandoned, any vehicle, whether motorized or non-motorized, upon such person's premises or on city property adjacent to such person's premises for any purpose whatsoever which, under the provisions of this article, constitutes a nuisance.

(Code 1989, § 10-30; Ord. No. 167, § (A), 7-23-1979)

Sec. 26-20. Same--Specifically.

It shall be the duty of both the owner and the occupant or inhabitant of any building, dwelling, or dwelling unit to keep the interior and exterior of any vehicle, whether motorized or non-motorized, and the exterior of such building, dwelling and dwelling unit, including its premises, yards, lawns, grounds, courts and alleys, clean, clear and free of any attractive nuisance created by abandoned, useless, worn-out or damaged vehicles (defined for purposes of this article as any vehicle which is not in working order and which does not possess a valid license tag and inspection sticker of the current year), from filth, rubbish, garbage, debris, combustible materials, or excessive growth of weeds or grass, or similar matters which are conducive to rodent, vermin or insect infestation, or conditions conducive to the spread of fire or disease, in and around such vehicles, and the same duty shall rest on the owner of any vacant lot or land adjacent to such vehicle ~~or vehicles~~.

(Code 1989, § 10-31; Ord. No. 167, § (C), 7-23-1979)

Sec. 26-21. Declaration of nuisance generally.

Any vehicle, whether motorized or non-motorized, is a nuisance where it is perilous to life or property by reason of abandonment, neglect, filth, dilapidation, overcrowding or of a condition that it is not fit for the purpose for which it was originally intended, and is susceptible to fire or accessible to children playing who could be injured because of such condition, and as such, is a danger to the health of the citizens because of such vehicle's providing a harboring place for vermin and the spread of disease.

(Code 1989, § 10-32; Ord. No. 167, § (A), 7-23-1979)

Sec. 26-22. Specific nuisance conditions.

(a) Any vehicle, whether motorized or non-motorized, which may have one or more of the following defects shall be deemed unfit and as junk and shall constitute a nuisance:

- (1) Those which have propelling mechanisms which have failed and are no longer operational.
- (2) Those which have bodies and/or frameworks which are useless, worn out and damaged to such an extent that they are no longer fit for the use for which originally intended.

¹⁵⁸ **Code 1989, Article III. Abandoned Vehicles.** We recommend moving this article to appear within the "Nuisances" chapter for purposes of subject matter and organizational consistency.
Change accepted

- (3) Those which have become worthless and discarded and are only fit to be turned to some use other than the use originally intended, such as salvaging ~~on~~ the useable parts of the machinery and re-melting the remainder of the metal for recycling.
- (4) Those which are abandoned in the same or approximately the same location for 30 days or longer without the owner or person in possession making some repair disposition and removing such vehicle from the premises.
- (5) Those which have been damaged by fire, wind or other cause so as to have become dangerous to the life, safety, or the general health and welfare of the occupants of the premises or of the adjacent premises or the people of the city.
- (6) Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to their intended use that they are unfit for human use or are likely to cause sickness or disease, so as to work injury to the health, safety and general welfare of those living around the same.
- (7) Those which have parts thereof which are so attached or detached that they may injure members of the public or property.
- (8) Those which, because of their condition, are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of the city.
- (9) Those outside and/or inside of premises which are not clean, clear and free of any attractive nuisance or accumulation of dirt, junk, filth, rubbish, garbage, debris, combustible materials, excessive growth of weeds or grass, or similar conditions conducive to rodent, vermin or insect infestation or the spread of fire or disease.

(b) Any vehicle, premises or place in which one or more of the foregoing defects shall exist shall not be permitted to remain in such condition without the abatement of the nuisance for any period longer than 30 days after service of official notice upon the owner or agent that such conditions exist, except upon the specific written authority of the city council.

(Code 1989, § 10-33; Ord. No. 167, § (B), 7-23-1979)

Sec. 26-23. Noncompliance deemed nuisance; abatement by city authorized.

Noncompliance with this article shall be deemed a nuisance and may be abated by the city in the manner provided herein below.

(Code 1989, § 10-34; Ord. No. 167, § (D), 7-23-1979)

Sec. 26-24. Inspection of premises--Procedure.

The enforcement officer is hereby authorized and directed to make inspections to determine the condition of any vehicles located on the premises or adjacent to the premises of any building, dwelling or dwelling units, the premises, yards, lawns, grounds, courts and alleys of any such building unit, or any vacant lot or land located within the city, in the interest of safeguarding the health and safety of the occupants and of the public. For the purpose of making such inspections, the enforcement officer is hereby authorized to enter onto, examine, survey and photograph at all reasonable times any such vehicles and the premises thereabout.

(Code 1989, § 10-35; Ord. No. 167, § (E), 7-23-1979)

Sec. 26-25. Same--Disinterested city employees required; restriction on giving out information.

No official or employee of the city making inspection of properties for the purpose of determining the necessity for repairs or corrections thereto shall have any financial interest, directly or indirectly, in any repairs or corrections which may be required; nor shall any such official or employee give to any person, other than those authorized persons listed, any information relative to any such repairs or corrections; nor shall such officials or employees give to any mechanic, automobile body repair establishment or individual or other persons engaged in the business of automobile repairs the locations of any vehicles complained of under this article or the names of the owners thereof, on which repairs or corrections have been ordered.

(Code 1989, § 10-36; Ord. No. 167, § (L), 7-23-1979)

Sec. 26-26. Notice; required, contents.

Whenever the enforcement officer finds that any vehicle located on the premises or adjacent to the premises of any building, structure, enclosure, place or the premises, yards, lawns, grounds, courts and alleys thereof, or any vacant lot or land has one or more of the defects set out hereinabove, or that other conditions exist which, in such officer's opinion, constitute a nuisance, such officer shall give written notice to the owner and/or the occupant of such property stating that, in such officer's opinion, the conditions constitute a nuisance; such notice shall:

- (1) Be signed by the enforcement officer;
- (2) Be served upon the owner or the owner's agent, or the occupant of the premises adjacent to such vehicle, as the case may require, provided that such notice shall be deemed to be properly served upon such owner or agent or upon such occupant if a copy thereof is sent by registered or certified mail to such person's last-known address; or if such person is served with such notice by any other method authorized or required under the laws of the state;
- (3) Service may also be obtained by determining the name of the owner of the vehicle as listed in the vehicle registration files for the tag number located upon such vehicle;
- (4) Outline the conditions complained of;
- (5) Outline the remedial action deemed necessary to abate the nuisance;
- (6) Specify a reasonable time (not more than 30 days) which shall be allowed for taking the required remedial action;
- (7) State that unless the required action is taken within the time specified, the party notified will be summoned to appear before the municipal court to have determined the question whether the conditions complained of constitute a nuisance and should be abated.

(Code 1989, § 10-37; Ord. No. 167, § (F), 7-23-1979)

Sec. 26-27. Jurisdiction of municipal court.

Should the remedial action specified in the notice provided hereinabove not be taken within the time allowed, the enforcement officer shall cause the party notified to be summoned to appear before the municipal court to have determined the question whether the conditions complained of constitute a nuisance and should be abated.

(Code 1989, § 10-38; Ord. No. 167, § (G), 7-23-1979)

Sec. 26-28. Failure to appear.

Any person who shall fail to appear in response to a summons issued pursuant to the provisions of this article shall be guilty of an offense for such failure to appear, and may be punished as hereinafter provided.

(Code 1989, § 10-39; Ord. No. 167, § (I), 7-23-1979)

Sec. 26-29. Separate offense.

If, upon such hearing, the judge shall find that the conditions complained of constitute a nuisance, and shall order the same abated, each ten days that such condition shall be maintained subsequent to the expiration of the time fixed by the court for the same to be abated shall constitute a separate offense, punishable as herein provided.

(Code 1989, § 10-40; Ord. No. 167, § (H), 7-23-1979)

Sec. 26-30. Emergency power authorized.

Notwithstanding the provisions of this article, whenever the enforcement officer shall determine that the conditions found constitute imminent and immediate danger or hazard to persons or property, such officer is authorized forthwith to cause the summons provided for herein to be issued, without the necessity of giving any preliminary notice to the owner or occupant.

(Code 1989, § 10-41; Ord. No. 167, § (J), 7-23-1979)

Sec. 26-31. Appeals to city council.

Any person receiving written notice from the enforcement officer pursuant to the provisions of this article, within 15 days following the date of such notice, may enter an appeal in writing to the city council. No appeal filed later than 15 days after the date of such notice shall be acted upon by the city council unless the enforcement officer shall consent thereto.

(Code 1989, § 10-42; Ord. No. 167, § (M), 7-23-1979)

Sec. 26-32. Reports, etc., available to specified persons.

After any order, report or recommendation has been made by any official or employee of the city and is on file in the respective department, such information shall, upon request, be available to the press, the owner of the property, or such person's authorized agent, the manager of the property, the attorney for any of the foregoing, any licensed attorney for the examination of titles, any official or employee of the city for official purposes, and to any other persons upon written application to the respective department where such order or other information is on file.

(Code 1989, § 10-43; Ord. No. 167, § (K), 7-23-1979)

Sec. 26-33. Placarding of premises.

After written notice has been given by the enforcement officer to the owners of such vehicle or the owners or agents of properties adjacent to such vehicle that conditions have been found therein which, in such officer's opinion, constitute a nuisance under this article, the enforcement officer, with concurrence of the city council, is authorized to place a signed notice on such vehicle reciting the findings and action taken with respect thereto following condemnation by the court. It shall be unlawful for such notice to be mutilated or removed from such vehicle, premises, or place until required improvements have been made or the nuisance abated.

(Code 1989, § 10-44; Ord. No. 167, § (N), 7-23-1979)

Sec. 26-34. Appeals to court.

Any persons found to be in violation of this article by the municipal court and upon appeal to the city council shall have the right of appeal to a court of competent jurisdiction, and upon appeal, the city authorities shall be authorized to defend their decision in determining such violations to be a nuisance and in need of abatement for the public interest.

(Code 1989, § 10-45; Ord. No. 167, § (P), 7-23-1979)

Secs. 26-35--26-56. Reserved.**ARTICLE III. GRAFFITI¹⁵⁹**

~~*Editor's note—Ordinance No. 429, adopted Sept. 20, 1999, did not specifically amend the Code; hence, inclusion of §§ 1–7 as Art. V, §§ 13–101–13–107, was at the discretion of the editor.~~

Sec. 26-57. Purpose and intent.

(a) The mayor and city council are enacting this article to help prevent the spread of graffiti vandalism and to establish a program for the removal of graffiti from public and private property. The city council is authorized to enact this article pursuant to its police powers, as set forth in the city Charter.

(b) The city council finds that graffiti is a public nuisance and destructive of the rights and values of property owners as well as the entire community.

(c) The city council intends, through the adoption of this article, to provide additional enforcement tools to protect public and private property from acts of graffiti vandalism and defacement. The city council does not intend for this article to conflict with any existing anti-graffiti state laws.

(Code 1989, § 13-101; Ord. No. 429, § 1, 9-20-1999)

¹⁵⁹ **Code 1989, Article V. Graffiti.** We recommend moving the article to appear within the "Nuisances" chapter for purposes of subject matter consistency. *Change accepted*

Sec. 26-58. Definitions.¹⁶⁰

~~For the purposes of this article, the following words shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:~~

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

(1) ~~——~~ *Graffiti* means any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advance authorization, is otherwise deemed a public nuisance by the city council.

(2) ~~——~~ *Graffiti implement* means an aerosol paint container, a broad-tipped marker, gum label, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or manmade surface.

(3) ~~——~~ *Person* means any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity.¹⁶¹

(Code 1989, § 13-102; Ord. No. 429, § 2, 9-20-1999)

Sec. 26-59. Prohibited acts; defacement.

~~Defacement.~~ It shall be unlawful for any person to apply graffiti to any natural or manmade surface on any city-owned property or, without the permission of the owner or occupant, on any non-city-owned property.

(Code 1989, § 13-103; Ord. No. 429, § 3, 9-20-1999)

Sec. 26-60. Penalties.¹⁶²

(a) *Fines and imprisonment.* Any person violating this article shall be punished by a fine according to the penalties described in section 1-8. ~~of two hundred fifty dollars (\$250.00) for the first offense; five hundred dollars (\$500.00) for the second offense; and one thousand dollars (\$1,000.00) for each subsequent offense, or by imprisonment in the city jail for a term not to exceed one hundred twenty (120) days, or by both fine and imprisonment at the discretion of the court.~~

(1) In the case of a minor, the parent or legal guardian shall be jointly and severally liable with the minor for payment of all fines.

(2) Failure of the parent or legal guardian to make payment will result in the filing of a lien on the parent's or legal guardian's property that includes the fine and administrative costs.

(b) *Restitution.* In addition to any punishment specified in this section, the court shall order any violator to make restitution to the victim for damages or loss caused directly or indirectly by the violator's offense in the amount or manner determined by the court. In the case of a minor, the parent or legal guardian shall be ordered jointly and severally liable with the minor to make the restitution.

(c) *Community service.* In lieu of, or as part of, the penalties specified in this section, a minor or adult may be required to perform community service as described by the court, based on the following minimum requirements:

(1) The minor or adult shall perform at least 30 hours of community service.

¹⁶⁰ **Code 1989, § 13-102. Definitions.** We recommend adding introductory language to this provision for purposes of internal consistency. *Change accepted*

¹⁶¹ **Code 1989, § 13-102. Definitions ("Person").** We recommend striking this definition as it is defined in the General Provisions chapter. *Change accepted*

¹⁶² **Code 1989, § 13-104. Penalties.** We recommend modifying the language of this provision for purposes of internal consistency with the general penalties clause in the General Provisions chapter. *Change accepted*

- (2) At least one parent or guardian of the minor shall be in attendance a minimum of 50 percent of the period of assigned community service.

(Code 1989, § 13-104; Ord. No. 429, § 4, 9-20-1999)

Sec. 26-61. Graffiti as nuisance.

(a) The existence of graffiti on public or private property in violation of this article is expressly declared to be a public nuisance.

(b) It is the duty of both the owner of the property to which the graffiti has been applied and any person who may be in possession or who has the right to possess such property to at all times keep the property clear of graffiti.

(Code 1989, § 13-105; Ord. No. 429, § 5, 9-20-1999)

Sec. 26-62. Removal of graffiti by perpetrator.¹⁶³

Any person applying graffiti on public or private property shall have the duty to remove the graffiti within 24 hours after notice by the city or the private owner of the property involved. Such removal shall be done in a manner prescribed by the chief of police, the director of the department of ~~engineering and~~ public works, or any additional city department head, as authorized by the city council. Any person applying graffiti shall be responsible for the removal or for the payment of the removal. Failure of any person to remove graffiti or pay for the removal shall constitute an additional violation of this article. Where graffiti is applied by an un-emancipated minor, the parent or legal guardian shall also be responsible for such removal or for the payment for the removal.

(Code 1989, § 13-106; Ord. No. 429, § 6, 9-20-1999)

Sec. 26-63. Removal of graffiti by property owner or city.

If graffiti is not removed by the perpetrator according to section ~~26-62~~²⁶⁻⁶³~~13-106~~, graffiti shall be removed pursuant to the following provisions:

- (1) *Property owner responsibility.* It is unlawful for any person who is the owner or who has primary responsibility for control of property or for repair or maintenance of property in the city to permit property that is defaced with graffiti to remain defaced for a period of ten days after service by first class mail of notice of the defacement. The notice shall contain the following information:
 - a. The street address and legal description of the property sufficient for identification of the property;
 - b. A statement that the property is a potential graffiti nuisance property with a concise description of the conditions leading to the finding;
 - c. A statement that the graffiti must be removed within ten days after receipt of the notice.
- (2) *Right of city to remove.* Whenever the city becomes aware or is notified and determines that graffiti is located on publicly- or privately-owned property viewable from any park, greenway, playground, swimming pool, recreational facility, or other public building or structure, the city shall be authorized to use public funds for the removal of the graffiti, or for the painting or repairing of the graffiti, but shall not authorize or undertake to provide for the painting or repair of any more extensive an area than that where the graffiti is located, unless the city administrator, or the designee of the city administrator, determines in writing that a more extensive area is required to be repainted or repaired in order to avoid an aesthetic disfigurement to the neighborhood or community, or unless the property owner or responsible party agrees to pay for the costs of repainting or repairing the more extensive area.

(Code 1989, § 13-107; Ord. No. 429, § 7, 9-20-1999)

¹⁶³ **Code 1989, § 13-106. Removal of graffiti by perpetrator.** *Language modified by request of the city.*

Secs. 26-64--26-84. Reserved.

ARTICLE IV. LITTER*¹⁶⁴

***State law reference**--Littering, O.C.G.A. § 16-7-42 et seq.; egregious litter control, O.C.G.A. § 16-7-51 et seq.

Sec. 26-85. General provisions.

(a) *Purpose and intent.* The purpose of this article is to protect the public health, safety, environment, and general welfare through the regulation and prevention of litter. The objectives of this article are to:

- (1) Provide for uniform prohibition throughout the city of any and all littering on public or private property; and
- (2) Prevent the desecration of the beauty and quality of life of the city and prevent harm to the public health, safety, environment, and general welfare, including the degradation of water and aquatic resources caused by litter.

(b) *Applicability.* This article shall apply to all public and private property within the jurisdiction of the city.

(c) *Compatibility with other regulations.* This article is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this article should be considered minimum requirements, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

~~(d) *Severability.* If the provisions of any article, section, subsection, paragraph, subdivision or clause of this article shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this article.~~¹⁶⁵

(Code 1989, § 10-19; Ord. No. 540, § 1, 3-15-2004)

Sec. 26-86. Definitions.

~~As used in this article, the following terms shall have the respective meanings ascribed to them:~~

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:¹⁶⁶

Litter means any discarded or abandoned refuse, rubbish, junk, or other waste material; or dead animals that are not subject to the provisions of O.C.G.A. § 4-5-4. any organic or inorganic waste material, rubbish, refuse, garbage, trash, hulls, peelings, debris, grass, weeds, ashes, sand, gravel, slag, brickbats, metal, plastic, and glass containers, broken glass, dead animals or intentionally or unintentionally discarded materials of every kind and description which are not "waste" as such term is defined in O.C.G.A., § 16-7-51, paragraph 6.¹⁶⁷

Public or private property means the right-of-way of any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge, or conservation or recreation area; timberlands or forests; and residential, commercial, industrial, or farm properties.

¹⁶⁴ **Code 1989, Article II. Litter.** We recommend moving this article to appear within the "Nuisances" chapter for purposes of subject matter consistency and MCC Code format. *Change accepted by city.*

¹⁶⁵ **Code 1989, § 10-19. General provisions.** We recommend that this provision be stricken, as it is covered by a similar severability provision appearing in the "General Provisions" chapter of the Code. *Change accepted*

¹⁶⁶ **Code 1989, § 10-20. Definitions.** We recommend adding introductory language to this provision for purposes of internal consistency. *Change accepted*

¹⁶⁷ **Code 1989, § 10-20. Definitions ("Litter").** We recommend modifying the definition to mirror O.C.G.A. § 16-7-42(1). *Change accepted*

(Code 1989, § 10-20; Ord. No. 209, § 1, 5-27-1985; Ord. No. 540, § 1, 3-15-2004)

Sec. 26-87. Dumping, depositing, etc.¹⁶⁸

(a) 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 in the city limits or any waters in the city unless:

- (1) The property is designated by the state or by any of its agencies or political subdivisions for the disposal of such litter, and such person is authorized by the proper public authority to use such property;
- (2) The litter is placed into a non-disposable litter receptacle or container designed for the temporary storage of litter and located in an area designated by the owner or tenant in lawful possession of the property installed on such property; or
- (3) The person is the owner or tenant in lawful possession of such property, or has first obtained consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant, all in a manner consistent with the public welfare.

(b) No person shall operate any motor vehicle with a load on or in such vehicle unless the load on or in such vehicle is adequately secured to prevent the dropping or shifting of materials from such load onto the roadway.

(Code 1989, § 10-21; Ord. No. 209, § 2(a), 5-27-1985; Ord. No. 540, § 1, 3-15-2004)

Sec. 26-88. Punishment for violation.

(a) It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. Any person who has violated or continues to violate the provisions of this article may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise sentenced in a manner provided by law.

(b) Any person who violates this article shall be guilty of a violation and, upon conviction thereof, shall be punished as follows:

- (1) By a fine of not less than \$25.00;
- (2) In addition to the fine set out in subsection (b)(1) of this section, the violator shall reimburse the city for the reasonable cost of removing the litter when the litter is or is ordered removed by the city; and
- (3) a. In the sound discretion of the municipal court, the person may be directed to pick up and remove from any public street or highway or public right-of-way, for a distance not to exceed one mile, any litter such person has deposited and any and all litter deposited thereon by anyone else prior to the date of execution of sentence; or
 b. In the sound discretion of the municipal court, the person may be directed to pick up and remove any and all litter from any public property, private right-of-way, or, with prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that the offender has deposited litter. Pick-up and removal shall include any and all litter deposited thereon by anyone prior to the date of execution of sentence; and
- (4) The court may publish the names of persons convicted of violating this article.

(Code 1989, § 10-22; Ord. No. 209, § 2(b), 5-27-1985; Ord. No. 540, § 1, 3-15-2004)

Sec. 26-89. Prima facie evidence.¹⁶⁹

(a) Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle, boat, airplane, or other conveyance in violation of this article, the trier of fact may, in his discretion, and in consideration of the totality of

¹⁶⁸ **Code 1989, § 10-21. Dumping, depositing, etc.** We recommend modifying the language of this provision, for purposes of conformity with O.C.G.A. § 16-7-43. *Change accepted*

¹⁶⁹ **Code 1989, § 10-23. Prima facie evidence.** We recommend modifying the language of this provision, for purposes of conformity with O.C.G.A. § 16-7-44. *Change accepted*

the circumstances, infer 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 or articles~~, including, but not limited to, letters, bills, publications or other writing which displays the name of the person thereon in such a manner as to indicate that the article belongs or belonged to such person, the trier of fact may, in his discretion, and in consideration of the totality of the circumstances, infer it shall be a rebuttable presumption that such person has violated this article.

(Code 1989, § 10-23; Ord. No. 209, § 3, 5-27-1985; Ord. No. 540, § 1, 3-15-2004)

Sec. 26-90. Containers--Receptacles to be provided; notice to public.

The director of public works is hereby authorized, empowered, and instructed to establish and maintain receptacles for the deposit of litter at appropriate locations where the property is frequented by the public, to post signs directing persons to the receptacles and serving notice of the provisions of this article, and to otherwise publicize the availability of the litter receptacles and the requirements of this article.

(Code 1989, § 10-24; Ord. No. 209, § 5, 5-27-1985; Ord. No. 540, § 1, 3-15-2004)

Sec. 26-91. Same--Misuse or vandalism.

It shall be unlawful for any person to set fire to the contents of, indiscriminately scatter or disperse the contents of, or otherwise vandalize any container provided by the city for the dumping of trash, garbage or litter.

(Code 1989, § 10-25; Ord. No. 209, § 6, 5-27-1985; Ord. No. 540, § 1, 3-15-2004)

Sec. 26-92. Enforcement officials.

All law enforcement agencies, officers and officials of this state or any political subdivision thereof, or any enforcement agency, officer or any official of any commission of this state or any political subdivision thereof, are hereby authorized, empowered and directed to enforce compliance with this article.

(Code 1989, § 10-26; Ord. No. 209, § 4, 5-27-1985; Ord. No. 540, § 1, 3-15-2004)

Secs. 26-93--26-112. Reserved.

ARTICLE V. NOISE^{*170}

***State law reference**--Nuisances generally, O.C.G.A. § 41-2-1 et seq.

***Editor's note**--Ord. No. 576, § 1, adopted Oct. 3, 2005, repealed article II, sections 13-20--13-26, and replaced it with a new article II, sections 13-20--13-26. Former article II pertained to similar material and derived from Ord. No. 244, §§ 1--7, adopted May 25, 1988.

Sec. 26-113. 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:¹⁷¹

~~All terminology used in this article, not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body. The following words and terms, when used in this article, shall have the following meanings:~~

A-weighting means the electronic filtering in sound level meters that models human hearing frequency sensitivity.

Background sound level means the total sound pressure level in the area of interest, excluding the noise source

¹⁷⁰ **Code 1989, Article II. Noise.** We recommend moving this article to appear within the "Nuisances" chapter for purposes of subject matter and organizational consistency. *Change accepted*

¹⁷¹ **Code 1989, § 13-20. Definitions.** We recommend adding introductory language to this provision for purposes of internal consistency. *Change accepted*

of interest.

Commercial or business property category means all property which is used primarily for the sale of merchandise or goods, or for the performance of services, or for office or clerical work.

Construction means any site preparation, assembly, erection, repair, alteration or similar action, or demolition of buildings or structures.

dBA means the A-weighted unit of sound pressure level.

dBC means the C-weighted unit of sound pressure level.

Decibel (dB) means the unit of measurement for sound pressure level at a specified location.

Emergency means any occurrence or set ~~or set~~ of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Emergency work means any work or action performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Impulsive sound means a sound having a duration of less than one second with an abrupt onset and rapid decay.

Industrial or manufacturing property category means any property which is used primarily for manufacturing or processing.

Institutional property category means any property which is used primarily for public purposes, such as the city hall or a city park.

Muffler means a sound-dissipative device or system for attenuating the sound of escaping gases of an internal combustion engine where such a device is part of the normal configuration of the equipment.

Multifamily dwelling means any building or other shelter that has been divided into separate units to house more than one family.

Noise means any sound which annoys or disturbs humans or causes or tends to cause an adverse psychological or physiological effect on humans.

Noise disturbance means any sound that:

- (1) Endangers the safety or health of any person;
- (2) Disturbs a reasonable person of normal sensitivities; or
- (3) Endangers personal or real property.

Noise-sensitive facility means any facility whose operations may be detrimentally impacted by excessive sound levels. Such facilities include, but are not limited to, schools, hospitals, and places of worship.

Octave band means all the components in a sound spectrum whose frequencies are between two sine wave components separated by an octave.

Real property line means the line, including its vertical extension, that separates one parcel of real property from another.

Residential property category means all property on which people live and sleep or that which is not commercial or industrial.

Sound level meter (SLM) means an instrument used to measure sound pressure levels conforming to type 1 or type 2 standards as specified in ANSI standard S1.4-1983, or the latest version thereof.

Sound pressure level (SPL) means 20 multiplied by the logarithm, to the base ten, of the measured sound pressure divided by the sound pressure associated with the threshold of human hearing, in units of decibels.

(Code 1989, § 13-20; Ord. No. 576, § 1, 10-3-2005)

Sec. 26-114. Sound level limitations.

- (a) No person shall cause, suffer, allow, or permit the operation of any sound source in such a manner as to

create a sound level that exceeds the sound level limits set forth in Table 1 when measured at or within the real property line of the receiving property using the slow response setting unless otherwise noted. Such a sound source would constitute a noise disturbance.

Table 1. Sound Level Limits by Receiving Property

<i>Receiving Property Category</i>	<i>Time</i>	<i>Sound Level Limit (dBA)</i>
Residential or noise sensitive facility	7:00 a.m.--11:00 p.m. 11:00 p.m.--7:00 a.m.	60 55
Commercial or business	7:00 a.m.--11:00 p.m. 11:00 p.m.--7:00 a.m.	65 60
Industrial or manufacturing	At all times	70

(b) If the noise is an impulsive sound, the fast response setting shall be used and the daytime (7:00 a.m. to 11:00 p.m.) limits of Table 1 shall be increased by ten dBA.

(c) In a multifamily dwelling, it shall be unlawful to create or permit to be created any noise that exceeds the daytime (7:00 a.m. to 11:00 p.m.) limit of 55 dBA and the nighttime (11:00 p.m. to 7:00 a.m.) limit of 45 dBA, as measured from the closest neighbor's dwelling.

(d) In places of public entertainment having a capacity of 5,000 or more persons, it shall be unlawful to create or permit to be created any noise that exceeds an average of 95 dBC in any ten-minute period from 7:00 a.m. to 12:00 midnight, Sunday through Thursday, and from 7:00 a.m. to 1:00 a.m. for events commencing on Friday or Saturday. The sound level limit for all other times shall be 55 dBC. The sound shall be measured at a point which is found by traveling a straight line distance from the center of the sound board through the center rear of the facility a distance of 500 feet or to the property line of the facility, whichever is less. The measurement assumes that the sound board is not more than 100 feet from the center stage. The 500-foot measurement shall be reduced one foot for each foot that the sound board is more than 100 feet from center stage.

(e) Separately-owned properties located solely within an MU-zoned master planned project shall be deemed one collective property for the purpose of complying with the sound level limitations set forth in subsection (a) of this section.

(f) Within an MU-zoned master planned project, it shall be unlawful for any person to employ or permit to be employed at a commercial or business establishment located therein any machine, device or instrument for the producing, reproducing or amplifying of sound and/or noise (including, but not limited to, any radio receiving device, television, stereo, musical instrument, amplifier, loudspeaker, or device that plays recorded music) at such a volume and in such a manner so as to create, or cause to be created, any noise or sound that is plainly audible within any residential dwelling unit located at a distance of 100 feet or more from the premises of such commercial or business establishment between the hours of 11:00 p.m. and 7:00 a.m., Sunday through Thursday, and between the hours of 12:00 midnight and 7:00 a.m. on Saturday and Sunday. For the purposes of this section, the term "plainly audible" shall mean any sound for which the information content of that sound is distinguished by the listener possessing normal hearing sensitivity, such as, but not limited to, understandable speech, comprehension of whether a voice is normal or raised, repetitive bass sounds, or comprehension of musical rhythms, without the aid of any listening device.

(Code 1989, § 13-21; Ord. No. 576, § 1, 10-3-2005; Ord. No. 747, § 1, 8-28-2017)

Sec. 26-115. Exemptions.

(a) Noise generated from municipally sponsored or approved celebrations or events shall be exempt from the provisions of this article~~H~~.

(b) The following are exempt from the sound level limits of section ~~26-11413-24~~(a):

- (1) Sound by public safety vehicles, emergency signaling devices, or authorized public safety personnel for the purpose of alerting persons to the existence of an emergency;
- (2) Noise from an exterior burglar alarm of any building, provided such burglar alarm shall terminate its operation within five minutes of its activation if the sound is uninterrupted or ten minutes if intermittent;
- (3) Noise from any automobile alarm, provided such alarm shall terminate its operation within five minutes of its activation if the sound is uninterrupted or ten minutes if the sound is intermittent;
- (4) The generation of sound in situations within the jurisdiction of the Federal Occupational Safety and Health Administration;
- (5) Noise resulting from any practice or performance sponsored by or associated with the educational process administered by a recognized institution of learning, including, but not limited to, band, choir, and orchestral performances;
- (6) Noise that results from the activities of an organized sports league;
- (7) Unamplified bells, chimes or carillons while being used in conjunction with religious services between the hours of 7:00 a.m. and 10:00 p.m.;
- (8) Emergency work;
- (9) Events with amplified sound that are operating within the time and volume parameters set forth in an approved special administrative permit.

(Code 1989, § 13-22; Ord. No. 576, § 1, 10-3-2005)

Sec. 26-116. Restricted uses and activities.

Notwithstanding the provisions of section ~~26-11413-24~~(a) and the exceptions in section 26-115, the following standards shall apply to the activities or sources of sound set forth below:

- (1) Non-commercial or non-industrial power tools used for landscaping and yard maintenance shall not be operated between the hours of 9:00 p.m. and 7:00 a.m., or on Saturday or Sunday before the hour of 8:30 a.m., unless such activities can meet the applicable limits set forth in section ~~26-11413-24~~(a). At all other times, the limits set forth in section ~~26-11413-24~~(a) do not apply to non-commercial or non-industrial power tools and landscaping and ~~yard~~ ~~year~~-maintenance equipment, provided that all motorized equipment is operated with a functioning muffler.
- (2) Commercial or industrial power tools used for landscaping and yard maintenance shall be operated with a muffler. All motorized equipment used in these activities shall not be operated on a residential property, or within 250 feet of a residential property line, between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, or before the hour of 9:00 a.m. or after the hour of 5:00 p.m. on Saturday, or at any time on Sunday, unless:
 - a. Such activities are deemed emergency work; or
 - b. Such activities meet the limits set forth in section ~~26-11413-24~~(a).

At all other times, the limits set forth in section ~~26-11413-24~~(a) do not apply to commercial or industrial power tools and landscaping and yard maintenance equipment.

- (3) Construction and demolition activity shall not be performed between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, before the hour of 9:00 a.m. or after the hour of 5:00 p.m. on Saturday, or at any time on Sunday, unless:
 - a. Such activities are deemed emergency work; or
 - b. Such activities meet the limits set forth in section ~~26-11413-24~~(a).

This provision shall not apply if the chief of police determines that the loss or inconvenience that would result to any party in interest is of such a nature as to warrant special consideration. In such cases, the chief of police may grant a renewable permit for a period not to exceed ten days for this work to be done within the hours of

10:00 p.m. to 7:00 a.m.

- (4) Domesticated animals may not make any vocalizations (including barking, baying, howling, crying, or making any other noise) for more than ten minutes without interruption or more than 30 minutes if intermittent.
- (5) The collection of trash or refuse in residential districts is prohibited between the hours of 9:00 p.m. and 7:00 a.m.
- (6) No person shall operate, play, or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, or similar device in such a manner as to create a continuing noise disturbance at 50 feet from such device, when operated in or on a motor vehicle on a public right-of-way or public space.

(Code 1989, § 13-23; Ord. No. 576, § 1, 10-3-2005; Ord. No. 600, § 1, 9-5-2006)

Sec. 26-117. Procedures for the determination of sound levels.

(a) Insofar as practicable, sound will be measured while the source under investigation is operating at normal, routine conditions and, as necessary, at other conditions, including, but not limited to, design, maximum and fluctuating rates. All noise measurements shall be made at or within the property line of the impacted site, unless otherwise directed in this article. When instrumentation cannot be placed at or within the property line, the measurement shall be made as close thereto as is reasonable. For the purposes of this article, noise measurements ~~are measurements~~ are measured on the A- or C-weighted sound scale, as applicable, of a sound level meter of standard design and quality having characteristics established by ANSI (American National Standards Institute).

(b) Measurements shall be taken by police officers appropriately trained in the use of a sound level meter.

(Code 1989, § 13-24)

Sec. 26-118. Special variances.

(a) The chief of police or the chief's designated representative shall have the authority, consistent with this article, to grant special variances.

(b) Any person seeking a special variance pursuant to this article shall file an application with the chief of police or the chief's designated representative. The application shall contain information which demonstrates that bringing the source of sound into compliance with this article would constitute an unreasonable hardship on the applicant, on the community, or on the other persons. Notice of an application for a special variance shall be given by the chief or the chief's representative to persons who frequent the area of the sound or activity and who may be adversely affected by the granting of the variance. Any individual who claims to be adversely affected by allowance of the special variance may file a statement with the chief or the chief's representative containing any information to support such individual's claim.

(c) In determining whether to grant or deny the application, the chief or the chief's designated representative shall balance the hardship to the applicant, the community, and other persons of not granting the special variance against the adverse impact on the health, safety and welfare of persons affected, the adverse impact on property affected, and any other adverse impact of granting the special variance. Applicants for special variances may be required to submit any information the chief or the chief's representative may reasonably require. In granting or denying an application, the chief or the chief's representative shall place on public file a copy of the decision and the reasons for denying or granting the special variance.

(d) Special variances shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The special variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the special variance shall terminate it and subject the person holding it to those provisions of this article regulating the source of sound or activity for which the special variance was granted.

(e) Application for extension of time limits specified in special variances or for modification of other substantial conditions shall be treated like applications for initial special variances.

(f) The chief of police or the chief's designated representative may issue guidelines approved by city council

defining the procedures to be followed in applying for a special variance and the criteria to be considered in deciding whether or not to grant a special variance.

(Code 1989, § 13-25; Ord. No. 576, § 1, 10-3-2005)

Sec. 26-119. Enforcement procedures; miscellaneous.

(a) Except as provided in subsection (b) of this section, the city may prosecute noise-related violations by issuance of a city ordinance citation, in which case, the penalty for a violation shall be as set forth in section 1-8 of ~~chapter 1 of the Code~~. In addition to issuing a fine as provided in section 1-8, or in lieu thereof, the municipal court judge may issue an order requiring immediate abatement of any sound source alleged to be in violation of this section.

(b) Whenever any city resident shall complain to the police department that a dog which habitually barks, howls or yelps, or a cat which habitually cries or howls, is being kept by any person in the city, a city law enforcement officer, prior to the issuance of a citation, shall notify the owner of such dog or cat that a complaint has been received. If the notice given to the owner alleged to be keeping a dog or a cat in violation of this article is ineffective, then the police shall issue a formal warning to the owner of such dog or cat that the owner shall take whatever steps necessary to alleviate the barking, howling, yelping or crying. If the warning given to the owner is ineffective, a citation shall be issued to the owner of the dog or cat.

(c) No provision of this section shall be construed to impair any common law or statutory cause of action, or legal remedy therefor, of any person for injury or damage arising from any violation of this section or from other laws.

(Code 1989, § 13-26; Ord. No. 576, § 1, 10-3-2005)

Secs. 26-120--26-136. Reserved.

ARTICLE VI. UNFIT BUILDINGS*¹⁷²

***State law reference**--Application of building and fire-related codes to existing structures, O.C.G.A. § 8-2-200 et seq.

Sec. 26-137. Use of buildings and dwelling units constituting nuisances; definition of nuisance.

(a) No person shall occupy as owner or occupant or let or sublet to another for occupancy, or keep and maintain, whether in use or abandoned, any building or dwelling unit constructed for the purpose of living, sleeping, cooking or eating therein which, under the provisions of this article, constitutes a nuisance.

(b) Any building, structure, enclosure, place or premises is a nuisance where it is perilous to life or property by reason of its construction, or of the condition or quantity of its contents, or of the use of the building or its contents or the enclosure, or of the overcrowding at any time of persons therein, or of deficiencies in its fire alarm or fire prevention equipment, or of conditions in its construction likely to cause fire or the spreading of fire, or of conditions therein which would hamper or impede the fire department in combating a fire in or about the building; or where the condition of the walls, floors, or roof is such that the building is likely to fall on account thereof, thereby endangering the safety of its occupants or of the public; or where the conditions or contents of the structure, place or premises are such as to endanger health, provide harboring places for vermin, or spread disease.

(c) The definitions set forth in O.C.G.A. §§ 41-1-1 ("Nuisances -- Definition in General") and 41-2-8 ("Nuisances -- Abatement of Nuisances Generally -- Definition") shall be effective as definitions of the words, terms and phrases used in this article. All words, terms and phrases used herein, other than those specifically defined elsewhere in this article, shall have the respective meanings ascribed to them in O.C.G.A. §§ 41-1-1 and 41-2-8, and shall have the same scope and effect that the same words, terms and phrases have where used in O.C.G.A. §§

¹⁷² **Code 1989, Article II. Unfit Buildings.** We recommend moving this article to appear within the "Nuisances" Chapter for purposes of subject matter consistency and to conform to the standard MCC Code format. *City accepted.*

41-1-1 and 41-2-8.¹⁷³

(Code 1989, § 5-20; Ord. No. 164, § (A), 3-12-1979)

State law reference--Nuisances, O.C.G.A. § 41-1-1 et seq.**Sec. 26-138. Specific instances of nuisance; abatement.**

(a)—Any building, structure, enclosure, place or premises which may have one or more of the following defects shall be deemed unfit for human habitation and shall constitute a nuisance:

- (1) Those whose interior walls or other vertical structural members list, lean or buckle to such extent that a plumb line passing through the center of gravity falls outside of the middle third of its base;
- (2) Those which, exclusive of the foundation, show 33 percent or more of damage or deterioration of the supporting member, or 50 percent of damage or deterioration of the non-supporting enclosing or outside walls or coverings;
- (3) Those which have improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used;
- (4) Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city;
- (5) Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein;
- (6) Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein;
- (7) Those having inadequate facilities for egress in case of fire or panic or having insufficient stairways, elevators, fire escapes, or other means of communication;
- (8) Those which have parts thereof which are so attached that they may fall and injure members of the public or damage property;
- (9) Those which, because of their condition, are unsafe, insanitary, or dangerous to the health, morals, safety or general welfare of the people of the city;
- (10) Those whose exterior walls stand so close to other structures as to deny the entrance of light and air to the extent that such condition is dangerous to the health, safety or general welfare of persons living therein; and
- (11) Those whose outside and/or inside premises are not clean, clear and free of any attractive nuisance or accumulation of dirt, junk, filth, rubbish, garbage, debris, combustible materials, excessive growth of weeds or grass, or similar conditions conducive to rodent, vermin or insect infestation or the spread of fire or disease and more particularly described in section 26-1395-22.

~~— Any structure, premises or place in which one (1) or more of the foregoing defects shall exist shall not be permitted to remain in such condition without the abatement of the nuisance for any period longer than ninety (90) days after service of official notice upon the owner or agent that such conditions exist, except upon the specific written authority of the city council.~~

(Code 1989, § 5-21; Ord. No. 164, § (B), 3-12-1979)

State law reference--Nuisances generally, O.C.G.A. § 41-1-1 et seq.; nuisance abatement, O.C.G.A. § 41-2-1 et seq.; adoption

¹⁷³ **Code 1989, § 5-20. Use of buildings and dwelling units constituting nuisances; definition of nuisance.** We recommend modifying the language of this provision, for purposes of conformity with O.C.G.A. § 41-2-9 (adoption of ordinances to enforce provisions; procedures to enforce). *City accepted.*

of ordinances to enforce, O.C.G.A. § 41-2-9.

Sec. 26-139. Duty of owner and occupant as to cleanliness.¹⁷⁴

(a) ~~It shall be the duty of both the owner and the occupant or inhabitant of any building, dwelling, or dwelling unit to keep the interior and exterior of such building, dwelling or dwelling unit, including its premises, yards, lawns, grounds, courts and alleys, clean, clear, and free of any attractive nuisance or accumulation of dirt, junk, including waste, unused or unusable building materials not located on a building site subject to a valid building permit, and abandoned vehicles (defined for purposes of this article as any vehicle which is not in working order and which does not possess a valid license tag and inspection sticker of the current year), filth, rubbish, garbage, debris, combustible materials, or excessive growth of weeds or grass, or similar matters which are conducive to rodent, vermin, or insect infestation, or conditions conducive to spread of fire or disease; and the same duty shall rest upon the owner of any vacant lot or land. It is the duty of the owner of every dwelling, building, structure, or property within the city to construct and maintain such dwelling, building, structure, or property in conformance with applicable codes in force within the city, or such ordinances which regulate and prohibit activities on property and which declare it to be a public nuisance to construct or maintain any dwelling, building, structure, or property in violation of such codes or ordinances.~~¹⁷⁵

(b) Cleanliness referred to on the interior of dwelling units shall mean keeping the walls, floors and ceilings sanitary and free from accumulation of dirt or trash. Cleanliness referred to on the exterior of dwelling units shall mean keeping the walls and roofs sanitary and free from accumulation of dirt and trash. Where appropriate, this may require a coating on exterior surfaces or chemical treatment to make them resistant to vermin and insect infestation.

(Code 1989, § 5-22; Ord. No. 164, § (C), 3-12-1979)

Sec. 26-140. Abatement by city authorized.

Noncompliance with sections ~~26-1375-20~~ through ~~26-1395-22~~ shall be deemed a nuisance, and may be abated by the city in the manner provided herein below.

(Code 1989, § 5-23; Ord. No. 164, § (D), 3-12-1979)

Sec. 26-141. Inspection of premises.

The enforcement officer is hereby authorized and directed to make inspections to determine the condition of any building, dwelling, or dwelling unit, the premises, yard, lawn, ground, court and alley of any such building unit, or any vacant lot or land located within the city, in the interest of safeguarding the health and safety of the occupants and of the public. For the purpose of making such inspections, the enforcement officer is hereby authorized to enter onto, examine, survey, and photograph, at all reasonable times, any such building unit, or any vacant lot or land.

(Code 1989, § 5-24; Ord. No. 164, § (E), 3-12-1979)

Sec. 26-142. Notice; required, contents.¹⁷⁶

(a) Whenever a request is filed with the public officer by a public authority or by at least five residents of the city charging that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary

¹⁷⁴ **Code 1989, § 5-22. Duty of owner and occupant as to cleanliness.** We recommend renaming this section to reflect O.C.G.A. § 41-2-9(a)(1) & (2) (Adoption of ordinances to enforce provisions; procedure to enforce). *City accepted.*

¹⁷⁵ **Code 1989, § 5-22. Duty of owner and occupant as to cleanliness.** We recommend modifying the language of this provision, for purposes of conformity with O.C.G.A. § 41-2-9 (adoption of ordinances to enforce provisions; procedures to enforce). *City accepted.*

¹⁷⁶ **Code 1989, § 5-25. Notice; required, contents.** We recommend modifying the language of this provision, for purposes of conformity with O.C.G.A. § 41-2-9 (adoption of ordinances to enforce provisions; procedures to enforce). *City accepted.*

or unsafe conditions, the public officer shall make an investigation or inspection of the specific dwelling, building, structure, or property. If the officer's investigation or inspection identifies that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the public officer may issue a complaint in rem against the lot, tract, or parcel of real property on which such dwelling, building, or structure is situated or where such public health hazard or general nuisance exists, and shall cause summons and a copy of the complaint to be served on the interested parties for such dwelling, building, or structure.

~~Whenever the enforcement officer finds that any building, structure, enclosure, place or the premises, yards, lawns, grounds, courts, and alleys thereof, or any vacant lot or land has one or more of the defects set out hereinabove, or that other conditions exist which in such officer's opinion constitute a nuisance, such officer shall give written notice to the owner and the occupant of such property stating that in such officer's opinion the conditions constitute a nuisance, and such notice shall:~~

- ~~— Be signed by the enforcement officer;~~
- ~~— Be served upon the owner or the owner's agent, or the occupant, as the case may require; provided that such notice shall be deemed to be properly served upon such owner or agent or upon such occupant, if a copy thereof is sent by registered or certified mail to the addressee's last known address; or if the addressee is served with such notice by any other method authorized or required under the laws of the state;~~
- ~~— Outline the conditions complained of;~~
- ~~— Outline the remedial action deemed necessary to abate the nuisance;~~
- ~~— Specify a reasonable time which shall be allowed for taking the required remedial action;~~
- ~~— State that unless the required action is taken within the time specified, the party notified will be summoned to appear before the municipal court to have determined the question whether the conditions complained of constitute a nuisance and should be abated.~~

(b) Upon the filing of a complaint as hereinabove provided, the city clerk shall issue a notice directed to the owner of the premises upon which the nuisance complained of is located and, if the person maintaining the same is a different person from the owner, then also to the person maintaining the nuisance, calling on such person to show cause, either personally or by attorney, at the time and place directed by the court, why such activity alleged to be a nuisance should not be ordered abated and removed by the judge of the municipal court.

(c) The complaint shall:

- (1) Identify the subject real property by appropriate street address and official tax map reference;
- (2) Identify the interested parties;
- (3) State with particularity the factual basis for the action; and
- (4) Contain a statement of the action sought by the public officer to abate the alleged nuisance.

(d) The summons shall notify the interested parties that a hearing will be held before a court, at a date and time certain, and at a place within the city where the property is located. Such hearing shall be held not less than 15 days nor more than 45 days after the filing of said complaint in the proper court. The interested parties shall have the right to file an answer to the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for hearing.

(Code 1989, § 5-25; Ord. No. 164, § (F), 3-12-1979)

Sec. 5-26. Jurisdiction of municipal court.¹⁷⁷

¹⁷⁷**Code 1989, § 5-26. Jurisdiction of municipal court.** We recommend striking this provision, as covered in the previous section. *City accepted.*

~~Should the remedial action specified in the notice provided hereinabove not be taken within the time allowed, the enforcement officer shall cause the party notified to be summoned to appear before the municipal court, to have determined the question whether the conditions complained of constitute a nuisance and should be abated.~~

~~(Code 1989, § 5-26; Ord. No. 164, § (G), 3-12-1979)~~

Sec. 26-143. Separate offense.

If, upon such hearing, the judge of the municipal court shall find that the conditions complained of constitute a nuisance, and shall order the same abated, each ten days that such condition shall be maintained subsequent to the expiration of the time fixed by the court for the same to be abated shall constitute a separate offense, punishable as hereinafter provided.

(Code 1989, § 5-27; Ord. No. 164, § (H), 3-12-1979)

Sec. 26-144. Offense of failure to appear or noncompliance.¹⁷⁸

(a) Any person who shall fail to appear in response to a summons issued pursuant to the provisions of this article shall be guilty of an offense for such failure to appear, and may be punished as provided in section 1-8.

(b) If the owner fails to comply with an order to repair or demolish the dwelling, building, or structure, the public officer may cause such dwelling, building, or structure to be repaired, altered, or improved or to be vacated and closed or demolished. Such abatement action shall commence within 270 days after the expiration of time specified in the order for abatement by the owner. Any time during which such action is prohibited by a court order issued pursuant to O.C.G.A. § 41-2-13 or any other equitable relief granted by a court of competent jurisdiction shall not be counted toward the 270 days in which such abatement action must commence. The public officer shall cause to be posted on the main entrance of the building, dwelling, or structure a placard with the following words:

“This building is unfit for human habitation or commercial, industrial, or business use and does not comply with the applicable codes, or has been ordered secured to prevent its use in connection with drug crimes, or constitutes an endangerment to public health or safety as a result of unsanitary or unsafe conditions. The use or occupation of this building is prohibited and unlawful.”

(c) If the public officer has the structure demolished, reasonable effort shall be made to salvage reusable materials for credit against the cost of demolition. The proceeds of any moneys received from the sale of salvaged materials shall be used or applied against the cost of the demolition and removal of the structure, and proper records shall be kept showing application of sales proceeds. Any such sale of salvaged materials may be made without the necessity of public advertisement and bid. The public officer and governing authority are relieved of any and all liability resulting from or occasioned by the sale of any such salvaged materials, including, without limitation, defects in such salvaged materials.

(d) The amount of the cost of demolition, including all court costs, appraisal fees, administrative costs incurred by the county tax commissioner or municipal tax collector or city revenue officer, and all other costs necessarily associated with the abatement action, including restoration to grade of the real property after demolition, shall be a lien against the real property upon which such cost was incurred.

(Code 1989, § 5-28; Ord. No. 164, § (I), 3-12-1979)

Sec. 26-145. Emergency power authorized.

Notwithstanding the provisions of this article, whenever the enforcement officer shall determine that the conditions found constitute imminent and immediate danger or hazard to persons or property, such officer shall be authorized forthwith to cause the summons provided for herein to be issued, without the necessity of giving any preliminary notice to the owner or occupant.

(Code 1989, § 5-29; Ord. No. 164, § (J), 3-12-1979)

¹⁷⁸ **Code 1989, § 5-28. Offense of failure to appear.** We recommend modifying the language of this provision, for purposes of conformity with O.C.G.A. § 41-2-9 (adoption of ordinances to enforce provisions; procedures to enforce). *City accepted.*

Sec. 26-146. Reports, etc., available to specified persons.

After any order, report or recommendation has been made by any official or employee of the city and is on file in his respective department, such information shall, upon request, be available to the press, the owner of the property or the owner's authorized agent, the manager of the property, the attorney for any of the foregoing, any licensed attorney for the examination of titles, any official or employee of the city for official purposes, and to any other person upon written application to the respective department where such order or other information is on file.

(Code 1989, § 5-30; Ord. No. 164, § (K), 3-12-1979)

Sec. 26-147. Disinterested city employees required; restriction on giving out information.

No official or employee of the city making inspection of properties for the purpose of determining the necessity for repairs or corrections thereto shall have any financial interest, directly or indirectly, in any repairs or corrections which may be required, nor shall any such official or employee give to any person, other than those authorized persons listed in this article, any information relative to any such repairs or corrections, nor shall such officials or employees give to any contractors or other persons engaged in the business of house repairs the locations of any properties, or the names of the owners thereof, on which repairs or corrections have been ordered.

(Code 1989, § 5-31; Ord. No. 164, § (L), 3-12-1979)

Sec. 5-32. Appeals to city council.

~~Any person receiving written notice from the enforcement officer pursuant to the provisions of this article, within fifteen (15) days following the date of such notice, may enter an appeal in writing to the city council. No appeal filed later than fifteen (15) days after the date of such notice shall be acted upon by the city council, unless the enforcement officer shall consent thereto.~~

~~(Code 1989, § 5-32; Ord. No. 164, § (M), 3-12-1979)~~

Sec. 26-148. Placarding of premises.

After written notice has been given by the enforcement officer to owners or agents of properties that conditions have been found therein which, ~~in such officer's opinion,~~ constitute a nuisance under this article, the enforcement officer ~~(with concurrence of the city council)~~ is authorized to place a signed notice on such property reciting the findings and action taken with respect thereto following condemnation by the court. It shall be unlawful for such notice to be mutilated or removed from such structure, premises, or place until required improvements have been made or the nuisance abated.

(Code 1989, § 5-33; Ord. No. 164, § (N), 3-12-1979)

Sec. 5-34. Appeal to court.

~~Any person found to be in violation of this article by the municipal court and upon appeal to the city council of Alpharetta shall have the right of appeal to a court of competent jurisdiction, and upon appeal the city authorities shall be authorized to defend their decision in determining such violation to be a nuisance and in need of abatement for the public interest.~~

~~(Code 1989, § 5-34; Ord. No. 164, § (P), 3-12-1979)~~

Chapter 27
RESERVED

PROOFS

Chapter 28

OCCUPATIONAL LICENSES, TAXES AND REGULATIONS***~~ARTICLE I. IN GENERAL~~**

***State law reference**--Taxation power of municipal and county governments, Ga. Const. art. IX, § IX, ¶ I(a) and (b)(2); revenue and taxation, O.C.G.A. title 48; ad valorem taxation of property, O.C.G.A. § 48-5-1 et seq.; municipal taxation, O.C.G.A. § 48-5-350 et seq.

Sec. 28-1. Financial institutions.

The following type of business shall be ~~excepted~~ exempted from the general provisions of classes V and VI, and shall be treated as follows:

- (1) *Gross receipts tax imposed on banks.* There is hereby levied for each year an annual business license tax upon each banking institution doing business within the city, based solely upon gross receipts, in an amount equal to twenty-five-hundredths percent of the gross receipts of such bank during the calendar year, in accordance with O.C.G.A. § 48-6-93(a). Gross receipts as used in this subsection shall mean the total amount of revenue generated from sources, as set forth in O.C.G.A. § 48-6-95. ~~O.C.G.A. § 48-6-93(b)(1) and (2); and O.C.G.A. § 48-6-93(d) if applicable.~~¹⁷⁹
- (2) *Gross receipts tax imposed on savings and loan associations.* There is hereby levied for each year an annual business license tax upon each savings and loan association doing business within the city, based solely upon gross receipts, in an amount equal to twenty-five-hundredths percent of the gross receipts of such savings and loan association during the calendar year, in accordance with O.C.G.A. § 48-6-93(a). Gross receipts as used in this subsection shall mean the total amount of revenue generated from sources as set forth in O.C.G.A. § 48-6-95. ~~O.C.G.A. § 48-6-93(b)(1) and (3); and O.C.G.A. § 48-6-93(d) if applicable.~~¹⁸⁰
- (3) *Filing of gross receipts return by depositing financial institutions; due date.* Every depository financial institution doing business in this city and subject to this tax as authorized by O.C.G.A. § 48-6-93 shall file a return of its gross receipts with the city tax office on or before March 1 of the year following the year in which such gross receipts are measured. Such return shall be in the manner and form as provided by O.C.G.A. § 48-6-93(e)(d). In the event fees go unpaid after the due date, a ten percent penalty will be charged based upon the past due amount, and interest at the rate of one percent per month shall accrue until the fees are paid in full.¹⁸¹
- (4) *Assessment and collection.* The city tax department shall assess and collect the tax provided for by this section based upon the information provided in the returns as filed by each depository financial institution annually.

(Code 1989, § 12-17; Ord. No. 193, §§ 11.1--11.4, 12-15-1983; Ord. No. 506, 9-23-2002)

State law reference--Municipality and county business license tax, O.C.G.A. § 48-6-93; state occupation tax, O.C.G.A. § 48-6-95; taxation of financial institutions, O.C.G.A. § 48-6-90 et seq.

¹⁷⁹ **Code 1989, § 12-17(1). Gross receipts tax imposed on banks.** Cite updated to reflect current O.C.G.A. § number. *Change accepted.*

¹⁸⁰ **Code 1989, § 12-17(2). Gross receipts tax imposed on savings and loans associations.** *Id.* *Change accepted.*

¹⁸¹ **Code 1989, § 12-17(3). Filing of gross receipts return by depositing financial institutions.** *Id.* *Change accepted.*

Chapter 29
RESERVED

PROOFS

Chapter 30

OFFENSES AND MISCELLANEOUS PROVISIONS*

***State law reference**--Limitation on home rule powers of municipal corporations with respect to duplication of state criminal offenses, Ga. Const. art. III, § VI, ¶ IV; O.C.G.A. § 36-35-6(a)(2); Criminal Code of Georgia, O.C.G.A. § 16-1-1 et seq.; nuisances, O.C.G.A. § 41-1-1 et seq.; jurisdiction of municipal court or magistrate court to abate nuisance, O.C.G.A. § 41-2-5.

ARTICLE I. IN GENERAL**Sec. 30-1. Idling or loitering on or near street.**

It shall be unlawful for any person to idle or loiter on or near any public street in the city.

(Code 1989, § 13-1; Ord. No. 131, § 1, 9-10-1973)

State law reference--Loitering, O.C.G.A. § 16-11-36.

Sec. 30-2. Congregating on or near street.

It shall be unlawful for two or more persons to congregate on or near any public street in the city for the purpose of making loud noises or otherwise disturbing the peace.

(Code 1989, § 13-2; Ord. No. 131, § 1, 9-10-1973)

State law reference--Obstructing street, O.C.G.A. § 16-11-43; riot, O.C.G.A. § 16-11-30.

Sec. 30-3. Disorderly conduct.¹⁸²

(a) It shall be unlawful for any person to disturb or endanger the public peace or decency by any disorderly conduct.

(b) The following acts, among others, are declared to be disorderly conduct:

- (1) Act in a violent or tumultuous manner toward another whereby any person is placed in fear of the safety of such person's life, limb or health;
- (2) Act in a violent or tumultuous manner toward another whereby the property of any person is placed in danger of being damaged or destroyed;
- (3) Cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another;
- (4) Assemble or congregate with another or others for the purpose of, or with the intent to engage in, gaming;
- (5) Be in or about any place, alone or with others, with the purpose of or intent to engage in any fraudulent scheme, trick or device to obtain any money or valuable thing or to aid or abet any person doing so;
- (6) Be in or about any place where gaming or the illegal sale or possession of alcoholic beverages or narcotics or dangerous drugs is practiced, allowed or tolerated, for the purpose of or intent to engage in gaming or the purchase, use, possession or consumption of such illegal drugs, narcotics or alcohol;
- (7) Direct fighting words toward another, that is, words which by their very nature tend to incite an immediate breach of the peace;
- (8) Interfere, by acts of physical obstruction, with another's pursuit of a lawful occupation;
- (9) Congregate with another or others in or on any public way so as to halt the flow of vehicular or pedestrian

¹⁸² **Code 1989, § 13-3. Disorderly conduct.** We recommend modifying the section to mirror text of O.C.G.A. § 16-11-39(a) and to avoid a challenge to this provision as being unconstitutionally overbroad in its scope as found under State v. Fielden, 629 S.E.2d 252 regarding O.C.G.A. § 16-11-34. *Change accepted.*

traffic, and to fail to clear that public way after being ordered to do so by a city police officer or other lawful authority;

(10) Stand or remain in or about any street, sidewalk, overpass, or public way so as to impede the flow of vehicular or pedestrian traffic, and to fail to clear such street, sidewalk, overpass or public way after being ordered to do so by a police officer or other lawful authority; provided, however, no further order by a police officer or other lawful authority shall be required when such person has previously engaged in similar acts and has been ordered on two or more occasions by a police officer or other lawful authority to clear any other street, sidewalk, overpass or public way in the city;

(11) Disrupt, by actions which tend to cause an immediate breach of the peace, the undisturbed activities of any house of worship, hospital or home for the elderly; or

(12) Throw bottles, paper, cans, glass, sticks, stones, missiles, or any other debris on public property.

~~— It shall be unlawful for any person to disturb or endanger the public peace or decency by any disorderly conduct.~~

~~— The following acts, among others, are declared to be disorderly conduct:~~

~~— Use of profane or obscene language in public.~~

~~— Making any threat of violence to or against any other person.~~

~~— Being noisy or boisterous in or upon any street or other public place in the city.~~

~~— Making any indecent or immoral exposure of the body.~~

~~— Any riotous conduct to the disturbance of the public tranquility.~~

~~— Engaging in, promoting, aiding, or abetting any fight, riot, or disorderly proceeding on any street or public place, or in any private building or dwelling or other private place when persons in the vicinity are disturbed.~~

~~— Making or causing to be made, any loud noise in the vicinity of a house of religious worship when divine worship is in progress to the extent that such noise shall interfere with such divine worship.~~

~~— Making, turning in, or giving a false alarm of fire, or of need for police or ambulance assistance, or aiding or abetting in the commission of such acts.~~

~~— Doing any act of malicious mischief which damages or destroys any public or private property within the city or which results in injury to any citizen, or the aiding or abetting of any such act.~~

~~— To have, expose, post in public, or circulate any lewd, profane, or obscene picture, card, or printing with the city.~~

~~— Lurking about the premises and near the private habitations of other persons, or entering the private premises of another to spy or look into the houses or buildings used for residential purposes.~~

(Code 1989, § 13-3; Ord. No. 87, § 3, 9-3-1962; Ord. No. 745, 7-17-2017)

State law reference--Disorderly conduct, O.C.G.A. § 16-11-39.

Sec. 30-4. Disorderly while under the influence.

(a) *Acts constituting violation.* It shall be unlawful for any person within the corporate limits of the city to be disorderly while under the influence of alcohol or drugs on the streets, sidewalks or other public places. The following acts are declared to be in violation of this section:

- (1) Any person who acts in a reckless manner so as to create an unreasonable risk of harm to himself, to other persons or to property in the vicinity while under the influence of alcohol or drugs.
- (2) Any person who shall defecate or urinate on the streets or sidewalks or in the halls or elevators of public or commercial buildings, or on any property open to public view in the city while under the influence of

alcohol or drugs.

- (3) Any person who, without provocation, uses to or of another, in such person's presence, fighting words, or who shall panhandle while under the influence of alcohol or drugs.
- (4) Any person who shall act in a violent or tumultuous manner toward another so as to endanger the life, limb, health or property of another while under the influence of alcohol or drugs.
- (5) Any person who shall lie down or otherwise obstruct, block or impede pedestrian or vehicular traffic on any sidewalk, street, or entrance or exit to any other public way, house of worship, business, public hall, theater, public conveyance or other public place and who shall refuse to remove themselves when ordered to do so by a city police officer or other lawful authority while under the influence of alcohol or drugs.
- (6) Any person who shall act in a boisterous, turbulent, or agitated manner, or who shall use profane, vulgar, loud or unbecoming language while under the influence of alcohol or other drugs while on the streets, sidewalks, or other public places within the corporate limits of the city.

(b) *Duty of peace officer.* Any peace officer, in accordance with standards set out in standard operating procedures promulgated by the director of public safety or his designee, may take or send an individual under the influence of alcohol or other drugs to such person's home, in lieu of incarcerating such person, for violations of this section. Any peace officer so acting shall be considered as carrying out such peace officer's official duty.

(c) *Penalty.* Upon a finding of guilty for violation of this section, the offender shall be punished according to the penalties described in section 1-8. ~~subject to imprisonment for a term not to exceed one hundred eighty (180) days or by fine not to exceed one thousand dollars (\$1,000.00), either of such penalties to be in the discretion of the municipal judge.~~ Such punishment may be probated by the municipal judge for those offenders desiring to participate in a detoxification program.¹⁸³

(Code 1989, § 13-3.1; Ord. No. 621, § 1, 5-19-2008)

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

Sec. 30-5. Firearms.

It shall be unlawful for any person to use, discharge, or shoot firearms in the city except in defense of persons or property. This section shall not apply to authorized officers of the law.

(Code 1989, § 13-4; Ord. No. 87, § 4.1, 9-3-1962)

State law reference--Firearms, O.C.G.A. § 16-11-126 et seq.

Sec. 30-6. Air guns.

(a) As used in this section:

- (1) The term "air gun" means and includes the following: air guns, paint ball guns, air pistols, air rifles, BB guns and similar guns that propel, through the force of compressed air, compressed gas or mechanical spring action, or any combination thereof, any pellet, dart, hard-tipped arrow, bean, pea, BB, rock, gel cap, paint ball or other hard substance a distance of more than 25 feet with sufficient force to break, crack or tag windows, or inflict injury upon persons or animals;
- (2) The term "direction and control of such adult" means that the adult must be present on the same property or premises as the minor and that the adult must approve the circumstances under which the air gun is being used, but it does not mean that the adult must maintain continuous visual contact with the minor.

(b) Except as hereinafter provided, it is unlawful:

- (1) For any person under 18 years of age to carry or shoot any air gun within the city when not in the presence of his parent or other adult acting in the role of a parent and under the direction and control of such adult;

¹⁸³ **Code 1989, § 13-3.1. Disorderly while under the influence.** We recommend modifying the language of this provision for purposes of internal consistency with the General Penalties clause in the General Provisions chapter. *Change accepted.*

- (2) For any person to point or shoot an air gun at any person or property of another, or to aim or discharge an air gun in the direction of the person or residence of another while within range to cause or inflict injury to the person or damage the property of another;
- (3) For any person to carry or shoot any air gun within a public place or on public property, including city parks;
- (4) For any parent or person in loco parentis to allow, give or permit the possession of an air gun by any child under the age of 18 years, except under the provisions of subsection (b)(1) of this section.
- (c) The provisions of subsections (b)(1), (b)(3) and (b)(4) of this section shall not apply when:
 - (1) A person possesses or uses an air gun on a gun range or similar facility operated or conducted by an individual or entity duly authorized and licensed to conduct such activities;
 - (2) A person possesses or uses an air gun within a regulated or supervised course or range provided by the city parks and recreation department under applicable regulations or ordinances; or
 - (3) A person carries an air gun unloaded or otherwise properly dismantled, to and from a licensed or authorized range, course or facility, or an authorized service or repair facility.
- (d) Notwithstanding any other provision of this section, it shall not be unlawful:
 - (1) To possess or use an air gun while in the act of lawfully defending persons or property;
 - (2) For participants in an authorized and supervised paint ball competition conducted within a licensed range or facility (including any range or facility operated by the city parks and recreation department) to point or shoot a paint ball gun at other participants;
 - (3) To be in possession of an unloaded or otherwise properly dismantled air gun within one's own house of residence.

(e) Any person convicted of a violation of the provisions of this section shall be punished according to the penalties described in section 1-8. ~~by a fine of not more than one thousand dollars (\$1,000.00).~~¹⁸⁴

(Code 1989, § 13-5; Ord. No. 489, § 1, 2-4-2002)

Sec. 30-7. Urban camping and improper use of property.

(a) *Definitions.* ~~For purposes of this section: The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~¹⁸⁵

Camp means residing in or using a public street, sidewalk, or park for private living accommodations, such as erecting tents or other temporary structures or objects providing shelter; sleeping in a single place for any substantial prolonged period of time; regularly cooking or preparing meals; or other similar activities.

Public park means all municipal parks, public playgrounds, public plazas, attractions, and monuments.

Public street means all public streets and highways, public sidewalks, public benches, public parking lots, and medians.

Storing personal property means leaving one's personal effects, such as, but not limited to, clothing, bedrolls, cookware, sleeping bags, luggage, knapsacks, or backpacks, unattended for any substantial prolonged length of time. This term shall not include parking a bicycle or other mode of transportation.

(b) *Public parks.* It shall be unlawful to camp or to store personal property in any park, as defined above,

¹⁸⁴ **Code 1989, § 13-5. Air guns.** We recommend modifying the language of this provision for purposes of internal consistency with the General Penalties clause in the General Provisions chapter. *Change accepted*

¹⁸⁵ **Code 1989, § 13-6. Definitions.** We recommend adding introductory language to this provision for purposes of internal consistency. *Change accepted*

owned by the city.

(c) *Other public property; blocking ingress and egress.* It shall be unlawful to camp, ~~to~~ sleep, ~~to~~ store personal property, ~~to~~ sit or to lie down on any public property so as to interfere with ingress or egress from buildings.

(d) *Private property.* It shall be unlawful for anyone other than the owner, a leaseholder, or other rightful occupant to camp, sleep, reside, store personal property, or lie down outside on any private property without the owner's or leaseholder's permission.

(e) *Warning.* No person may be arrested for violating this section until he has received an oral or written warning to cease the unlawful conduct. If the violator fails to comply with the warning issued, he is subject to arrest for urban camping. In addition, city officials shall have the right to remove any debris or property that creates a legitimate concern for health and safety or that creates an immediate and substantial danger to the environment.

(f) *Exceptions.* This section shall not be construed to prohibit the following behavior:

- (1) Persons sitting or lying down as a result of a medical emergency;
- (2) Reserved ~~Persons in wheelchairs sitting on sidewalks;~~
- (3) Persons sitting down while attending parades;
- (4) Persons sitting down while patronizing sidewalk cafes;
- (5) Persons lying down or napping while attending performances, festivals, concerts, fireworks, or other special events;
- (6) Persons sitting on chairs or benches supplied by a public agency or abutting private property owner;
- (7) Persons sitting on seats in bus zones occupied by people waiting for the bus;
- (8) Persons sitting or lying down while waiting in an orderly line outside a box office to purchase tickets to any sporting event, concert, performance, or other special event;
- (9) Persons sitting or lying down while waiting in an orderly line awaiting entry to any building, including shelters, or awaiting social services, such as provision of meals; ~~or~~
- (10) Children sleeping while being carried in a stroller or baby carriage; or
- (11) Persons camping in a city park pursuant to a city authorized permit, such as scout groups, etc.

(Code 1989, § 13-6; Ord. No. 670, § 1, 12-3-2012; Ord. No. 725, 5-23-2016)

Secs. 30-8--30-32. Reserved.

ARTICLE II. JUVENILE CURFEW¹⁸⁶

~~— Title of section. This section shall be known as the "City of Alpharetta Juvenile Curfew Ordinance."~~

Sec. 30-33. Findings and purpose.

~~(a) Findings and purpose.~~ It is the responsibility of the city council to protect the health, safety, and welfare of the citizens of the city. The city council is concerned about the increase in criminal activity engaged in by minors, especially those crimes that occur after hours and/or at times in which juveniles should be at home. During public hearings held in the city, many citizens voiced their concerns about the increase in youth vandalism and violence, the need to protect children and adults from being victims of crimes that occur after hours, and the need to make parents more responsible for their children. A child curfew ordinance is one initiative in protecting our children from being the victims and perpetrators of crime. In an effort to keep our communities drug-free and our streets safe by reducing the numbers of crimes that are committed by and against minors after hours, the city council believes that a child curfew ordinance is in the best interest of the citizens of the city. Accordingly, the city finds

¹⁸⁶ **Code 1989, § 13-108. Juvenile curfew.** We recommend changing the designation of this section to that of an article for purposes of subject matter consistency. *Change accepted*

and declares that the purpose of this section is to reduce the number of crimes committed by and against juveniles after hours, and to safeguard the welfare of our citizens.

(Code 1989, § 13-108; Ord. No. 535, § 1, 2-2-2004)

Sec. 30-34. Definitions.

~~(a) The following words and phrases, whenever used in this section, shall be construed as defined in this section:~~ The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:¹⁸⁷

Adult means a person who is at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor, or an emancipated minor.

Curfew hours means 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. on the following day, and 11:59 p.m. on any Friday or Saturday until 6:00 a.m. on the following day.

Emancipated minor means:

- (1) Any person under the age of 18 years who is or has been married or who is not under the care, custody, and control of a parent, ~~parents~~, guardian, person standing in loco parentis, or the juvenile court of competent jurisdiction; or
- (2) Any person under the age of 18 years who has had the disabilities of minority removed by a court of competent jurisdiction.

Emergency means an unforeseen combination of circumstances, or the resulting state, that calls for immediate action. The term "emergency" includes, but is not limited to, a fire, a natural disaster or automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Establishment means any privately-owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.

Guardian means a person who, under court order, is the guardian of the person of a minor, or a public or private agency with whom a minor has been placed by the court.

Minor means any person 17 years of age or under.

Operator means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term "operator" includes the members or partners of an association or partnership and officers of a corporation.

Parent means a person who is a natural parent, an adopted parent, or step-parent of another person.

Public place means any place to which the public or a substantial group of the public has access that includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

Remain means linger or stay, or fail to leave a premises when requested to do so by an officer or the owner, operator, or the person in control of the premises.

Serious bodily injury means bodily injury that causes death or creates a substantial risk of serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(Code 1989, § 13-108; Ord. No. 535, § 1, 2-2-2004)

Sec. 30-35. Curfew.

~~(a)~~ Curfew for persons 17 years of age or younger shall be as follows:

- (1) It is unlawful for any minor 17 years of age or younger to loiter, wander, stroll, or play in or upon the public places, streets, highways, roads, alleys, parks, playgrounds or other public grounds,

¹⁸⁷ **Code 1989, § 13-108(c). Definitions.** We recommend adding introductory language to this provision for purposes of internal consistency. *Change accepted*

establishments, public buildings, places of amusement, eating places, vacant lots, or any place in the city unsupervised by an adult, parent, or guardian having the lawful authority to be at such places, between the hours of 11:00 p.m. on any day and 6:00 a.m. on the following day; provided, however, that on Fridays and Saturdays, the effective hours are between 11:59 p.m. and 6:00 a.m. of the following day.

- (2) It shall be unlawful for the parent, guardian, or other person having custody or control of any minor 17 years of age or younger to knowingly, or by insufficient control, ~~to allow~~ such minor to be in or upon the public places, streets or any other places listed in subsection ~~(d)~~(1) of this section in the city between the hours of 11:00 p.m. on any day and 6:00 a.m. the following day, or on Fridays and Saturdays between the hours of 11:59 p.m. and 6:00 a.m. the following day, except as provided by ~~subsection 30-37(f) of this section.~~ subsection 30-37(f) of this section.
- (3) It shall be unlawful for any owner, operator, or employee of an establishment to knowingly allow a minor to be in or upon the premises of an establishment in the city between the hours of 11:00 p.m. on any day and 6:00 a.m. the following day, or on Fridays and Saturdays between the hours of 11:59 p.m. and 6:00 a.m. the following day, except as provided by ~~subsection 30-37(f) of this section.~~ subsection 30-37(f) of this section.

(Code 1989, § 13-108; Ord. No. 535, § 1, 2-2-2004)

Sec. 30-36. Offenses.

— Offenses.

(a) A minor commits an offense if he remains in any public place or on the premises of any establishment in the city during curfew hours.

(b) A parent or a guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment in the city during curfew hours.

(c) An owner, operator, or employee of an establishment commits an offense if he knowingly allows a minor to remain in or upon the premises of any establishment in the city during curfew hours. It is a defense to prosecution under this section that the owner, operator, or employee of an establishment promptly notified the city police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(Code 1989, § 13-108; Ord. No. 535, § 1, 2-2-2004)

Sec. 30-37. Exceptions.

~~(a) Exceptions.~~ The provisions of this section shall not apply in the following instances:

- (1) When a minor is accompanied by his parent, guardian, or other adult having the lawful care and custody of the minor;
- (2) When the minor is upon an emergency errand directed by his parent or guardian or other adult person having the lawful care and custody of such minor, or if such minor is seeking medical treatment;
- (3) When the minor is returning directly home from a school activity, entertainment, recreational activity, or dance;
- (4) When the minor is returning directly home from lawful employment that makes it necessary to be in the above-referenced places during the prescribed period of time;
- (5) When the minor is attending or traveling directly to or from an activity involving the exercise of First Amendment rights of free speech, freedom of assembly, or free exercise of religion;
- (6) When the minor is in a motor vehicle of parental consent for normal travel. All cases of interstate travel through the city are excepted from the curfew;
- (7) When the minor is an emancipated minor as defined in O.C.G.A. § 20-2-16.03(3).

(Code 1989, § 13-108; Ord. No. 535, § 1, 2-2-2004)

Sec. 30-38. Violations and penalties.

~~(a) Violations and penalties.~~ Penalties for violation of this section are as follows:

- (1) Upon conviction of violations of this section for the first time, an adult, parent, guardian or owner, operator or employee of an establishment shall be given a warning citation. Upon further convictions, an adult, parent, guardian or owner, operator or employee of an establishment shall be subject to a fine according to penalties described in section 1-8. not to exceed five hundred dollars (\$500.00), or imprisonment for not more than sixty (60) days, or by both this fine and imprisonment. Any adult, parent, guardian or owner, operator or employee of an establishment who violates any provision of this article shall be guilty of a misdemeanor. Except as otherwise provided, each violation of this section shall constitute a separate offense.¹⁸⁸
- (2) Adjudication of violations of this section by minors shall be made in accordance with state law. O.C.G.A. Tit. 15 (O.C.G.A. § 15-1-1 et seq.).

(Code 1989, § 13-108; Ord. No. 535, § 1, 2-2-2004)

Sec. 30-39. Enforcement.

~~(a) Enforcement.~~ Before taking any enforcement action under this section, a city police officer shall ask the apparent offender's age and the reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstance, that no exception listed in ~~subsection 30-37(f) of this section~~ is present.

(Code 1989, § 13-108; Ord. No. 535, § 1, 2-2-2004)

PROOFS

¹⁸⁸ **Code 1989, § 13-108(g). Violations and penalties.** We recommend modifying the language of this provision for purposes of internal consistency with the general penalties clause in the General Provisions chapter. *Change accepted*

Chapter 31
RESERVED

PROOFS

Chapter 32

PARKS AND RECREATION*

***State law reference**—State parks, O.C.G.A. § 12-3-1 et seq.; establishment of recreation systems, O.C.G.A. § 36-64-1 et seq.; recreation boards, O.C.G.A. § 36-64-5; power to provide parks, recreation areas, programs and facilities, Ga. Const. art. IX, § II, ¶ III(a)(5).

~~Art. I. In General, §§ 14-1-14-19~~

~~Art. II. Recreation Commission, §§ 14-20-14-31~~

ARTICLE I. IN GENERAL**Sec. 32-1. Recreation fees for multifamily projects--Levied.**

All owners and developers of subdivisions and multifamily housing projects shall pay a recreation fee to the director of community planning.

(Code 1989, § 14-1; Ord. No. 214, 8-12-1985)

Sec. 32-2. Same--Amounts.¹⁸⁹

The total base recreation fee shall be assessed at the rate of \$250.00 for each residential unit. Credits against the total base recreation fee shall be permitted for providing any one or more of the following amenities according to the schedule set forth herein:

<i>Amenity</i>	<i>Amount of Credit</i>
Swimming pools	\$2,500.00
Tennis courts	\$2,000.00
Handball/racquetball courts	\$2,000.00
Picnic areas (at least one acre)	\$500.00
Softball/baseball fields	\$1,500.00
Football/soccer fields	\$1,500.00
Bicycle paths (at least one mile long)	\$1,000.00
Lakes/ponds	\$1,500.00
Golf courses (at least nine holes)	\$5,000.00
Community centers	\$10,000.00
Arenas, coliseums or cultural centers	\$20,000.00
Parks/passive areas:	
1--10 acres	\$500.00
11--20 acres	\$1,000.00
21--30 acres	\$1,500.00
31--40 acres	\$2,000.00

¹⁸⁹ **Code 1989, § 14-2. Same—Amounts.** We recommend making sure these amounts are current.

41--50 acres	\$2,500.00
51+ acres	\$3,000.00

(Code 1989, § 14-2; Ord. No. 214, 8-12-1985)

Sec. 32-3. Same--Payment before plat approval.

The recreation fee must be paid in full prior to final plat approval.

(Code 1989, § 14-3; Ord. No. 214, 8-12-1985)

Sec. 32-4. Rules and regulations for parks owned and operated by city.

(a) *Adopted.* There shall be a set of rules and regulations developed to set standards of conduct in the parks and recreational facilities owned or operated by the city. These rules shall be designed to ensure the safety and enjoyment of park participants. The rules of the city parks are attached to Ordinance Number 286 and made part of this section by reference.

(b) *Enforcement.*¹⁹⁰

- (1) All law enforcement officers of the city and officials and officers of the city are authorized, empowered, and directed to enforce compliance with this section.
- (2) Nothing in this section shall prevent the enforcement of city and county ordinances and regulations or state statutes or codes in any park or recreation facility owned or operated by the city.
- (3) Any person who violates any provision of this article shall be guilty of a misdemeanor and, upon conviction, shall be fined according to the penalties described in section 1-8, not less than twenty five dollars (\$25.00) nor more than five hundred dollars (\$500.00), or confined in the city jail for a period not to exceed forty five (45) days, or both, or sentenced to labor under city supervision on the streets, sidewalks, parks or other public works for a period not to exceed 45 days.

(c) *Public notification.*

- (1) The recreation director shall reproduce the rules in a format suitable for public distribution. Such copies of the park rules shall be available to the public at all city recreation buildings and other city locations, as deemed necessary by the recreation director.
- (2) The public works director shall have the rules reproduced on all-weather signs and shall post the signs in the city's parks. Locations of such signs shall be determined by the recreation director and shall be placed in plain public view.¹⁹¹

(Code 1989, § 14-4; Ord. No. 286, §§ 1--3, 5-13-1991)

~~**Editor's note**—Ordinance No. 286, adopted May 13, 1991, did not specifically amend the Code; hence, inclusion of §§ 1--3 as § 14-4 was at the discretion of the editor.~~

Sec. 32-5. Tobacco use within city parks.

It shall be unlawful for any person to use tobacco products within any city park. Examples of tobacco products include, but are not limited to, cigarettes, e-cigarettes, cigars, chewing tobacco, snuff, pipes, etc., For purposes of this section, the term "city park" means any park within the city owned or operated by the city, including all facilities, buildings, stands, concession areas, grounds, fields, playgrounds, parking lots, trails, greenspaces and greenways. A violation of this section shall constitute a misdemeanor punishable as other violations of city park

¹⁹⁰ **Code 1989, § 14-4. Rules and regulations for parks owned and operated by the city.** We recommend modifying the language of this provision for the purposes of internal consistency with the general penalties clause in the General Provisions chapter. *Change accepted.*

¹⁹¹ **Code 1989, § 14-4. Rules and regulations for parks owned and operated by the city.** *City expressed doubt that this is Public Works Directors duty, we request that the city confirm.*

rules and regulations. The director of recreation and parks shall cause signs reflecting this policy to be posted in appropriate locations throughout city parks, but the failure to post any such sign shall not relieve persons from the obligation to comply with the provisions of this section.

(Code 1989, § 14-5; Ord. No. 648, § 1, 3-21-2011)

Secs. 32-6--32-28. Reserved.

ARTICLE II. RECREATION COMMISSION

Sec. 32-29. Created.

There is hereby created, pursuant to O.C.G.A. §§ 36-64-1 through 36-64-14, a recreation commission of the city.

(Code 1989, § 14-20; Res. No. 104, § 1, 10-27-1980)

Sec. 32-30. Number of members.

The recreation commission shall consist of a minimum of five persons and a maximum of nine persons serving without pay.

(Code 1989, § 14-21; Res. No. 104, § 2, 10-27-1980)

Sec. 32-31. Terms of office; filling vacancies.

(a) The terms of office for the recreation commission members shall be for five years, or until their successors are appointed and qualified, except that the appointing authority, in making initial appointments or in filling vacancies, is hereby authorized and directed to vary the initial terms of members or the terms of persons appointed to fill vacancies in such a manner that thereafter the term of at least one member shall expire annually.

(b) Vacancies on the recreation commission occurring other than by expiration of a term shall be filled by the city council for the unexpired term only.

(Code 1989, § 14-22; Res. No. 104, §§ 3, 4, 10-27-1980)

Sec. 32-32. Organization.

Immediately after their appointment, recreation commission members shall meet and organize by electing a president and other necessary officers.

(Code 1989, § 14-23; Res. No. 104, § 5, 10-27-1980)

Sec. 32-33. Adopting bylaws, rules and regulations for parks, etc.

The recreation commission shall have the power to adopt bylaws, rules and regulations for the proper conduct of parks, playgrounds and recreation for the city.

(Code 1989, § 14-24; Res. No. 104, § 6, 10-27-1980)

Sec. 32-34. Providing, conducting and supervising playgrounds, etc.

The recreation commission shall provide, conduct and supervise public playgrounds, playfields, indoor recreation centers and other recreation facilities owned or controlled by the city. It shall have the power to conduct any form of recreation or cultural activity that will employ the leisure time of the citizens of the city in a wholesome or constructive manner. It may conduct such activities on properties under its own control, on public properties with the consent of the authorities thereof, and on private properties with the consent of the owners of such properties.

(Code 1989, § 14-25; Res. No. 104, § 7, 10-27-1980)

Sec. 32-35. Control, etc., of parks.

The recreation commission shall have control, superintendence and charge of all public parks and any land or lots, heretofore or hereafter devised or bequeathed to the city for park purposes, and shall direct the ornamenting, adorning, laying-out and improving of the grounds of such parks, and for that purpose may employ such workers and purchase or contract for materials as it may deem necessary, provided that, in no case shall the amount paid for the workers or to be paid for such purchases or contracts exceeds the amount of money appropriated for the purpose

by the city council.

(Code 1989, § 14-26; Res. No. 104, § 8, 10-27-1980)

Sec. 32-36. Superintendent.

The recreation commission shall have the power to appoint or designate someone to act as superintendent who is trained or properly qualified for the work, and such other personnel as the recreation commission deems proper. Such appointment or designation shall be subject to approval by the city council. The salary of such appointee or designee shall be set by the city council.

(Code 1989, § 14-27; Res. No. 104, § 9, 10-27-1980)

Sec. 32-37. Finance--Budget; receiving gifts, etc.

The recreation commission shall submit annually a budget to the city council for approval. The recreation commission may also solicit or receive any gifts or bequests of money or other personal property or any donation to be applied, principal or income, for either temporary or permanent use for playgrounds or other recreational purposes; but if the acceptance thereof for such purposes will subject the municipality to additional expense for improvements, maintenance, or renewal, the acceptance of any grant or devise of real estate shall be subject to the approval of the city council. The money received for such purposes, unless otherwise provided by the terms of the gift or bequest, shall be deposited with the city treasurer to the account of the board and the same may be withdrawn and paid out by such board in the same manner as money appropriated for recreation purposes.

(Code 1989, § 14-28; Res. No. 104, § 10, 10-27-1980)

Sec. 32-38. Same--Collecting rents.

The recreation commission shall collect all rents for any building in the parks and playgrounds and shall deposit the proceeds collected in the city treasury.

(Code 1989, § 14-29; Res. No. 104, § 8, 10-27-1980)

Sec. 32-39. Same--Expenditures.

All receipts on account of the city parks, playgrounds, or recreational activities, whether arising from rentals, donations, sale or any part thereof, or of any lands so willed and devised by any person to the city, shall be exclusively expended and applied under the direction and control of the recreation commission, with the approval of the city council.

(Code 1989, § 14-30; Res. No. 104, § 11, 10-27-1980)

Sec. 32-40. Reports.

The recreation commission shall make an annual report to the city council and such other reports as may be requested from time to time by the city council.

(Code 1989, § 14-31; Res. No. 104, § 12, 10-27-1980)

Chapter 33
RESERVED

PROOFS

Chapter 34

PERSONNEL*¹⁹²

***Editor's note**--There is presently in effect a personnel manual, copies of which are on file in the office of the city clerk. Retirement ordinances are presently in effect, the same being on file in the office of the city clerk.

~~Art. I. In General, §§ 15-1-15-19~~

~~Art. II. Drug and Alcohol Testing, §§ 15-20-15-34~~

ARTICLE I. IN GENERAL**Sec. 34-1. Deferred compensation plan adopted; administrator appointed.** ¹⁹³

(a) The city (the "employer") adopts the deferred compensation plan, ~~attached as Appendix A to the resolution from which this section is derived~~, and appoints Transamerica ~~the ICMA Retirement Corporation~~ to serve as administrator there under.

(b) The plan administrator shall be the coordinator for this program and shall receive necessary reports, notices, etc., from the Transamerica ~~ICMA Retirement Corporation~~ as administrator, and shall cast, on behalf of the employer, any required votes under the program. Administrative duties to carry out the plan may be assigned to the appropriate departments.

(c) The employer hereby executes the Transamerica ~~ICMA Retirement Trust, attached to such resolution as Appendix B.~~

(d) The employer hereby adopts ~~a the trust agreement, attached to such resolution as Appendix C, and appoints~~ Transamerica ~~ICMA Retirement Corporation~~ as trustee there under, and directs Transamerica ~~the ICMA Retirement Corporation~~, as trustee, to invest all funds held under the deferred compensation plan through the Transamerica ~~ICMA Retirement Trust~~ as soon as is practicable.

(Code 1989, § 15-1; Res. of 10-14-1985)

State law reference--Deferred compensation contracts, O.C.G.A. § 45-18-31.

Sec. 34-2. Police department administrative manual. ¹⁹⁴

The operation, administration, rules and regulations for the city police department shall be in accordance with the "Administrative Manual, Alpharetta Police Department," ~~containing twelve (12) sections, with each section having subparagraphs thereof, and comprised of twenty-six (26) separate pages~~, a copy of which is attached to the ordinance from which this section is derived, and by reference is made a part hereof as if written in full herein.

¹⁹² **Code 1989, Ch. 15. Personnel.** The legal manuscript is not a proof, but rather a draft copy of the Code used at conference to convey the author's legal analysis and recommended organization of the material. Thus, the material in this Chapter has not been completely edited or proofread. We do not require or expect the city or their attorney to edit or proofread the material in this Chapter during their review of the legal manuscript. Those tasks will be performed by our editing and proofreading staff upon the creation of final proofs for this project. Instead, we would rather have the city and its attorney review and respond to the embedded footnoted recommendations and make us aware of any substantive language in the text that does not reflect the city's current practices, procedures or titles of officials/employees.

¹⁹³ **Code 1989, § 15-1. Deferred compensation plan.** Is the ICMA the current administrator?
City elected to modify provider to Transamerica.

¹⁹⁴ **Code 1989, § 15-2. Police department administrative manual.** Is this the current administrative manual being used? We recommend striking the specific language for ease of modification of the manual.

(Code 1989, § 15-2; Ord. No. 178, 8-11-1980)

Sec. 34-3. Workers' compensation insurance for volunteer firefighters.

~~(a)~~ Volunteer firefighters of the city shall be included within the term employee of the city. Such volunteer firefighters shall be covered by workers' compensation insurance as provided for by the city for its employees. However, a volunteer firefighter shall be deemed an "employee" of the city only for and during such times as such person is engaged in volunteer firefighting services, and when traveling to and from the scene of a fire, and when such services are rendered to the city.

~~(b) This section was retroactive and became effective as of January 1, 1982.~~¹⁹⁵

(Code 1989, § 15-3; Res. No. 137, §§ 1--3, 9-13-1982)

Sec. 34-4. Employee safety and health handbook.¹⁹⁶

(a) The safety manual entitled "Employee Safety and Health Handbook," attached to the resolution from which this section is derived, is hereby adopted for the guidance and use of all city employees.

(b) Such handbook shall be made available to all city employees along with periodic training in safety matters.

(c) The provisions of such manual may, from time to time, be amended, augmented, deleted, or otherwise modified by the personnel director with the consensus of the city administrator as is consistent with prudent management.

(Code 1989, § 15-4; Res. No. 308, § 1, 2-27-1989)

Sec. 34-5. Fire department policies and procedures.

(a) The manual entitled "Alpharetta Fire Department, Policy and Procedures, October 10, 1988," attached to the resolution from which this section is derived, is hereby adopted as the official standard operating procedures for the fire department.¹⁹⁷

(b) These operating procedures may, from time to time, be amended, augmented, deleted or otherwise modified by the fire chief with the consensus of the city administrator as is consistent with prudent management.

(Code 1989, § 15-5; Res. No. 300, § 1, 2-13-1989)

Secs. 34-6--34-28. Reserved.

ARTICLE II. DRUG AND ALCOHOL TESTING*

***State law reference**--Random drug testing of state employees in high risk jobs, O.C.G.A. § 45-20-90 et seq.; Drug-Free Public Work Force Act of 1990.

Sec. 34-29. Statement of purpose.

It is the policy of the city that the abuse of alcohol and drugs by public employees is detrimental to the health, safety and morals of the public. The purpose of this article is to establish reasonable standards and procedures for drug and alcohol testing of city employees and applicants for city employment. The city council also recognizes that individuals have certain rights to privacy and dignity. In adopting this article, the city council has attempted to balance the city's interest in protecting the health and safety of its employees and the public with the employees' legitimate expectations of privacy. Accordingly, certain procedural safeguards, limitations and due process guarantees are set forth in connection with the testing required by this article.

¹⁹⁵ **Code 1989, § 15-3. Workers' compensation insurance for volunteer firefighters.** We recommend striking this provision as no longer needed.

¹⁹⁶ **Code 1989, § 15-4. Employee safety and health handbook.** Is this the current handbook being used?

¹⁹⁷ **Code 1989, § 15-5. Fire department policies and procedures.** Is this the current manual being used?

(Code 1989, § 15-20; Ord. No. 242, § 1, 4-25-1988)

Sec. 34-30. Drugs included in tests.

When drug and alcohol screening is required under the provisions of this article, a urinalysis test will be given to detect the presence of the following drug groups:

- (1) Alcohol (ethyl);
- (2) Amphetamines (e.g., speed);
- (3) Barbiturates (e.g., Amobarbital, Butabarbital, Phenobarbital, Secobarbital);
- (4) Cocaine;
- (5) Methaqualone (e.g., Quaalude);
- (6) Opiates (e.g., Codeine, Heroin, Morphine, Hydromorphone, and Hydrocodone);
- (7) Phencyclidine (PCP);
- (8) THC (marijuana).

(Code 1989, § 15-21; Ord. No. 242, § 2, 4-25-1988)

~~Sec. 15-22. Job applicant testing; general standard.~~¹⁹⁸

~~Applicants for all job classifications will be required to undergo a drug and alcohol test upon an offer of employment and prior to their final appointment.~~

~~(Code 1989, § 15-22; Ord. No. 242, § 3, 4-25-1988; Ord. No. 271, § 1, 2-12-1990)~~

Sec. 34-31. Current employee testing; general standard.

(a) The city may require a current city employee to undergo drug and alcohol testing if there is reasonable suspicion that the employee is under the influence of drugs or alcohol during work hours. The term "reasonable suspicion" means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drugs or alcohol. Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:

- (1) A pattern of abnormal or erratic behavior;
- (2) Information provided by a reliable and credible source;
- (3) A work-related accident;
- (4) Direct observation of drug or alcohol use; or
- (5) Presence of the physical symptoms of drug or alcohol use (e.g., glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes).

(b) Supervisors are required to detail in writing the specific facts, symptoms, or observations which formed the basis for their determination that reasonable suspicion existed to warrant the testing of an employee. This documentation shall be forwarded to the appropriate department head or designee.

(c) All employees holding the position of detective or evidence custodian must submit to random drug and alcohol testing. The city administrator and chief of police are hereby directed to develop procedures for uniform random drug and alcohol testing of all employees in these positions. The procedures shall be subject to the approval of the city council. Any transfer to the position of detective or evidence custodian is contingent upon the successful completion of a drug and alcohol test. Any employee tentatively selected for such transfer shall be advised in writing

¹⁹⁸ **Code 1989, § 15-22. Job applicant testing; general standard.** Section might be deemed unconstitutional per *Georgia Ass'n of Educators v. Harris*, 749 F. Supp. 1110 (N.D. Ga. 1990). Courts are trending towards a tailoring of personnel policies to specific operational needs and away from blanket personnel policies. We recommend striking this section to avoid any possible constitutional challenge.

of the drug and alcohol testing requirement.

(Code 1989, § 15-23; Ord. No. 242, § 4, 4-25-1988; Ord. No. 271, § 2, 2-12-1990)

Sec. 34-32. Supervisor training.

The city shall develop a program of training to assist supervisory personnel in identifying drug and alcohol use among employees. Such training will be directed toward helping supervisors recognize the conduct and behavior that give rise to a reasonable suspicion of drug and alcohol use.

(Code 1989, § 15-24; Ord. No. 242, § 5, 4-25-1988)

Sec. 34-33. Prior notice of testing policy.

The city shall provide written notice of its drug and alcohol testing policy to all employees and job applicants. The notice shall contain the following information:

- (1) The need for drug and alcohol testing;
- (2) The circumstances under which testing may be required;
- (3) The procedure for confirming an initial positive test result;
- (4) The consequences of a confirmed positive test result;
- (5) The consequences of refusing to undergo a drug and alcohol test;
- (6) The right to explain a positive test result and the appeal procedures available; and
- (7) The availability of drug and alcohol abuse counseling and referral services.

(Code 1989, § 15-25; Ord. No. 242, § 6, 4-25-1988)

Sec. 34-34. Consent.

Before a drug and alcohol test is administered, employees and job applicants will be asked to sign a consent form authorizing the test and permitting release of test results to those city officials with a need to know. The consent form shall provide space for employees and applicants to acknowledge that they have been notified of the city's drug testing policy and to indicate current or recent use of prescription or over-the-counter medication. The consent form shall also set forth the following information:

- (1) The procedure for confirming an initial positive test result;
- (2) The consequences of a confirmed positive test result;
- (3) The right to explain a confirmed positive test result and the appeal procedures available; and
- (4) The consequences of refusing to undergo a drug and alcohol test.

(Code 1989, § 15-26; Ord. No. 242, § 7, 4-25-1988)

Sec. 34-35. Refusal to consent; applicants.

A job applicant who refuses to consent to a drug and alcohol test will be denied employment with the city.

(Code 1989, § 15-27; Ord. No. 242, § 8, 4-25-1988)

Sec. 34-36. Refusal to consent; employees.

(a) An employee who refuses to consent to ~~(i)~~ random drug testing as prescribed by section ~~34-3145-23~~, or ~~(ii)~~ drug and alcohol testing when reasonable suspicion of drug or alcohol use has been identified, is subject to disciplinary action up to and including termination. The reasons for the refusal shall be considered in determining the appropriate disciplinary action.

(b) An employee tentatively selected for transfer to the position of detective or evidence custodian who refuses to consent to the pre-transfer drug and alcohol test will be denied the transfer to such position.

(Code 1989, § 15-28; Ord. No. 242, § 9, 4-25-1988; Ord. No. 271, § 3, 2-12-1990)

Sec. 34-37. Confirmation of test results.

(a) An employee or job applicant whose test yields a positive result shall be given a second test using a gas chromatography/mass spectrometry (G.C./M.S.) test. The second test shall use a portion of the same test sample withdrawn from the employee or applicant for use in the first test.

(b) If the second test confirms the positive test result, the employee or applicant shall be notified of the results in writing by the appropriate department head or designee. The letter of notification shall identify the particular substance found and its concentration level.

(c) An employee or applicant whose second test confirms the original positive test result may, at the employee's or applicant's own expense, have a third test conducted on the same sample at a laboratory selected by the city.

(Code 1989, § 15-29; Ord. No. 242, § 10, 4-25-1988)

Sec. 34-38. Consequences of a confirmed positive test result.

(a) *Applicants.* Job applicants will be denied employment by the city if their initial positive test results have been confirmed. Applicants shall be informed in writing if they are rejected on the basis of a confirmed positive test result.

(b) *Employees.* If an employee's positive test result has been confirmed, the employee is subject to disciplinary action up to and including termination. Factors to be considered in determining the appropriate disciplinary response include the employee's work history, length of employment, current job performance, and the existence of past disciplinary actions.

(Code 1989, § 15-30; Ord. No. 242, § 11, 4-25-1988)

Sec. 34-39. Right to a hearing.

(a) If an employee's positive test result has been confirmed, the employee is entitled to a hearing before denial of a transfer to the position of detective or evidence custodian or any disciplinary action may be taken by the city. The employee must make a written request for a hearing to the appropriate department head or designee within three days of receipt by the employee of the confirmation test results. Employees may be represented by legal counsel, present evidence and witnesses on their own behalf, and confront and cross-examine the evidence and witnesses used against them.

(b) No employee otherwise entitled to a transfer to the position of detective or evidence custodian may be denied such transfer based on a confirmed positive drug test result unless the hearing officer finds by a preponderance of the evidence that the employee's pre-transfer drug and alcohol test results are accurate. No adverse personnel action may be taken against an employee subjected to a random drug and alcohol test as prescribed by section ~~34-3145-23~~ based on a confirmed positive drug and alcohol test result unless the hearing officer finds by a preponderance of the evidence that the employee's drug and alcohol test results are accurate. With respect to drug and alcohol tests based upon reasonable suspicion, no adverse personnel action may be taken against an employee based on a confirmed positive drug and alcohol test result unless the hearing officer finds by a preponderance of the evidence that the employee's supervisor had reasonable suspicion to believe that the employee was under the influence of drugs or alcohol while on the job, and the employee's drug and alcohol test results are accurate.

(c) Within five days following the close of the hearing, the hearing officer shall issue a written decision and a brief summary of the facts and evidence supporting the decision.

(Code 1989, § 15-31; Ord. No. 242, § 12, 4-25-1988; Ord. No. 271, § 4, 2-12-1990)

Sec. 34-40. Confidentiality of test results.

All information from an employee's or applicant's drug and alcohol test is confidential, and only those with a need to know are to be informed of test results. Disclosure of test results to any person, agency, or organization is prohibited unless written authorization is obtained from the employee or applicant. The results of a positive drug test shall not be released until the results are confirmed. The records of confirmed positive test results and negative test results shall be destroyed by the testing laboratory.

(Code 1989, § 15-32; Ord. No. 242, § 13, 4-25-1988)

Sec. 34-41. Privacy in drug testing.

Urine samples shall be provided in a private restroom stall or similar enclosure so that employees and applicants may not be viewed while providing the sample. Employees and applicants will be given hospital gowns to wear while they are providing test samples in order to ensure that there is no tampering. Street clothes, bags, briefcases, purses and other containers may not be carried into the test area. The water in the commode shall be colored with blue dye to protect against dilution of test samples.

(Code 1989, § 15-33; Ord. No. 242, § 14, 4-25-1988)

Sec. 34-42. Laboratory testing requirements.

All drug and alcohol testing of employees and applicants shall be conducted at medical facilities or laboratories selected by the city. To be considered as a testing site, a medical facility or laboratory must submit in writing a description of the procedures that will be used to maintain test samples. Factors to be considered by the city in selecting a testing facility include:

- (1) Testing procedures which ensure privacy to employees and applicants consistent with the prevention of tampering;
- (2) Methods of analysis which ensure reliable test results, including the use of gas chromatography/mass spectrometry, to confirm positive test results;
- (3) Chain of custody procedures which ensure proper identification, labeling and handling of test samples; and
- (4) Retention and storage procedures which ensure reliable results on confirmation of tests of original samples.

(Code 1989, § 15-34; Ord. No. 242, § 15, 4-25-1988)

Chapter 35
RESERVED

PROOFS

Chapter 36

PLANNING AND DEVELOPMENT**ARTICLE I. IN GENERAL***

***State law reference**--Planning, O.C.G.A. § 36-70-1 et seq.

~~***Editor's note**--Res. No. 1477, adopted May 3, 2010, provides for the deactivation of the downtown development authority.~~

~~Art. I. In General, §§ 16-1-16-30~~

~~Art. II. Design Standards, §§ 16-31-16-49~~

~~Div. 1. Generally, §§ 16-31-16-36~~

~~Div. 2. Design Review Board, §§ 16-37-16-49~~

~~Art. III. Public Safety Impact Fee, §§ 16-50-16-65~~

ARTICLE I. IN GENERAL**Sec. 36-1. City planning commission--Created and established.**

In order to guide and accomplish a coordinated and harmonious development of the municipality which will, in accordance with existing and future needs, best promote the public health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development, the city planning commission, hereinafter referred to as the planning commission, is hereby created and established.

(Code 1989, § 16-1; Ord. No. 79, 7-31-1961)

Sec. 36-2. Same--Membership.¹⁹⁹

The planning commission shall consist of seven members, who shall be residents of the city, appointed by the city council. The terms of the members shall be for four years, except that in the appointment of the first planning commission, the first member shall be appointed for a term of one year, the second member shall be appointed for a term of two years, the third member shall be appointed for a term of three years, and the remaining members for terms of four years each. Any vacancy in membership shall be filled for the unexpired term by the city council, who shall also have the authority to remove any member for cause ~~by a vote of four (4) members of the city council~~, on written charges, after a public hearing. All members shall serve without compensation, but may be reimbursed for actual expenses incurred in connection with their official duties.

(Code 1989, § 16-2; Ord. No. 79, § 1, 7-31-1961; Ord. No. 264, § 1, 10-23-1989)

Sec. 36-3. Same--Organization; rules; staff; finances.

(a) The planning commission shall elect its chairperson from among its members. The term of the chairperson shall be one year, with eligibility for re-election. The planning commission shall appoint a secretary, who may be an officer or employee of the municipality. The planning commission shall make its own rules of procedure and determine its time of meeting. All meetings of the planning commission at which official action is taken shall be open to the public and all records of the planning commission shall be a public record.

(b) The planning commission may appoint such employees and staff as it may deem necessary for its work and may contract with the state planning agency and city planners and other consultants for such services as it may require. The expenditures of the planning commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the city council.

¹⁹⁹ **Code 1989, § 16-2. Same—Membership.** We recommend modifying the language to reflect the requirements of boards in the city charter Sec 3.11. *City elected to leave language as is.*

(Code 1989, § 16-3; Ord. No. 79, § 2, 7-31-1961)

Sec. 36-4. Same--Powers and duties.

From and after the time the planning commission shall have organized and selected its officers and shall have adopted its rules of procedure, then the planning commission shall have all the powers, duties and responsibilities provided by law.

(Code 1989, § 16-4; Ord. No. 79, § 3, 7-31-1961)

State law reference--Zoning procedures, O.C.G.A. § 36-66-1 et seq.

Sec. 36-5. Determination of fees.

The following fees shall be administratively determined by the director of planning and community development and may be changed from time to time as determined by the director of planning and community development without further approval by the city council:

- (1) Building permit.
- (2) Certificate of occupancy.
- (3) Heating and/or air-conditioning permit.
- (4) Plumbing permit.
- (5) Demolition permit.
- (6) Development permit.
- (7) Zoning application and filing.
- (8) Preliminary and final plat.
- (9) Conditional use permit.
- (10) Special use permit.
- (11) Annexation application.
- (12) Variance request.
- (13) Sewer tap inspection.
- (14) Sign permit.
- (15) Temporary certificate of zoning compliance.
- (16) Master plan review.

(Code 1989, § 16-5; Ord. No. 213, 8-12-1985)

Sec. 36-6. Major thoroughfare plan--Adopted.

The major thoroughfare plan is hereby adopted. It shall be known as the "City of Alpharetta Major Thoroughfare Plan--August, 1987."

(Code 1989, § 16-6; Ord. No. 230, § 1, 9-28-1987)

Sec. 36-7. Same--Application to development.

(a) The road improvements set forth in the major thoroughfare plan shall constitute required improvements with respect to the development of residential subdivisions and all commercial developments within the city, including, but not limited to, the development of offices, institutions, shopping centers, retail sales facilities, manufacturing facilities, apartment complexes, hotel and motel developments, and mixed use developments.

(b) All development plans presented to the city, including, but not limited to, preliminary and final plats, and engineering design plans, shall, with respect to any existing or proposed road identified in the major thoroughfare plan, provide for the dedication and construction by the developer (at no cost to the city) of those road improvements identified in the major thoroughfare plan which abut or are contained within the development. The inclusion of such provisions within any plan submitted to the city shall be a precondition to the approval of such

plans and the issuance of any city permit pertaining to the development.

(Code 1989, § 16-7; Ord. No. 230, § 2, 9-28-1987)

Sec. 36-8. Same--Enforcement officer; appeals.

The provisions of sections ~~36-616-6~~ through ~~36-1016-10~~ and the major thoroughfare plan shall be enforced by the director of planning and community development. The director, or the director's duly authorized representative, may enter upon any premises to perform any duty imposed upon the director by such sections. Any person aggrieved by a decision of the director may appeal such decision to the board of appeals.

(Code 1989, § 16-8; Ord. No. 230, § 3, 9-28-1987)

Sec. 36-9. Same--Additional remedies.

(a) Upon notice from the director, work on any required improvements that is being done contrary to the provisions of the plan shall immediately cease. Such notice shall be in writing and should go to the owner of the property, or to the owner's agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

(b) When an emergency exists, the director shall not be required to give written notice prior to stopping the work.

(c) Further, in the event that the required improvements are being done contrary to the provisions of the plan, the director may revoke any permit previously issued by the city or any department of the city, and may refuse to issue any further permit until, in the discretion of the director, the work on the development is brought into compliance with the provisions of sections ~~36-616-6~~ through ~~36-816-8~~.

(Code 1989, § 16-9; Ord. No. 230, § 4, 9-28-1987)

Sec. 36-10. Same--Interpretation, purpose and conflict.

The provisions of sections ~~36-616-6~~ through ~~36-816-8~~ and the major thoroughfare plan shall be considered as the minimum requirements for the promotion of the public safety, health, morals and general welfare. The provisions thereof are not intended to abrogate or eliminate other required improvements which may be set forth in the zoning ordinance, the subdivision regulations, the design standards, or other such ordinances; provided, however, where such sections impose greater requirements with respect to required improvements, the provisions of such sections shall govern.

(Code 1989, § 16-10; Ord. No. 230, § 5, 9-28-1987)

Secs. 36-11--36-38. Reserved.

ARTICLE II. DESIGN STANDARDS

~~*Editor's note—Ordinance No. 230 A, adopted Sept. 14, 1987, did not specifically amend this Code; hence, inclusion of §§ 1-5 as Art. II, §§ 16-31—16-35, was at the discretion of the editor. Exhibit "A," which sets out the design standards is not printed herein, but is on file, together with Ord. No. 230 A, in the city clerk's office.~~

DIVISION 1. GENERALLY

Sec. 36-39. Adoption by reference.

The design standards, attached as Exhibit A to Ordinance Number 230-A and incorporated herein by reference, are hereby adopted as the design standards for development within the city. Exhibit "A" to Ordinance Number 230-A is available for inspection in the city clerk's office.

(Code 1989, § 16-31; Ord. No. 230-A, § 1, 9-14-1987)

~~Editor's note—Exhibit "A," attached to Ord. No. 230 A, is not printed herein, but is on file and available for public inspection in the city clerk's office.~~

Sec. 36-40. Scope.

The design standards shall apply to the development of residential subdivisions and all commercial developments within the city, including, but not limited to, the development of offices, institutions, shopping

centers, retail sales facilities, manufacturing facilities, apartment complexes, hotel or motel developments, and mixed use developments.

(Code 1989, § 16-32; Ord. No. 230-A, § 2, 9-14-1987)

Sec. 36-41. Enforcement officer.²⁰⁰

The provisions of this article and the design standards shall be enforced by the director of the department of community development engineering (the director of community development-city engineer), and the director of community development-city engineer, or the director of community development-city engineer's duly authorized representative, may enter upon any premises to perform any duty imposed upon the director of community development-city engineer by this article. The director of community development-city engineer may require tests or test reports as proof of compliance. Required tests are to be made at the expense of the owner, or his agent, by an approved testing laboratory or other approved agency.

(Code 1989, § 16-33; Ord. No. 230-A, § 3, 9-14-1987; Ord. No. 276, § 1, 6-11-1990)

Sec. 36-42. Remedies.

Upon notice from the director of community development-city engineer, work on any development that is being done contrary to the provisions of this article shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which the work may be resumed. When an emergency exists, the director of community development-city engineer shall not be required to give written notice prior to stopping the work. Further, in the event that work on any development is being done contrary to the provisions of this article, the director of community development-city engineer may revoke any permit previously issued by the city or any department of the city, and may refuse to issue any further permit until, in the discretion of the director of community development-city engineer, the work on the development is brought into compliance with the provisions of this article. Any person aggrieved by a decision of the director of community development-city engineer may appeal such decision to the board of zoning appeals.

(Code 1989, § 16-34; Ord. No. 230-A, § 4, 9-14-1987; Ord. No. 276, § 1, 6-11-1990)

Sec. 36-43. Alternative materials and methods.

The provisions of this article and the design standards are not intended to prevent the use of any material or standard not specifically prescribed by this article, provided that any such alternative has been approved by the director of community development-city engineer. The director of community development-city engineer may, in his discretion, approve any such alternate, provided the director of community development-city engineer finds that the alternate for the purpose intended is at least the equivalent of that prescribed in this article. The director of community development-city engineer shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternate.

(Code 1989, § 16-35; Ord. No. 230-A, § 5, 9-14-1987; Ord. No. 276, § 1, 6-11-1990)

Sec. 36-44. Conflict regarding construction standards in subdivision regulations.

If, and to the extent, there exists any conflict between the construction standards specified in the city's subdivision regulations and Ordinance Number 230-A to adopt design standards for development within the city, it shall be the right and responsibility of the director of community development-city engineer to specify the standard that shall apply with respect to the development under review, and the development and/or owner of the development shall adhere to the standard selected and specified by the director of community development-city engineer.

(Code 1989, § 16-36; Ord. No. 276, § 2, 6-11-1990)

²⁰⁰ **Code 1989, § 16-33. Enforcement officer.** *City wants to change all references to city engineer to director of public works except for this chapter, where it is changed to director of community development.*

~~**Editor's note** Ordinance No. 276, § 2, adopted June 11, 1990, did not specifically amend this Code; hence, inclusion of § 2 as § 16-36 was at the discretion of the editor.~~

Secs. 36-45--36-61. Reserved.

DIVISION 2. DESIGN REVIEW BOARD

~~***Editor's note** Ordinance No. 437, adopted Dec. 20, 1999, did not specifically amend the Code; hence, inclusion of §§ 1-10 as Div. 2, §§ 16-37-16-46, was at the discretion of the editor. The maps referred to throughout this division are not set out herein, but are on file in the city clerk's office.~~

Sec. 36-62. Finding of fact and determination of city council.

The historical, cultural and aesthetic heritage of the city are among the city's most valued and important assets, and the preservation of this heritage is essential to the promotion of the health, safety, education, prosperity and general welfare of the people.

(Code 1989, § 16-37; Ord. No. 437, § 1, 12-20-1999; Ord. No. 473, § 1, 5-7-2001; Ord. No. 637, §§ 1(exh. A), 2, 12-7-2009; Ord. No. 698, § 1, 12-1-2014)

Sec. 36-63. Purpose and declaration of public policy.

(a) *Purpose.* The city council finds that many places, districts, sites, buildings, structures, objects, landscape features and works of art, having a special character or a special historic or aesthetic interest or value, or representing the finest architectural products of distinct periods in the history of the city, have been destroyed or uprooted, notwithstanding the feasibility of preserving and continuing the use of such places, districts, sites, buildings, structures, objects, landscape features and works of art, and without adequate consideration of the irreplaceable loss to the people of the city of the aesthetic, educational, economic and historic values represented by such places, districts, sites, buildings, structures, objects, landscape features and works of art. In addition, distinct areas may be similarly uprooted or may have their distinctiveness destroyed, although the preservation thereof may be both feasible and desirable. It is the finding of the city council that the standing of this city must be maintained and enhanced by preserving the historical and architectural heritage of the city and preventing the destruction of such cultural assets. The city council further finds that certain aspects of development, such as the spatial relationships of structures and open spaces to each other and the appearance of buildings and open spaces as they contribute to the attractiveness, function, and character of a district or the city as a whole, require the timely exercise of judgment in the public interest by a public body qualified to evaluate the design of proposed new developments or redevelopments within the city.

(b) *Declaration of public policy.* It is hereby declared as a matter of public policy that the identification, protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures, objects, landscape features and works of art of special character of a special historic or aesthetic interest or value is a public necessity and is required in the interest of health, prosperity, safety, education and general welfare of the people. It is further declared as a matter of public policy that the promotion of sound design principals, in order to provide a built environment which is attractive and functional, is a public necessity and is required in the interest of the health, prosperity, safety, education and general welfare of the people. Accordingly, the public policy objectives of this division are as follows:

- (1) To effect and accomplish the protection, enhancement and perpetuation of such places, districts, sites, buildings, structures, objects, landscape features and works of art which represent or reflect special elements of the city's cultural, social and economic and architectural history;
- (2) To safeguard the city's historic, aesthetic and cultural heritage, as embodied and reflected in such places, districts, sites, buildings, structures, objects, landscape features and works of art;
- (3) To stimulate historic neighborhoods and to protect and enhance local historical and aesthetic attractions to residents, tourists and others and thereby promote and stimulate business;
- (4) To enhance the opportunities for federal or state tax benefits under relevant provisions of federal or state law;
- (5) To promote traffic safety and the general welfare of the public through the protection of the community

property values, character and vistas of various city entrance corridors and the prevention of unnecessary clutter, congestion and poor definition of properties and development edges along routes of primary access leading into areas and sites of significant historical, cultural, educational, social and/or aesthetic value, and to ensure that any development or redevelopment is consistent with the goals of the comprehensive plan;

- (6) To improve the environment of the city and quality of life for the general welfare of all citizens of the city;
- (7) To protect and enhance the attractiveness of the city to home buyers, tourists, visitors and shoppers, and thereby support and promote business, commerce, and industry, and provide economic benefit to the city;
- (8) To foster and encourage preservation, restoration and rehabilitation of structures, areas, and neighborhoods and thereby prevent urban blight; and
- (9) To encourage the concept of sustainability, use of energy efficient design and promote conservation of natural resources.

(Code 1989, § 16-38; Ord. No. 437, § 2, 12-20-1999; Ord. No. 473, § 2, 5-7-2001; Ord. No. 637, §§ 1(exh. A), 2, 12-7-2009; Ord. No. 698, § 2, 12-1-2014)

Sec. 36-64. Interpretation.

In addition to any restrictions imposed by the ordinance from which this article is derived, all buildings, structures, sites and areas and the property on which they are located shall remain and continue to be subject to all building, sign, zoning and other ordinances of the city. If any conflict arises between this division and regulations promulgated thereunder, the more restrictive shall control.

(Code 1989, § 16-39; Ord. No. 437, § 3, 12-20-1999; Ord. No. 473, § 3, 5-7-2001; Ord. No. 637, §§ 1(exh. A), 2, 12-7-2009; Ord. No. 698, § 3, 12-1-2014)

Sec. 36-65. 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:²⁰¹

Accessory structure means a structure detached from a principal building on the same lot, and customarily incidental and subordinate to the principal building or structure.

Action means any decision made by the board including approval, deferral or tabling.

Adaptive use means the process of converting a building to a use other than that for which it was designed (e.g., changing a factory into housing). Such conversions are accomplished with varying alterations to the building.

Alpharetta Highway (State Route 9) corridor of influence means any and all properties contiguous with or within the portion of the city along Alpharetta Highway or State Route 9, extending from Upper Hembree Road to the south, to Windward Parkway to the north.

Alteration of building means any change in the supporting members of a building (such as bearing walls, columns or girders); any change in the non-supporting interior walls of a building; any addition or reduction to the building; any change in use; or any relocation of a building from one location or position to another.

Board means the city design review board, as established by the Unified Development Code and appointed by the mayor and city council.

Building means a structure created to shelter any form of human activity, such as a house, barn, church, hotel, accessory building or similar structure.

Canopy (or marquee or awning) means a permanent roof-like shelter or overhang extending from part or all

²⁰¹ **Code 1989, § 16-40. Definitions.** We recommend adding introductory language to this provision for purposes of internal consistency. *City accepted.*

of a building face and constructed of a durable material such as fabric, metal, glass or plastic.

Central business district (CBD) means that portion of the city bounded by Mayfield Road to the north, Old Milton Parkway to the South, Haynes Bridge Road and Highway 9 to the east and Roswell and Canton Streets to the west (see Map A).

Certificate of design approval means a document issued by the design review board allowing an applicant to proceed with a proposed alteration, demolition, removal or new construction based upon a design review process and determination of the submitted proposal's suitability according to adopted criteria.

~~City. The City of Alpharetta, Georgia.~~

Community development director means the director of the community development department for the city, or his designee.

Construction means the act of erecting a new principal building or structure, and/or adding an accessory building or structure; the act of adding to an existing building, structure or other improvement.

Corridors of influence means the roadways and transportation routes having the greatest visual impact within the city and those roads which are considered to be gateways into the city. The corridors of influence include Alpharetta Highway or State Route 9 (except those portions which are considered to be in the central business district and the historic business district), Haynes Bridge Road, Mansell Road, North Point Parkway, Old Milton Parkway, Westside Parkway, and Windward Parkway (from State Route 9 to Georgia 400).

Demolition means any act or process that destroys, in part or in whole, any existing condition.

Demolition by neglect means neglect in any maintenance of any building or structure which results in its deterioration.

Design review means the process of ascertaining whether modifications to a particular building, structure, site, area, district, landscape feature or any part thereof meets the standards of appropriateness (design guidelines) established by the design review board.

Design standards, guidelines or criteria means adopted and written standards of appropriate activity that will preserve or enhance the historical, cultural, architectural, archaeological, educational, social, or aesthetic character, function and value of a particular resource, district or area of the city as a whole.

Development activity means all new construction, modification, addition, alteration, moving, destruction or demolition which would affect the exterior appearance of any structure, building, land, site or other object, including, but not limited to, the following:

- (1) The demolition of any building, structure or object.
- (2) The moving or relocation of any building, structure or object.
- (3) Except for housecleaning, any material work on the exterior appearance of existing buildings by additions, reconstruction, rehabilitation, alteration or any maintenance (including exterior color), or any exterior material changes.
- (4) Any new construction of a principal building or accessory building or structure subject to view from a street or public way.
- (5) Changes in existing walls, fences, steps, sidewalks, streets and paving or construction of new walls, fences, steps, sidewalks, streets and paving, if along street rights-of-way, public lanes or public alleys.
- (6) The erection or display on any lot, building or structure of any sign, light, artwork, mural, sculpture or other appurtenant feature.

Director means the director of the community development department for the city.

District means a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of buildings, structures, sites, spaces, or objects united by past events or aesthetically by plan or physical development.

Exterior features means the architectural style, design, general arrangement and components of all or any of

the outer surfaces of an improvement, as distinguished from the interior surfaces enclosed by said exterior surfaces, including, but not limited to, the type, color and texture of the building materials and the type and style of all windows, doors, lights, signs and all other features appurtenant to such improvements.

Facades means the exterior face of a building or structure exposed to public view.

Footcandles means a unit of luminance on a surface that is one foot from a uniform point source of light of one candle and equal to one lumen per square foot.

Garden district means that portion of Canton Street bounded by Church Street to the south and Hopewell Road to the north.

Gazebo means an accessory, open air structure not exceeding 300 square feet in size.

Haynes Bridge Road corridor of influence means any and all properties contiguous with or within the portion of the city along Haynes Bridge Road, extending from Academy Street to the north to Mansell Road to the south.

Historic business district (HBD) means that portion of the central business district bounded by Church Street to the north, Highway 9 to the east, Marietta Street to the south and the former Milton High School site to the west (see Map A).

Improvement means any building, structure, parking facility, fence, gate, wall, landscape feature, work of art or other object constituting a physical change of real property, or any part of such change.

Interchange districts means all properties within 1,000 feet of each interchange along Georgia 400. These districts include Mansell Road Interchange District, Haynes Bridge Road Interchange District, Old Milton Parkway Interchange District and the Windward Parkway Interchange District.

Island means, in parking lot and street design, built-up curbs (and in parking lots, usually placed at the end of parking rows) as a guide to traffic, and also used for landscaping, signage or lighting.

Landscape strip means a portion of a lot required to be reserved for, installed with, and maintained with vegetation. Such a strip may or may not be required to be of a linear form.

Mansell Road corridor of influence means any and all properties contiguous with or within the portion of the city along Mansell Road, extending from Haynes Bridge Road to the east to Warsaw Road to the west.

Master sign plan means a plan that includes all types of signage on a specific property. It shall include colors, design, placement and mounting styles for each sign type.

Mural means any piece of artwork painted directly on a wall, ceiling, or other permanent surface. If the artwork conveys a message about a product or service, it shall be considered a sign.

North Point Parkway corridor of influence means any and all properties contiguous with or within the portion of the city along North Point Parkway, extending from Kimball Bridge Road to the north to Mansell Road to the south.

Object means a material item of functional, aesthetic, cultural, historic or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

Old Milton Parkway corridor of influence means any and all properties contiguous with or within the portion of the city along Old Milton Parkway, extending from Wills Road to the west, and to the eastern city limits.

Ordinary repairs or maintenance means work done to prevent deterioration of a building or any part thereof by restoring the building as nearly as practical to its condition prior to its deterioration, decay or damage.

Owner means the title owner and his agents or assignees.

Parapet means that portion of a wall which extends above the roof line.

Preservation means the act or process of applying measures to sustain, in the existing form, the integrity and material of a building or structure, and the existing form and vegetative cover of a site (i.e., saving from demolition or deterioration buildings, sites, structures and objects and providing for their continued use by means of restoration, rehabilitation or adaptive use).

Principal building means the building or other structure within which is conducted ~~for~~ (or intended to be

conducted) the principal use of the lot on which said building is situated.

Reconstruction means the act or process of reproducing by new construction the exact form and detail of a vanished building, structure or object, or part thereof, as it appeared at a specific period of time.

Rehabilitation means the act or process of returning property to a state of utility through repair or alteration which makes possible an efficient contemporary use, while preserving those portions of features of the property which are significant to the historical and architectural values.

Restoration means the act or process of accurately recovering the form and details of a property and its settings as it appeared at a particular period of time by means of the removal of the later work or by the replacement of earlier work.

Roof line means the top edge of the roof or top of the parapet, whichever forms the dominant top line of the building silhouette.

Sign means any identification, description, illustration, symbol, statue or device, illuminated or non-illuminated, which is visible from any public place, each designed to advertise, identify or convey information, including any landscaping where letters or numbers are used for the purpose of directing the public's attention to a product or location, with the exception of window displays and state or national flags. For the purpose of removal, the term "sign" shall also include all sign structures.

Sign structure means any structure which supports, has supported or is designed to support a sign. A decorative cover is part of a sign structure.

Site means the location of a significant event or activity, or a building or a structure, whether standing, ruined, or vanished, where the location itself maintains special or unique value regardless of the value of the existing structure.

Site plan means a plan accurately drawn to scale of a development project, depicting the buildings proposed to be placed on the property, related public and site improvements on the site, and additional information as required by this article or conditions of zoning approval, and other applicable ordinances.

Solar panel means the following two types of devices that collect energy from the sun:

- (1) Solar photovoltaic modules use solar cells to convert light from the sun into electricity; and
- (2) Solar thermal collectors that use the sun's energy to heat water or another fluid such as oil or antifreeze.

Structure means a combination of materials to form a construction for use, occupancy or ornamentation which is fastened or attached to the ground.

Style means a type of architecture distinguished by special characters or features of a structure and ornament and often related in time; also a general quality of distinctive character.

Westside Parkway corridor of influence means any and all properties contiguous with or within the portion of the city along Westside Parkway, extending from Sanctuary Parkway to the southwest to Windward Parkway to the north.

Windward Parkway corridor of influence means any and all properties contiguous with or within the portion of the city along Windward Parkway, extending from State Route 9 to the west to Georgia 400 to the east.

(Code 1989, § 16-40; Ord. No. 437, § 4, 12-20-1999; Ord. No. 473, § 4, 5-7-2001; Ord. No. 637, §§ 1(exh. A), 2, 12-7-2009; Ord. No. 698, § 4, 12-1-2014)

Sec. 36-66. Scope of division.

The restrictions imposed by this division shall apply to all non-single-family detached buildings, structures, sites, and areas and the property on which they are located, within the central business district and historic district (as defined and depicted on Map A attached to the ordinance from which this article is derived and incorporated by reference), corridors of influence (as defined and depicted on Map B attached to the ordinance from which this article is derived and incorporated by reference), interchange districts (as defined and depicted on Map B attached to the ordinance from which this article is derived and incorporated by reference), and to all projects which otherwise expressly include, as a condition of development, review by the design review board.

(Code 1989, § 16-41; Ord. No. 437, § 5, 12-20-1999; Ord. No. 473, § 5, 5-7-2001; Ord. No. 637, §§ 1(exh. A), 2, 12-7-2009; Ord. No. 698, § 5, 12-1-2014)

Sec. 36-67. Design review board.

(a) *Establishment.* A design review board is hereby established. The board shall consist of seven members and two alternate members. Members shall be appointed and shall serve in accordance with the chapter 2, article III, Boards and Commission~~city Boards and Commissions Ordinance~~. No member shall be employed by the city, hold public office in the city or be a member of another city board or commission. At least one member of the board shall be a registered architect in the state, in good standing.

(b) *Proceedings.*

- (1) The board shall elect a chairperson and a vice-chairperson from its members, during its first meeting in January of every year, who shall serve for one year or until their successors are elected. A staff member of the community development department shall serve as a non-voting secretary to the board. Meetings of the board shall be held at the call of the chairperson and at such times as the board may determine. All meetings of the board shall be open to the public. A minimum of four members of the board shall constitute a quorum. Any act of the board shall require a majority vote of the members at a meeting at which a quorum is present. The board shall maintain minutes of its proceedings, including the results of all votes taken, and shall maintain records of its examinations and other official actions, all of which shall be filed in the office of the community development department as public record.
- (2) Only design review board members present during the initial review of an item may participate in any subsequent reviews of the same items. An exception to this provision can be made in order to maintain a quorum.
- (3) If no action is taken by the design review board within three consecutive hearings, the applicant may request to be placed on the next available board of appeals agenda for further consideration and action.

(c) *Powers and duties.* The board shall:

- (1) Review applications for certificate of design approval required in section 36-68~~7~~for:
 - a. All exterior features of new construction.
 - b. All exterior features of construction, alteration, restoration, moving, demolition, or repair of an existing building or improvements involving or resulting in a change in the existing structural composition or architectural design or character of such building or improvement.
 - c. All proposed changes, improvements or proposals regarding site plan features such as landscaping, walls, walks, terraces, fences, signs, lights and shopping cart corrals.
 - d. All proposed screening of dumpsters, satellite antennas and dishes, solar panels, parking lots, rooftop equipment and other mechanical equipment.
 - e. All proposed outdoor play yards and/or equipment, and outdoor patios with or without seating.
 - f. All demolition of buildings or portions of buildings that are over 50 years old and may be of significance.
- (2) Review all applications for signs within the central business district, the historic business district, the corridors of influence and the interchange districts.
- (3) Grant or deny applications for certificates of design approval based upon a design review of the proposed development activity for compliance with design standards.
- (4) The following shall not be subject to review by the board:
 - a. Repainting of a structure to the same color that was previously approved by the board.
 - b. The ordinary maintenance or repair of any exterior elements of any building or structure.
 - c. The construction, reconstruction, alteration or demolition of any such elements which the authorized city officers shall certify as required for public safety.

- d. Single-family detached residential structures.
- (5) Act in an advisory role to other city departments, boards and commissions.
- (6) Develop from time to time further design standards consistent with the purposes, intents and standards established in this division, and in accordance with section 36-69-8.
- (7) Notwithstanding any other provisions of this division, the design review board may delegate review responsibility for all nonresidential areas not included within the central business district, corridors of influence and the interchange districts to the director. If the director finds the plans in compliance, the director's decision shall be final, and a development or building permit shall be issued.

(Code 1989, § 16-42; Ord. No. 437, § 6, 12-20-1999; Ord. No. 473, § 6, 5-7-2001; Ord. No. 637, §§ 1(exh. A), 2, 12-7-2009; Ord. No. 698, § 6, 12-1-2014)

Sec. 36-68. Certificate of design approval; application.

(a) *When required.* No person shall undertake development activity within any area of the city subject to this division without first obtaining a certificate of design approval from the design review board in accordance with the provisions of this division. Such certificate of design approval shall be a pre-condition to the issuance of any land disturbance permit, building permit or other permit.

(b) *Application for certificate of design approval.* Application for certificate of design approval shall be made to the community development department and shall be accompanied by site plans, detailed development plans, including relevant sketches, perspective or isometric drawings, and written descriptions, affirmatively setting forth provisions for compliance with design standards. No application shall be deemed to be accepted by the community development department unless and until all fees are paid and all information reasonably required by the community development department is provided by the applicant. No application will be heard until all items have been submitted. Submittal shall include, but not be limited to the following:

(1) *Site plan requirements.*

- a. The location of all proposed buildings and structures, accessory and main, indicating the number of stories and height.
- b. The location and dimensions of proposed recreation areas, open spaces, outdoor seating areas and similar improvements.
- c. Parking areas with parking spaces drawn, tabulated, and dimensioned. Designated number of parking spaces (including handicapped) required by ordinance and provided by proposal.
- d. Parking islands and/or raised landscape islands and cart corral locations.
- e. The location of all drives. Minimum drive aisle width and direction of vehicular travel.
- f. Curb cuts and adjacent and connecting roadways off premises.
- g. Security gates, showing swing path.
- h. Sidewalks (both public and private).
- i. Loading docks.
- j. Detention ponds (underground/aboveground). Screening to be depicted on the landscape plan and/or site plan.
- k. Sites for solid waste/trash containers with screening, per city of ~~Atlanta~~ design standards.
- l. Show all easements, clearly designating as proposed and type (utility, access, etc.).
- m. The location, height, type and material of all fences, walls, retaining walls and guardrails.
- n. Show diameter, location, drip lines and protection areas of all specimen trees, whether retained or removed.
- o. Show all required buffers and setbacks, streams, water and floodplain areas.

- p. Such other information as is reasonably necessary to represent the character, nature and exactness of the proposed project being reviewed by the board.
 - q. Such other information as is reasonably requested by the community development department and/or the board.
- (2) *Site lighting.* A photometric site lighting study certified by a professional to indicate all foot-candle levels extending to all property lines from the project.
 - (3) *Site line study.* A site line drawing depicting several views from the public roadways to ensure all roof-mounted equipment is concealed from public view.
 - (4) *Landscape submittal requirements.* Provide landscape drawings prepared by a landscape architect (drawn to scale) indicating the locations of all landscape features including, but not limited to, the size and type of all plant materials (including groundcovers) and locations of seasonal beds. An existing tree and landscape survey and assessment of the existing landscaping should be included in the submittal.
 - (5) *Exterior elevation submittal requirements.*
 - a. Provide photographs of the subject property in its current condition and photographs of all contiguous properties.
 - b. Provide dimensioned and colored exterior elevations (drawn to scale) of all facades of the building identifying and representing the locations and color of all proposed exterior materials. Include locations of all proposed building-mounted light fixtures, equipment or other accessories. Enlarged details of portions of the building to help better understand the interaction of materials and colors are highly recommended.
 - c. Provide actual material and color samples of all proposed exterior materials. A color copy of such samples shall be included with the submittal (actual materials and color samples shall be brought to the design review meeting). Include cut sheets or other written and pictorial descriptions of all building-mounted lighting or equipment.
 - d. Indicate the locations of all rooftop-mounted equipment.
 - e. The use of perspective drawings, three-dimensional digital models or renderings to assist in depicting the exterior architecture of the building is highly recommended.
 - (6) *Building and monument signage requirements.*
 - a. Provide dimensioned and colored exterior elevations (drawn to scale) indicating the locations and dimensions of all building-mounted signs. Include actual color samples, lighting/illumination methods, materials and construction for each sign. Provide a calculation indicating the total area (square footage) of each building sign.
 - b. Provide a site plan (drawn to scale) indicating locations of ground-mounted monument signs. Indicate required setbacks, adjacent groundcover and landscaping materials.
 - c. Provide dimensioned and colored elevations of ground-mounted signs. Identify all proposed materials, provide actual material and color samples. Indicate lighting and illumination methods.
 - (c) *Action on application.*
 - (1) The application shall be delivered with the supporting information and materials to the community development department and the board for review and consideration.
 - (2) The board shall act upon the application within 30 days after the filing of an application with the community development department containing all the information required in this section. The board may extend the period for action 15 additional days for reasonable cause. The community development department or the board shall notify the applicant in advance of any decision to extend the period for action. The community development department, design review board and the applicant may also mutually extend the period for action.
 - (3) Unless extended, no action after 45 days shall deem the application as approved, and a certificate of

design approval shall be issued by the community development department.

- (4) If the application is approved, a certificate of design approval shall be issued. In the event an application is not approved, denied or deferred for additional information by the board, the board shall provide the applicant a written denial, indicating the reason for denial.

(d) *Appeal.* Appeal from the decision of the board is by writ of certiorari to the county superior court, and must be filed within 30 days from the date of the decision by the board.

(Code 1989, § 16-43; Ord. No. 437, § 7, 12-20-1999; Ord. No. 473, § 7, 5-7-2001; Ord. No. 637, §§ 1(exh. A), 2, 12-7-2009; Ord. No. 698, § 7, 12-1-2014)

Sec. 36-69. Design standards.

(a) *Visual compatibility factors.* New construction and existing buildings, structures and appurtenances attached thereto which are moved, reconstructed, materially altered, repaired or repainted, including repainting the same color, should reflect the visual character of the surrounding areas and shall be visually compatible with buildings, and places to which they are visually related generally, in terms of the following factors:

- (1) *Height.* The height of the proposed building shall be visually compatible with and complement the adjacent buildings and structures.
- (2) *Scale.* The size of a building should be similar in height, width and depth to buildings, squares and places to which it is visually related, except in areas of redevelopment.
- (3) *Facades.* Buildings should follow an established solid-to-void ratio and are to be visually compatible with adjacent buildings. Windows and door openings (height and width) are to be visually compatible with adjacent buildings. Avoid openings exceeding the dimensions of adjacent buildings by more than ten percent. Buildings must have finished front, side and rear elevations where there is visibility to those elevations. Respect and preserve the existing vernacular architecture and its elements.
- (4) *Rhythm of spacing of buildings on streets.* The relationship of buildings to open spaces between the building and the adjoining buildings shall be visually compatible with buildings and places to which it is visually related.
- (5) *Rhythm of entrance and/or porch projections.* The relationship of entrances and porch projections to the sidewalks of a building shall be visually compatible with buildings and places to which it is visually related.
- (6) *Materials, texture and color.* The compatibility of the materials, texture and colors for each facade of a building shall be visually compatible with buildings and places to which it is visually related. Buildings and structures shall be visually compatible with adjacent buildings. Buildings adjacent to each other of conflicting architectural styles shall be separated by such means as screens and site breaks.
- (7) *Roof configuration and shape.* The roof configuration and shape of a building shall be visually compatible with the building to which it is visually related.
- (8) *Continuity.* Appurtenances of a building such as walls, wrought iron, fences, evergreen landscape masses and building facades shall, if necessary, form cohesive walls of enclosure along a street, to ensure visual compatibility of the building to the buildings and places to which it is visually related.
- (9) *Signs.* Signs shall be compatible with the buildings and places to which they are visually related. Signs shall reflect the scale and character of their surroundings in size, type, face, graphics, lighting, square footage, style, material, color and related qualities of the building.
 - a. Ground-mounted signage in all districts are to be monument style with materials and a color to match the parent building's materials. Unless otherwise specified in a master sign plan, the structural supports and foundation shall be of brick, stone or of materials to match the principal material found in the principal structure on the site. The board encourages seasonal and evergreen plants installed in planting beds surrounding the monument sign.
 - b. All signs must be weatherproof and must be made of enduring materials so as not to become a hazard due to disrepair, damage or inclement weather. All letters or numbers shall be permanently

affixed. Neon, fiber optics, and non-traditional illumination techniques are discouraged in lieu of LED or more environmentally friendly styles. Use of neon tubing, fiber optics or other non-traditional illumination techniques which are visible are prohibited unless covered by translucent material. All signs shall provide vertical relief with the use of characters, letters or numbers. Lighting should be limited and shall not be distractive to motorists or pedestrians, or distract from the architecture of the site.

c. In general:

1. Individual signs should not use more than two colors, plus a background color.
2. Signage may also utilize white and/or black as predominant colors.
3. Signage should not utilize more than one color for the primary message copy, unless a second color is used to create a shadowing or outlining effect.
4. For panel signs, the background color shall mean the panel itself.
5. For channel letters, the background color shall mean the returns.
6. If a portion of the building behind a wall sign is painted a different color than the remainder of the wall, then such portion of the wall shall be counted as background color.
7. Trim colors shall be counted as background colors.

(10) *Master signage.*

- a. For new construction or the exterior remodel of more than 50 percent of a building, a master sign plan is strongly suggested for all multi-building or multi-occupant commercial developments before any permanent signs for such development may be erected. All owners, tenants, subtenants and purchasers of individual units within the development shall comply with the approved master sign plan, or submit to the design review board for approval.
- b. The master sign plan shall consist of five elements that shall govern all signs within the development: location, materials, size, color and illumination.
- c. The master sign plan shall include details, specifications, dimensions, and plans showing the proposed locations of signs and how such locations conform to the requirements of this article.
- d. A master sign plan should show the allocation of permitted wall sign space among proposed tenants and any general building sign or signs.
- e. A master sign plan may be amended by filing a new master plan through the design review board (DRB) application process.
- f. The master sign plan application may be filed only by the owner of the land affected by the proposed change, or an agent, lessee or contract purchaser specifically authorized by the owner. If a governing board for the property affected exists, then the governing board may provide written authorization for all land owners affected.
- g. A tenant sign package is encouraged for multi-tenant buildings.
- h. In general, signage should be limited to not more than three approved colors.

~~(11)~~4. — *Murals.* Murals shall be appropriately scaled and visually compatible with the buildings on which they are placed. Not all buildings are appropriate for mural display, and careful consideration shall be given to any mural proposed within the downtown historic district.

(12) *Awnings.* Awning signs shall be allowed, provided that:

- a. The maximum area of an awning sign shall not exceed ten percent of the total awning face front and side area.
- b. Awning signs may be illuminated only with direct surface lighting and not with any form of back lighting.

(13) *Display of logos and trademarks, generally.* Logos and trademarks may be included on signs without separate restriction, provided that such logos and trademarks are consistent with the approved color scheme shown on the master sign plan. Logos for single occupancy projects also shall be limited to the three-color requirement.

(14) *Display of registered trademarks.*

- a. A federally registered trademark or service mark that is registered as a stylized/design mark in colors inconsistent with the applicable master sign plan or the color limitations applicable to a single-occupancy property may nevertheless be displayed on a sign in its registered form and color, provided that it may only occupy up to 20 percent of the permitted area of any sign, without regard to the color limitations otherwise applicable to the sign.
- b. Placement on the sign shall be in accordance with any applicable provisions of the master sign plan. This division does not specify where a logo must be placed on a sign.
- c. Holders of multi-colored federally registered trademarks or of federally registered trademarks that do not conform to the colors shown in the applicable master sign plan or with the three-color limitation on single-occupancy properties may, at the holder's choice, elect to display the mark in a color pattern consistent with the applicable master sign plan; or, the holder may display the mark in its registered colors, provided that it shall not occupy more than ten percent of the permitted area of the sign on which it appears.
- d. The holder of a federally registered trademark that conforms to the colors shown in the applicable master sign plan may display that logo as part of the permitted signage without further restriction.
- e. ~~Solar Panels.~~ Solar panels should be designed to be visually compatible with the architectural design of the primary structure.

(15) *Landscaping.*

- a. Where existing topographic patterns contribute to the beauty and utility of a development, they shall be preserved and developed. Landscape treatment shall be provided to enhance and complement architectural features, strengthen vistas and lines of sight ~~site~~ and provide shade. Vehicular areas shall be protected by appropriate curbs, tree guards, or other devices wherever possible. Where building sites limit planting, the placement of trees and shrubs in the parkways or paved areas is encouraged. Screening of service yards, exterior utilities (includes generators, water chillers, etc.), refuse collection areas and other places which tend to be unsightly shall be accomplished by the use of walls, fencing, landscaping or any approved combination of these. Screening shall be effective in winter and summer seasons. Every effort shall be made to respect and preserve existing landforms, trees and other landscape elements. Shielding of vehicular parking areas, service areas and driveways from adjacent properties and public rights-of-ways shall be accomplished through the use of effective screening mechanisms such as landscaped earthen berms, lowering the parking level grade below sight lines from public rights-of-way, and by the use of evergreen screen landscaping.
- b. Plant materials are encouraged to be indigenous or naturalizing but not of exotic origin to this region and climate. Care should be taken in selection of plant materials that do not require excessive irrigation or maintenance. Scale and proportion of the building should be considered. Landscaping should be utilized to complement and soften the architecture of buildings, structures and monument signs and soften or screen views of parking areas from public rights-of-ways. Equal attention shall be given to landscaping along the side and back of buildings as well as the front.
- c. The following minimum requirements must be met:
 1. Provide decorative landscaping near building entrances or patios (planting beds, large pots, etc.).
 2. Screen dumpster and recycling bins with a masonry wall to match the building and opaque metal gates and evergreen plantings. See Standard Plan 700.

3. Monument signs should not displace required landscaping. Base plantings around signs shall include evergreens and seasonal plantings.
4. Parking areas should be demarcated from pedestrian connections with pavers, stamped concrete or other material that differentiates the pedestrian walkways.
5. Provide paved pedestrian connections from public sidewalks to the site interior (may not be located within a required tree island).
6. Sites should include a minimum of one bicycle rack, one bench and one trash receptacle.
7. All landscaped areas should be maintained by the use of automatic irrigation systems or as approved by the community development department. Automatic irrigation systems shall comply with the water conservation ordinance.

(16) *Streetscape guidelines.*

a. *Old Milton Parkway.*

1. Brookside area tree placement. Shade trees such as willow oaks, nuttall oaks, American elms, etc., are to be spaced 50 feet on center alternated with groupings of understory trees and accent shrubs. Flowering or variegated leaf color is encouraged.
2. Granville lights are to be located 80 feet on center. The color is to be black.
3. Benches are to be placed at the rate of one unit every 100 linear feet.
4. Medians. Groupings of understory flowering trees and accent shrubs with ends of beds are to be planted with dwarf lemon yellow daylilies or similar. Alternate with blocks of evergreen trees such as holly (Savannah, Foster, or Nellie Stevens), staggered at eight feet on center, and ends of the bed are to be planted with Knockout roses or similar. Planting shall allow for a minimum visual clearance of 24 feet at the end of each median which shall be planted with dwarf daylilies or other groundcover. Median widths of less than two feet shall be brick pavers (no plants).

b. *North Main Street.*

1. Shade trees such as hybrid red maples, Asian elms, or American or European hornbeams, etc., shall be spaced 50 feet on center. Alternate with groupings of understory trees and accent shrubs. Flowering or variegated leaf color is encouraged.
2. Granville lights are to be located 50 feet on center. The color is to be black. Benches are to be placed at the rate of one unit every 150 linear feet.
3. Medians. Groupings of understory trees shall be under planted with Knockout roses or similar. Flowering or variegated leaf color is encouraged. Alternate with blocks of evergreen trees such as Nellie Stevens holly staggered at eight feet on center. ~~and~~ Ends of the bed are to be planted with low ornamental shrubs. Plantings shall allow for a minimum visual clearance of 24 feet at the end of each median which shall be planted with dwarf daylilies or other groundcover. Median widths of less than two feet shall consist of brick pavers (no plants).
4. The central business district shall comply with the downtown incentive zoning guidelines.

(17) *Building, structure and sign material colors.*

- a. Building color palettes. The use of muted, subdued or earth tone colors are encouraged while the use of novelty and primary colors are strongly discouraged and are to be avoided. It is the intent of these guidelines to establish timelessness in the color schemes incorporated in the building design and project design. Colors are intended to enhance the architecture of the project, not to attract attention to specific features or elements such as roof or parapet lines and signs. Building colors for the central business and historic business districts are to be derived from the "historic" or "Williamsburg" collections or palette by Benjamin Moore, or equivalent. Equivalent colors matching the above named manufacturers are acceptable.

- b. Deviation from the approved colors may be considered by the board where appropriate or as part of accented design elements. In general, a project should use no more than three of the approved colors.
- (18) Undesirable elements. The following elements are strongly discouraged in all districts and corridors of influence:
- a. Visually obtrusive stormwater detention or retention areas. Care should be taken to locate stormwater detention or retention areas in the least conspicuous areas of the project site or design them as a water feature. Additional care should be taken to mitigate the visual intrusion of detention or retention areas through the use of heavy landscaping, or concealing these areas underground. Utilization of the retention or detention pond as an attractive site feature is the preferred alternative.
 - b. Visible roof-mounted equipment on buildings. Roof-mounted heating and air cooling units, exhaust hoods and fans, vent piping, satellite dishes, antennae and other roof appurtenances on the roof of a building are prohibited from being viewed from the ground by the general public and must be permanently screened. Any exterior ventilated HVAC units shall be internally drained (e.g., condensate lines).
 - c. Visible dumpsters and recycling bins or containers. Dumpsters, refuse containers and recycling bins are required to be screened from public view with building materials that match the parent building, and their location on the project site is to be as inconspicuous as possible. Enclosure doors are to be constructed of steel or other durable materials that can be easily maintained and their color coordinated with the parent building.
 - d. Excessive site and building lighting. Site and building lighting should be minimal, with lighting standards and levels being at the discretion of the board. Site lighting should not distract motorists or pedestrians traversing on or near the project site. Building lighting should not distract from the overall architecture of the building but should complement the building. Site or building lighting should not spill over onto adjacent properties, and should be directed specifically at the building in order to limit lighting of the night sky. However, site and building lighting is encouraged to provide a sense of security.
 - e. Improper landscape design and lack of creativity. Attractive, complimentary landscapes are encouraged throughout the site using a mix of evergreen foundation plants, colorful accent plants and groundcovers. Untested, non-naturalizing or non-indigenous species of plants are strongly discouraged. Trees should be of larger caliper and size to create a pleasant and immediate impact upon installation. Shrubs should be of the largest container size possible.
 - f. Removal of existing trees important to the character of the site. Large and significant trees should be protected where possible through the use of creative design solutions and manmade protection devices, such as tree wells, aeration systems, etc.
 - g. Discouraged architectural elements. Mansard roofs; drive-through windows that become a primary visual focus; plastic elements; inappropriately ornate architectural elements (such as elements depicting animals); metal buildings; and mobile units are discouraged.
 - h. Use of neon, fiber optic, and non-traditional illumination techniques is strongly discouraged. Use of neon tubing or other non-traditional illumination techniques which are visible are prohibited, unless covered by translucent material.
 - i. Excessive use of building materials. In general, building materials should be limited to three types. Buildings incorporating too many different material types look busy and disjointed. Visual continuity should be considered by balancing building materials within the architectural elevations.
 - j. Thematic architecture. Building styles that are overly theatrical in character or are designed to represent specific objects are strongly discouraged. Materials used to create theatrical design such as driftwood, netting, corrugated metal and mirrors are strongly discouraged.
 - k. Excessive use of retaining walls. Use of retaining walls is discouraged. However, where required

due to site conditions and grading considerations, care should be taken to mitigate their visual obtrusiveness. Finished materials must match the parent building or structure. Modular block walls are only allowed in non-visible areas of the site.

- l. Visually obtrusive parking structures or other accessory buildings. Parking structures must provide architectural details and materials to mitigate their visual obtrusiveness on all exterior elevations. Materials and colors must match those of the parent building. Should no parent building be adjacent, then the parking structure should be visually compatible with other adjacent structures. All surface water and stormwater shall be internally drained. Evergreen landscape trees and shrubs shall be incorporated to aid in screening the structure.
- m. Use of plastic materials and primary color accessory structures. Accessory structures such as playgrounds must not be visible from public rights-of-way. Plastic materials and primary colors are to be avoided.
- n. Murals. Murals shall be appropriately scaled and visually compatible with the buildings on which they are placed. Not all buildings are appropriate for mural display, and careful consideration shall be given to any mural proposed within the downtown historic district. Murals shall not include advertising or be commercial in nature.
- o. The board shall seek to minimize and discourage the use of the following architectural features within the city: mansard roofs, wooden shakes or shingles, drive-through windows that become a primary visual focus, overly plastic elements, metal buildings and mobile units.

(b) *General design standards.* The board shall also consider the following general design standards when reviewing applications for certificates of design approval:

- (1) For new buildings and additions to existing buildings.
 - a. The height of the rooflines or parapets along the street or public right-of-way.
 - b. Scale and mass of the building on the site.
 - c. Placement of the building on the site.
 - d. Materials, colors and textures of the buildings.
 - e. Architectural style where there is a predominant style on surrounding and adjacent buildings;~~;~~ and
 - f. Architectural details, including signs, subject to public view from any public street or public way.
 - g. Incorporation of pedestrian-friendly features and amenities wherever possible. Pedestrian paths (e.g., sidewalks, mulched paths) should encourage pedestrian travel throughout an entire project. Pedestrian paths connecting adjacent properties and projects are also strongly encouraged.
- (2) For modifications to existing buildings.
 - a. The degree to which the distinguishing original qualities or character of a building, structure or site, including historic materials, are retained.
 - b. The historic appropriateness of any new features;~~;~~ and
 - c. The compatibility of proposed alterations with other buildings within the street block face or block face across the street, giving consideration to building size, shape, roofline, colors, materials, textures, nature of openings and architectural details.

~~— The extent to which the buildings or structures will promote the general welfare of the city and all citizens by the preservation and protection of the neighborhood.~~

- (3) For bridges and bridge encroachments.²⁰²

²⁰² **Code 1989, § 16-44.** Updated to reflect the current language from the Alpharetta Design Review Board Ordinance.

- a. Bridges and bridge encroachments in all areas of the city are to be treated with enhanced architectural details. This would include all vehicular and pedestrian bridges and combinations thereof. Enhancements should include the use of brick and/or stone for the exterior and interior (roadway side) of the facades of bridges and all wing walls, abutments, beams, and piers. Horizontal and vertical relief should be provided along the sides to completely cover the substructure with a center point feature. All vehicular bridges shall include a separated (by a decorative barrier) sidewalk of ten feet. Barriers are encouraged to include plantings. All fencing proposed shall be of a decorative nature and should include a planting to create a "green" or "live" wall. The bridge should include decorative lighting of both vehicular and pedestrian heights. Each bridge center piece shall have an official city seal incorporated.
- b. Specific design standards. The board will consider the following specific design standards when reviewing applications for certificates of appropriateness:
 1. It is the intent of the city to maintain and enhance the "traditional main street" character within the central business district and the historic districts. Outside these areas, the board will evaluate each project proposal based on the quality of its design and relationship to the architectural character and style of the surrounding buildings, structures and streetscape.
 2. Building scale, proportion and massing will be considered as follows: within the central business district and the historic districts, no single building design element shall exceed 100 feet in length; and no continuous, uninterrupted storefront elevation (elevation in the same plane) shall exceed 50 feet in length.
 3. The board shall seek to minimize and discourage the use of the following architectural features within the city:
 - (i) Mansard roofs.
 - (ii) Wooden shakes or shingles.
 - (iii) Drive-through windows that become a primary visual focus.
 - (iv) Plastic elements.
 - (v) Inappropriate ornate architectural elements (such as elements depicting animals).
 - (vi) Metal buildings.
 - (vii) Mobile buildings.

(c) *Additional standards.* Subject to the approval of the city council, the board shall have the authority from time to time to promulgate additional design standards. Such additional design standards shall be effective upon approval by the city council.

(Code 1989, § 16-44; Ord. No. 437, § 8, 12-20-1999; Ord. No. 473, § 8, 5-7-2001; Ord. No. 637, §§ 1(exh. A), 2, 12-7-2009; Ord. No. 698, § 8, 12-1-2014)

Sec. 36-70. Conformance with certificate.

(a) All work performed pursuant to an issued certificate of design approval shall conform to the requirements of such certificate. If work is performed not in accordance with such certificate, the community development department shall be authorized to issue a cease and desist order, and all work shall cease.

(b) Appeal from such cease and desist order shall be the same as that set forth in section 36-68(d) 7, ~~D~~ for appeal of an application denial by the board.

(Code 1989, § 16-45; Ord. No. 437, § 9, 12-20-1999; Ord. No. 473, § 9, 5-7-2001; Ord. No. 637, §§ 1(exh. A), 2, 12-7-2009; Ord. No. 698, § 9, 12-1-2014)

Sec. 36-71. Remedies.

In case any activity covered by this division is or is proposed to be initiated in violation of any provision of this division, the community development department may, in addition to other remedies, and after due notice to the appropriate person, issue a citation for violation of this division requiring the presence of the violator in the

municipal court of the city or the city code enforcement board, or institute an injunction or other appropriate action of proceedings to prevent such unlawful activity or to correct or abate such violation.

(Code 1989, § 16-46; Ord. No. 437, § 10, 12-20-1999; Ord. No. 473, § 10, 5-7-2001; Ord. No. 637, §§ 1(exh. A), 2, 12-7-2009; Ord. No. 698, § 10, 12-1-2014)

PROOFS

Chapter 37
RESERVED

PROOFS

Chapter 38
SOLID WASTE

~~ARTICLE III. SOLID WASTE DISPOSAL~~²⁰³

~~ARTICLE I. IN GENERAL~~²⁰⁴

Sec. 38-1. Definitions.

~~The following terms, as used in this article, shall have the meanings respectively ascribed to them:~~

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:

Approved garbage can means any cylindrical or rectangular light gauge steel, plastic or galvanized receptacle which is closed at one end and open at the other, equipped with two handles, a tight fitting top or lid, and watertight. An approved garbage can shall have a capacity of not less than five gallons and not more than ~~95~~ ²⁰⁵ ~~ninety (90)~~ gallons. Approved garbage cans shall also include plastic bags or liners of sufficient strength to hold refuse not exceeding 50 pounds gross weight and which are tied securely at the top.

Approved yard waste container means any plastic or galvanized receptacle which is closed at one end and open at the other with two handles and a lid, having a capacity of no more than 40 pounds gross weight when filled.

Commercial and industrial premises/units means commercial and industrial entities within the city limits to which the city is responsible for collection.

Garbage means all accumulations of animal, fruit or vegetable matter that attend the preparation, use, cooking or storage of meat, fish, fowl, fruits or vegetables, and containers originally used for foodstuffs.

Hazardous waste means any chemical, compound, mixture, substance or article which is designated by the U.S. Environmental Protection Agency or an appropriate agency of the state to be hazardous as that term is defined by or pursuant to federal or state law or regulation.

Inert trash means trash that is not defined as garbage or yard waste such as appliances (other than those containing Freon), furniture, swings or any non-garbage or non-yard waste material which cannot fit into an approved trash container. The term "inert trash" does not include rocks, concrete, bricks and similar solid material, tires, dirt, plaster or construction waste.

Recyclable material means newspapers, glass bottles and containers, aluminum beverage cans, and bimetal beverage cans.

Refuse means garbage, yard waste, inert trash, or all.

Residential premises/units means a dwelling within the city limits occupied by a person or group of persons. A residential unit shall be deemed occupied when water services, either public or private, are being supplied thereto. Each unit of an apartment or condominium dwelling, whether of single or multilevel construction, shall be treated as a residential unit unless the entire condominium or apartment complex is serviced as a commercial entity.

Rubbish means all refuse other than garbage including pine straw, leaves, hedge and grass clippings and any

²⁰³ **Code 1989, Ch. 11, Article III. Solid Waste Disposal.** We recommend moving this article to appear under a new chapter entitled "Solid Waste," for purposes of organizational consistency and conformity with the standard MCC Code format. *Change accepted.*

²⁰⁴ **Article III. Solid Waste Disposal.** *We request that the city check language to make sure it matches the current solid waste plan and contract.*

²⁰⁵ *Language updated per City's request.*

other material not specifically excluded by this chapter or the agreement of the city and an independent contractor providing collection services. The term "rubbish" does not include tree stumps, tree limbs more than three feet in length or three inches in diameter, rocks, concrete, bricks and similar solid material, dirt or plaster.

Yard waste means plant material including leaves, grass clippings, thatch, hedge clippings, Christmas trees, pine cones, pine straw and tree limbs less than three feet in length or six inches in diameter. The term "yard waste" does not include tree stumps or tree sections larger than herein described.

(Code 1989, § 11-50; Ord. No. 187, § 1, 9-20-1982; Ord. No. 277, § 1A, 7-23-1990; Ord. No. 314, § 1, 10-12-1992)

Sec. 38-2. Use of service required; those authorized to provide.

(a) The periodic collection of garbage from all places in the city benefits all occupants of places and premises in the city, and such occupants or persons in possession, charge or control of any place in or from which garbage is created, accumulated or produced are liable for and shall pay the garbage collection fees established by the city council. Garbage collection service shall be provided for by the city either on its own or through an independent contractor operating under formal contract with the city, and it shall be mandatory for all occupants or persons in possession, charge or control of places and premises in the city in or from which garbage is created, accumulated or produced to use the collection service provided for by the city or its contractor; provided, however, that there may be joint or multiple use of garbage containers by outside collection services, subject to securing a permit or contract therefor from the city council and pursuant to rules and regulations therefor as established by the council.

(b) It shall be unlawful for any person other than an independent contractor operating under a separate contract with the city or authorized agents and employees of the city to collect, remove or dispose of garbage in the city; provided, however, that nothing contained herein shall prevent the use of garbage disposal devices as provided in the city plumbing code.

(Code 1989, § 11-51; Ord. No. 187, § 6, 9-20-1982)

Sec. 38-3. Contracts with independent contractors--Authorized; roll-off services; special handling.

(a) In order for the city to provide adequate service to the citizens of the city for the collection, removal and disposal of accumulated refuse, the city may enter into a contract with an independent contractor, either private or another municipal corporate entity, for such services. In such event, any contract entered into shall be required to meet the standards and regulations of this chapter; provided, however, that the independent contractor shall have the right to offer specific services to all commercial or industrial customers which may involve specialized trucks, compactors, machinery or handling. Under such circumstances, all commercial or industrial customers using such services commonly referred to as roll-off services shall be subject to rates negotiated between the contractor and the building owners and/or occupants, and shall be billed directly by the contractor.

(b) For items requiring special handling due to size, weight, type of material, or method of placement, the charges are to be negotiated between the contractor and the generator/owner prior to collection, and such service fees shall be billed directly to the customer from the contractor.

(c) In the event the city enters into a contract with an independent contractor for the collection of refuse throughout the city, such contract, once approved, shall be adopted by resolution and published in the office of the city hall where utility bills may be paid.

(Code 1989, § 11-52; Ord. No. 187, §§ 7, 14, 9-20-1982; Ord. No. 277, § 1B, 7-23-1990)

Sec. 38-4. Same--Contract price.

The city council may negotiate with an independent contractor or another municipal corporate entity the terms, conditions and consideration to be paid for the services sought under such a contract; and it shall be presumed that any consideration agreed upon between the city and such independent contractor or municipal corporate entity shall be in the best interest and welfare of the citizens of this city.

(Code 1989, § 11-53; Ord. No. 187, § 8, 9-20-1982)

Sec. 38-5. Collection of yard waste generally.

(a) On or after the effective date of the ordinance from which this section is derived, it shall be mandatory for each occupier of land in the city to separate all yard waste from other refuse in accordance with the provisions

of this section. Grass, leaves, pine straw and thatch shall be segregated from other yard waste and shall be placed together in an approved yard waste container. Pine cones and hedge clippings shall be segregated from other yard waste and shall be placed together in an approved yard waste container. Tree limbs of proper size shall be stacked at curb side.

(b) Each residential or business unit shall provide one or more approved yard waste containers. Each approved yard waste container shall be placed at the curb side for collection on days specified from time to time by resolution of the city council. Initially, yard waste collection shall be every two weeks on the same day the city's contractor collects garbage and recyclables. No more than ten five (5) approved yard waste containers will be picked up from any one residence or business at any one time. The approved yard waste containers shall not be placed at the curb side sooner than one day prior to the scheduled collection, and empty containers shall be removed promptly after collection.²⁰⁶

(c) Yard waste placed in anything other than an approved yard waste container, such as plastic bags or cardboard boxes, will not be picked up by the city. Each resident or business shall be responsible for the proper disposal of tree stumps, tree limbs more than three feet in length or six inches in diameter, and other ~~inert~~ trash such as rocks, concrete, bricks or similar solid materials, tires, dirt, plaster and construction materials. Neither the city nor any contractor of the city will pick up such materials for disposal.²⁰⁷

(d) Nothing in this section shall be deemed to prohibit an occupier of land within the city from mulching or composting yard waste for use on the premises.

(Code 1989, § 11-54; Ord. No. 187, § 10, 9-20-1982; Ord. No. 314, § 2, 10-12-1992)

Sec. 38-6. Disposition of inert trash.

Occupiers of land within the city shall call the city public works department and request pick-up of inert trash. Such materials shall be placed at the curb side no sooner than the day before the pick-up date established by the city. Inert trash shall not be commingled with yard waste.

(Code 1989, § 11-55; Ord. No. 187, § 12, 9-20-1982; Ord. No. 314, § 3, 10-12-1992)

Sec. 38-7. Districts.

The city council may, by resolution, establish districts in the city for the purpose of collecting garbage and rubbish and establishing the fees therefor.

(Code 1989, § 11-56; Ord. No. 187, § 13, 9-20-1982)

Sec. 38-8. Time of collection.

Collection of garbage shall be made at least once a week from private residences, or as many times per week as the city or its contractor may order from all other places.

(Code 1989, § 11-57; Ord. No. 187, § 9, 9-20-1982)

Sec. 38-9. Notification for collection.

(a) All occupants or persons in possession, charge or control of premises and places in or upon which garbage is created, accumulated or produced shall notify the city or its contractor that collection of garbage from such places is required. Occupants or persons in possession, charge or control of premises and places other than private premises shall give notice of the frequency of collection required.

(b) In the event the city enters into a contract with an independent contractor entity, the independent contractor shall notify the citizens of this city of the change in collection procedure and furnish to the citizens of this city sufficient information for notifying the independent contractor of the citizens' collection needs.

(Code 1989, § 11-58; Ord. No. 187, § 11, 9-20-1982)

²⁰⁶ Language modified per City's request.

²⁰⁷ Language modified per City's request.

Sec. 38-10. Approved garbage cans--Regulations.

(a) Each residential unit shall be provided a 95-gallon plastic rollaway cart for garbage disposal. All owners/lessees of residential units shall keep the rollaway carts in a clean, neat and sanitary condition at all times. In the event an owner/lessee loses, destroys or damages a rollaway cart, such owner/lessee shall be required to reimburse the city for the cost of replacing the cart.²⁰⁸

(b) It shall be the duty of every person in possession, charge or control of any place in which garbage is created, accumulated or produced to provide, and at all times keep in a suitable place, as may be required by the city or independent contractor, approved garbage cans capable of holding all refuse which would ordinarily accumulate on such premises between the times of successive collections. Garbage furnished by tenants shall be marked so as to indicate the apartment or flat to which it belongs.

(c) Commercial and industrial consumers shall place all garbage created, accumulated or produced in approved garbage cans or as necessary for front-end container service, roll-off service using specialized trucks, and compactor service involving special machinery.

(Code 1989, § 11-59; Ord. No. 187, § 2, 9-20-1982; Ord. No. 277, § 1C, 7-23-1990)

Sec. 38-11. Same--Recycling services, bins.

The city may from time to time provide, or cause to be provided through an independent contractor, collection bins for collection of recyclable material. Upon receipt of a collection bin, each owner/lessee shall keep such collection bin in a clean, neat and sanitary condition at all times. In the event any collection bin becomes lost, destroyed or damaged, or otherwise unusable for the collection of recyclable materials, said owner/lessee shall reimburse the city for the cost for replacing such collection bin.

(Code 1989, § 11-60; Ord. No. 277, § 1D, 7-23-1990)

Editor's note--Prior to amendment by Ordinance Number 277, § 1D, adopted July 23, 1990, § 11-60 pertained to the duty of property owners to provide their own garbage containers and derived from Ordinance Number 187, § 3, 9-20-1982.

Sec. 38-12. Same--Materials deposited therein.

Rubbish which includes broken glass that has been crushed in a compactor may be deposited in garbage containers. All other broken glass must be set aside in a separate container, clearly visible. Human waste or animal waste and other potentially infectious materials shall not be deposited or placed in garbage containers unless such material is wrapped in a manner satisfactory to the city or its contractor and the city or its contractor has issued an express written consent for the deposit of such waste. Liquid garbage shall not be deposited in such containers. Kitchen garbage shall be drained of all moisture and completely wrapped in paper before it is placed or deposited in garbage containers.

(Code 1989, § 11-61; Ord. No. 187, § 4, 9-20-1982)

Sec. 38-13. Same--Location.

(a) *Residential premises.* With respect to residential premises, no garbage containers or other containers for refuse, other than those of the city, shall be placed, kept, stored or located within the right-of-way of a street or alley or at a distance exceeding 100 feet from the street right-of-way; provided, however, that the city or its contractor may authorize the location of such containers within the public right-of-way at specified places and times when such location is necessary for the expeditious collection and disposition of garbage by the city.

(b) *Commercial and industrial premises.* With respect to commercial and industrial premises, containers shall be kept on the premises at a place near the street, readily accessible to collection vehicles, or as otherwise provided by the city or its contractor.

(Code 1989, § 11-62; Ord. No. 187, § 5, 9-20-1982; Ord. No. 277, § 1E, 7-23-1990)

²⁰⁸ Language modified per City's request.

Sec. 38-14. Nuisance--Described.

The keeping of garbage in containers other than containers prescribed by this chapter or the keeping upon premises of garbage or yard waste which is allowed to become offensive and noisome, shall constitute a public nuisance, and may be abated in the manner provided by law.

(Code 1989, § 11-63; Ord. No. 187, § 17, 9-20-1982; Ord. No. 314, § 4, 10-12-1992)

Sec. 38-15. Same--Punishment.

(a) Any property owner, tenant, occupant, person in possession or other person allowing or causing garbage or yard waste to accumulate on the premises to the point that such accumulation becomes offensive and noisome to the adjacent property owners shall be guilty of an offense and subject to citation by the city, upon affidavit being made in writing as to the existence of this violation by any citizen of the city.

(b) Upon affidavit being made, the property owner, tenant, occupant, person in possession, or person creating the offensive and noisome act shall be served with a citation by the city police department and allowed to show cause, if any, why such person should not be found guilty of the offense, and upon conviction for failure to show good cause, shall be subject to punishment as provided in section 1-8.

(Code 1989, § 11-64; Ord. No. 187, § 18, 9-20-1982; Ord. No. 314, § 4, 10-12-1992)

Sec. 38-16. Fees for collection of garbage and yard waste--Establishing.

Fees for collection of garbage and yard waste shall be those as established by resolution of the city council, and shall be published in the office of the city hall where utility bills may be paid.

(Code 1989, § 11-65; Ord. No. 187, § 14, 9-20-1982; Ord. No. 314, § 4, 10-12-1992)

Sec. 38-17. Same--Payment.

(a) With respect to residential and commercial and industrial consumers receiving bills from the city, fees shall be paid ~~bimonthly. Payment of such fees shall be due on or before 20 days after the billing statement is mailed from the city.~~ ²⁰⁹ With respect to fees billed directly from the contractor, such shall be paid as required by the contractor.

(b) Any fees not paid on time and falling into a delinquent status shall have a penalty imposed thereon. Such penalty rate shall be published in the office of the city hall where utility bills may be paid and be in accordance with the then current resolution as may be adopted from time to time by the city council.

(c) The payment of such fees shall be delinquent 20 days after the bill for such fees has been mailed. The collection of delinquent fees for garbage and yard waste collection shall be the same as for the collection of delinquent taxes.

(Code 1989, § 11-66; Ord. No. 187, § 15, 9-20-1982; Ord. No. 277, § 1F, 7-23-1990; Ord. No. 314, § 4, 10-12-1992)

Sec. 38-18. Same--Rates generally as prescribed.

(a) In accordance with this chapter, the tenant, occupant, or proprietor of any place from which garbage or rubbish accumulates shall be charged for the services of collection, removal and disposal of such garbage and rubbish at the rates established or approved by the city council.

(b) All county unified school districts requiring refuse collection from the public schools shall be upon such terms and conditions as they are mutually agreed upon or considered as a special collection point.

(c) The city council, by resolution, may set or approve a flat monthly rate for removal from a business establishment of extra materials such as waste paper, wooden boxes and the like.

(Code 1989, § 11-67; Ord. No. 187, § 19, 9-20-1982)

²⁰⁹ Language modified per City's request.

Sec. 38-19. Same--Fee for removal of excess garbage and rubbish.

For the removal of rubbish and periodic accumulation of excess garbage and yard waste, the price to be charged for collection, removal, and disposal shall be quoted in advance, and shall be based upon the amount of material to be removed, as well as upon the time involved and the loading thereof. Such price shall be determined by the prevailing cost for providing the requested service.

(Code 1989, § 11-68; Ord. No. 187, § 20, 9-20-1982)

Sec. 38-20. Same--Advance payment of cost.

(a) If any charges herein provided for are paid in advance and garbage and yard waste collection service is discontinued or cancelled prior to the end of the period for which the charges are paid, a refund shall be made at that portion of the charges which is for the period subsequent to the discontinuance or cancellation of such service; provided, however, that no refund of less than one month's charge for garbage and yard waste collection service shall be made.

(b) Request for such refund shall be processed administratively under such rules and regulations thereof as shall be prescribed by the city or its contractor. Refunds may be granted as herein authorized only upon the written approval of the city or its contractor.

(Code 1989, § 11-69; Ord. No. 187, § 21, 9-20-1982)

Sec. 38-21. Specific directions to collectors as to handling.

Refuse collectors are instructed to remove only the contents of the refuse containers. It is possible, however, to have a small amount of extra yard waste removed on the regular day of service for an extra charge, providing this material is placed in carton boxes and left next to the refuse containers. The city or its contractor shall be notified by the customer before the day of collection. The city or its contractor will determine the charge according to the amount of material to be removed.

(Code 1989, § 11-70; Ord. No. 187, § 22, 9-20-1982)

Sec. 38-22. Unauthorized deposits; failure to remove.

(a) No person shall deposit for curbside pick-up any garbage, hazardous waste, inert trash or yard waste not contained within proper containers or otherwise properly prepared for pick-up in accordance with the requirements of this chapter. In addition, it shall be the duty of each person depositing specialized waste at the curb side to first make arrangements with the city's designated contractor for the pick-up of such waste. Specialized waste includes yard waste that is too bulky for authorized containers, large limbs and trees, inert trash, and other items which are not part of the regular garbage collection service provided by the city.

(b) Any person failing to remove or cause the removal of specialized waste or any garbage, yard waste or inert trash not in proper containers or properly prepared for removal within seven days after a written warning notice from the city requesting such removal shall be in violation of this chapter. Any person who is convicted of a first offense under this section shall be subject to a fine of \$50.00. Any person who is convicted of a second violation of this section shall be punished by a fine of \$125.00. Any person who is convicted of a third or any subsequent violation of this section shall be punished by a fine of not less than \$500.00, nor more than \$1,000.00, and each day that a violation occurs or continues shall constitute a separate offense.

(c) In addition, in the event that the occupant, owner or other responsible party fails to remove or cause the removal within the time specified, the city shall have the right to remove or cause the removal of such items at the expense of the owner and occupant, and the expense shall be added to and become part of the owner or occupant's garbage bill. In the case of rental property, whether single-family or multifamily, the tenant and the owner shall be jointly and severally liable for the cost of removal. In the case of multifamily fee simple property, the owner-occupant and the homeowners' association, if any, shall be jointly and severally liable for the cost of removal. If there is no homeowners' association, the management company, if any, shall be jointly and severally liable with the owner-occupant for the cost of removal. In the event that any removal fee remains unpaid for a period of 30 days after written notice, the city may pursue any and all civil remedies available to the city at law or in equity to collect the fee, and the city may, after an additional 15-day period of prior written notice, discontinue water and garbage service to the applicable property. The punishment or conviction of any person under subsection (b) of this section

shall not relieve the person from paying any unpaid removal fee; nor shall payment of any unpaid removal fee bar criminal prosecution for any violation of this chapter.

(Code 1989, § 11-71; Ord. No. 400, § 1, 2-16-1998)

Secs. 38-23—38-33. Reserved.

ARTICLE II. COMMERCIAL SOLID WASTE REMOVAL AND DISPOSAL*

***State law reference**--Georgia Hazardous Waste Management Act, O.C.G.A. § 12-8-60 et seq.; transportation of biomedical waste, O.C.G.A. § 40-6-253.1.

***Editor's note**—Ordinance No. 354, adopted December 19, 1994, did not specifically amend this Code; hence, inclusion of §§ 1-9 as Ch. 11, Art. III, Div. 2, §§ 11-81—11-89 was at the discretion of the editor.

Sec. 38-34. Non-exclusive commercial services.

Commercial solid waste customers in the city are authorized to contract for commercial solid waste collection and disposal services from any contractor, provided that such contractor first obtains a solid waste collection permit from the city. Rates and other contract terms, including, but not limited to, container size and frequency of collections, shall be negotiated between the contractor and the customer, provided that such terms do not conflict with the provisions of this chapter or other applicable city ordinances.

(Code 1989, § 11-81; Ord. No. 354, § 1, 12-19-1994)

Sec. 38-35. Application process; solid waste collection permit.

It shall be unlawful for any commercial solid waste contractor (hereinafter "commercial contractor") to provide commercial solid waste collection and disposal services within the city without first obtaining a city solid waste collection permit (the "permit"). Contractors desiring to perform such services shall make written application to the city for a permit on forms prescribed by the city director of finance (the "director"). All applications shall be accompanied by a \$500.00 application fee to defray investigative, administrative and regulatory costs. Permits shall be issued to qualified applicants for the full calendar year, or for the number of months remaining in the calendar year, at the time the application is approved. Each commercial contractor issued a permit shall pay a quarterly permit fee to the city as provided in section 38-2511-83 of this chapter. All permits granted under this chapter shall expire on December 31 of each year. Commercial contractors desiring to renew their permits shall file a renewal applications accompanied by a \$500.00 renewal application fee. The renewal application shall be submitted on forms prescribed by the director on or before November 15 of each year. In the event annual permit fees go unpaid after the due date, a ten percent penalty will be charged, based upon the past due amount. Further, a 12 percent per annum interest charge shall accrue until the permit fees are paid in full.²¹⁰

(Code 1989, § 11-82; Ord. No. 354, § 2, 12-19-1994; Ord. No. 421, § 1, 4-3-1999; Ord. No. 505, 9-23-2002)

Sec. 38-36. Permit fees.²¹¹

(a) Each commercial contractor shall pay a permit fee to be set by the city council from time to time ~~of five cents (\$0.05)~~ per cubic yard of solid waste removed from the city, payable in accordance with billing and reporting procedures adopted from time to time by the director. For the purposes of determining the permit fee, solid waste shall be deemed to include trash, construction debris, demolition debris, medical waste, yard waste and rubbish, inert waste, hazardous waste, and any other solid waste not covered under separate contract with the city. In general, the volume and weights of solid waste shall be based upon actual weights of containers. Where actual weighing is not done, the permit fees shall be based upon the sizes of the containers, the frequency of collection and the types of waste mix in the container. The director will provide the average weight factors to be used. For the purpose of fee calculation, all containers shall be deemed full at the time of each collection. On or before the tenth working

²¹⁰ **Code 1989, § 11-82. Application process; solid waste collection permit.** We recommend adding generic language for purposes of internal consistency and for ease of modification. *City elected to keep fee provision as is.*

²¹¹ **Code 1989, § 11-83. Permit Fees.** *Id.* City accepted.

day of the first month following the end of each calendar quarter, the commercial contractor shall submit a quarterly fee based upon the cubic yards of waste removed from the city for the immediately preceding quarter, together with a report providing such information as the director shall deem appropriate. In the event permit fees go unpaid after the due date, a ten percent penalty will be charged based upon the past due amount. Further, a 12 percent per annum interest charge shall accrue until the permit fees are paid in full. The report shall contain, but shall not be limited to, a listing of customers served during the quarter, together with the size of containers and collection frequency for each customer; total tons of materials landfilled and recycled by city customers; identification of landfills used by the contractor; and identification of end users of recycled materials. The report shall be submitted in written form. The director or his designee shall have the right to examine at any time commercial contractors' books, records and computer data relating to the removal of solid waste from the city in order to verify or determine the amounts which should be remitted to the city. Each commercial contractor shall make ~~of~~ its books, records and computer data pertinent to the removal of solid waste from the city available for audit. If the results of any such audit show that any of the commercial contractor's reports understate the amount owing to the city, the underpayment shall be remitted to the city immediately, and if the understatement amounts to five percent or more, the commercial contractor shall also remit to the city a sum equal to ten percent of the underpayment, and shall also reimburse the city for its costs in conducting the audit.

(b) All permitted commercial contractors shall also submit such other reports as the director may reasonably require regarding the removal of solid waste from the city in order to provide information needed by the city to comply with applicable state and federal reporting requirements imposed upon the city. Solid waste refers to trash and to recycling, if the permitted hauler provides recycling services. All permitted commercial contractors shall provide quarterly information regarding tons landfilled and recycled to their city customers that are legally required to reduce their landfilled solid waste by 25 percent. This information shall be provided in a timely and accurate manner. Withholding of this information, delay in providing the information which causes the city customer to miss a legal deadline, or the providing of inaccurate information shall constitute a violation of this chapter and may result in fines, permit revocation, or both, as provided in sections 38-30 and 38-31~~11-88 and 11-89 of this chapter.~~

(c) Every permitted commercial contractor is required to provide dependable solid waste service to customers within the city. Failure to provide dependable service may result in fines, permit revocation, or both, as provided in sections 38-30 and 38-31~~11-88 and 11-89 of this chapter.~~

(Code 1989, § 11-83; Ord. No. 354, § 3, 12-19-1994; Ord. No. 421, § 2, 5-3-1999; Ord. No. 455, § 1, 11-6-2000; Ord. No. 505, 9-23-2002)

Sec. 38-37. Minimum vehicle standards.

An adequate number of vehicles shall be provided by the commercial contractor to service its city customers. All such vehicles shall be licensed in the state and shall operate in compliance with all applicable state, federal and municipal regulations. All vehicles and other equipment shall be kept in proper repair and sanitary condition. Each vehicle shall have at least one broom and shovel to clean up solid waste that may be spilled or otherwise scattered during the process of collection. All vehicles shall be sufficiently secure so as to prevent any littering of solid waste and/or leakage of fluid. No vehicle shall be willfully overloaded. Each vehicle shall be operated by a qualified driver holding a valid license of the category required to operate such vehicles.

(Code 1989, § 11-84; Ord. No. 354, § 4, 12-19-1994)

Sec. 38-38. Minimum insurance requirements; indemnification.

(a) Each commercial contractor shall provide and maintain, during the term of its permit, public liability and property damage insurance and umbrella coverage in such amounts as shall be reasonably determined from time to time by the director. The initial insurance requirements are as follows:

- (1) Public liability:
 - a. \$500,000.00 per person.
 - b. \$1,000,000.00 per accident.
- (2) Property damage: \$500,000.00 per any one claim.
- (3) Performance bond: varies according to number of city contracts.

(b) Each commercial contractor shall provide a certificate of such insurance to the city prior to undertaking collection services within the city, and, at each annual renewal of the permit, shall submit to the city an updated certificate of insurance together with the annual permit fee. Each commercial contractor shall defend, indemnify and save harmless and protect the city, its officers and agents, from any and all liability, loss or claims, actions, demands or judgments made against it for loss, damage or personal injury sustained by any person or entity whatsoever in connection with the services rendered by the commercial contractor, unless such damages are due to the negligence of the city, its officers, agents or employees.

(Code 1989, § 11-85; Ord. No. 354, § 5, 12-19-1994; Ord. No. 421, § 3, 5-3-1999)

Sec. 38-39. Minimum financial requirement.

Each commercial contractor shall have a positive net worth and adequate capital and assets to perform its contracts with city customers. As a condition to the issuance of a permit, the director may require the submission of financial statements or similar information to verify these financial requirements. Any information submitted that is proprietary or constitutes a trade secret shall, subject to applicable law, be held confidential by the city.

(Code 1989, § 11-86; Ord. No. 354, § 6, 12-19-1994)

Sec. 38-40. Routes and hours of collection.

Not less than ten days prior to commencing service, each commercial contractor shall furnish for the city's approval the initial schedules and maps of all routes to be used in servicing the commercial contractor's city customers. Any charges in routes and/or schedules shall also be subject to the director's approval, which will not be unreasonably withheld. The commercial contractor shall only undertake collections during the city's normal hours of collection, as adopted from time to time by the director. Exceptions may be made only upon the mutual agreement of the director and the commercial contractor. The commercial contractor shall also comply with all applicable city ordinances, including the city's noise provisions.

(Code 1989, § 11-87; Ord. No. 354, § 7, 12-19-1994)

Sec. 38-41. Violation of chapter.²¹²

Any violation of this chapter by the commercial contractor may be punished according to the penalties described in section 1-8. ~~by a fine not to exceed two thousand dollars (\$2,000.00) per violation.~~ Each day that a violation occurs shall constitute a separate offense. The city shall also have the right to initiate civil action to compel compliance with this chapter and to collect any unpaid permit fees.

(Code 1989, § 11-88; Ord. No. 354, § 8, 12-19-1994)

Sec. 38-42. Early termination of permit.

If a commercial contractor fails to perform in accordance with this chapter or other applicable ordinances, the director shall have the right to demand, in writing, adequate assurance from the commercial contractor that steps have been taken to rectify the situation. The commercial contractor must, within seven days of receipt of such demand, return to the director a written statement that explains reasons for non-performance or delayed, partial or substandard performance, and provides adequate assurance as to future performance. In the event that the commercial contractor fails to submit a statement satisfactory to the director, the director may revoke the commercial contractor's permit. Such revocation shall become effective 30 days following a notice of revocation to the commercial contractor. Notwithstanding any other provision of this chapter, the right to continue to operate under a permit issued by the city is expressly conditioned upon the commercial contractor's timely payment of permit fees. Continued operation in the city without payment of such fees shall be unlawful. In addition, the city may revoke a permit for nonpayment of fees immediately and without notice.

(Code 1989, § 11-89; Ord. No. 354, § 9, 12-19-1994)

²¹² **Code 1989, § 11-88. Violation of ordinance.** We recommend modifying the language of this provision for purposes of internal consistency with the general penalties clause in the General Provisions chapter. *Change accepted.*

Sec. 38-43. Commercial and industrial refuse collection to be provided on a competitive face market value.

(a) It is the policy and intent of the city that commercial and industrial refuse collection services are provided within the city on a competitive, free market basis. In order to promote this policy and intent, commercial and industrial customers within the city are encouraged to solicit multiple bids from qualified vendors for the provision of refuse collection services.

(b) In furtherance of this policy and intent, qualified vendors are encouraged to solicit commercial and industrial customers within the city for the purpose of providing commercial and industrial refuse collection services. It is also the policy and intent of the city that all qualified commercial and industrial vendors have free access to the market within the city, that all such vendors are afforded an equal opportunity to complete for and provide such services, and that no vendor shall be given preference over another.

(Code 1989, § 11-90; Res. No. 536, §§ 1, 2, 6-13-1994)

Secs. 38-44—38-53. Reserved.**ARTICLE III. WASTE GENERATION ANALYSIS AND REDUCTION PLAN***

*State law reference--Georgia Comprehensive Solid Waste Management Act, O.C.G.A. § 12-8-20 et seq.

Sec. 38-54. Findings.

The mayor and council hereby find that:

- (1) The Georgia Comprehensive Solid Waste Management Act imposes upon municipalities within the state an obligation to develop and implement plans to reduce, on a per capita basis, the amount of municipal solid waste being received at landfills and other disposal facilities by 25 percent;
- (2) In order to achieve compliance and facilitate the stated goals of the Georgia Comprehensive Solid Waste Management Act, the city has heretofore adopted a solid waste management plan establishing procedures for achieving state-mandated waste reduction;
- (3) The Georgia Comprehensive Solid Waste Management Act also requires municipalities to update municipal solid waste management plans from time to time, to measure performance, and to implement additional procedures, strategies and methods to reduce solid waste by 25 percent;
- (4) Strategies included within the city solid waste management plan include provisions encouraging each applicant for a city land disturbance permit to develop a waste generation analysis and reduction plan for the proposed project;
- (5) The city is in the process of updating its solid waste management plan and deems it to be appropriate to implement an ordinance to formalize and establish enforcement procedures requiring the submission of a waste generation analysis and reduction plan for approval as part of the city's plan review process, and to provide procedures to ensure ongoing compliance with approved waste reduction plans; and
- (6) The mayor and council find that the adoption of the ordinance from which this chapter is derived is within the basic police powers of the city, and that ~~the division and~~ the provisions contained herein are intended to protect the public health, safety and well-being of city residents, and to protect and enhance the quality of the city's environment in furtherance of a comprehensive statewide program for solid waste management.

(Code 1989, § 11-100; Ord. No. 412, § 1, 9-21-1998; Ord. No. 498, § I, 7-15-2002)

Sec. 38-55. 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:²¹³

²¹³ **Code 1989, 11-101. Definitions.** We recommend adding introductory language to this provision for purposes of internal consistency. *Change accepted.*

~~City means the City of Alpharetta, Georgia.~~²¹⁴

Director means the city director of community development or his designee.

Land disturbance permit means a permit issued by the city authorizing development activity, which permit requires the submission of development plans for review and approval by the community development department.

Plan applicant means any person or entity required to submit plans and apply for a land disturbance permit as a condition to development of a project within the city.

(Code 1989, § 11-101; Ord. No. 412, § 2, 9-21-1998; Ord. No. 498, § I, 7-15-2002)

Sec. 38-56. Waste generation analysis and reduction plan.

(a) Each plan applicant shall, as a condition of undertaking development activity within the city, submit a waste generation analysis and reduction plan (WGA) as part of and in conjunction with the submission of development plans to the community development department. The waste generation analysis and reduction plan (~~the "WGA"~~) shall contain such information as is specified in this chapter and shall be designed to establish a 25 percent reduction in the anticipated solid waste to be generated by the project. No land disturbance permit shall be issued or approved by the community development department unless and until the plan contains an approved WGA.

(b) Each WGA shall be set forth in writing and shall contain, but not be limited to, the following:

- (1) The full name of the person applying for WGA approval.
- (2) The name and size of the proposed project.
- (3) The types of waste that will be generated at the site.
- (4) Annual projected tons of waste.
- (5) Plans and strategies for achieving a 25 percent solid waste reduction.
- (6) Plans for notifying and assuring tenant compliance with the provisions of the WGA.
- (7) A list of specific items to be recycled and the anticipated tons of annual reduction.
- (8) A list of the size of containers and the frequency of pick-ups to be used for solid waste pick-up and recycling.
- (9) A description of design features to be utilized to accommodate waste reduction practices and solid waste collection.
- (10) Such other information as the director may reasonably require.

(c) In order to develop the WGA, the plan applicant shall utilize the solid waste generation rates established by the National Solid Waste Management Association and the Atlanta Regional Commission, or generation rates as approved by the director.

(Code 1989, § 11-102; Ord. No. 412, § 3, 9-21-1998; Ord. No. 498, § I, 7-15-2002)

Sec. 38-57. Ongoing compliance.

Following the approval of a WGA, the issuance of a land disturbance permit and the completion of the project, the applicant or project owner shall thereafter submit to the director reports reflecting compliance with the approved WGA. Failure to maintain compliance with the required 25 percent waste reduction shall be a violation of this chapter and may result in non-renewal of any permits or licenses granted by the city to conduct business. Proof of compliance with this chapter is required for a business license renewal.

(Code 1989, § 11-103; Ord. No. 412, § 4, 9-21-1998; Ord. No. 498, § I, 7-15-2002)

²¹⁴ **Code 1989, § 11-101. Definitions ("City").** We recommend striking this definition as covered in the General Provisions chapter. *Change accepted.*

Sec. 38-58. Enforcement.

For the purposes of carrying out the provisions of this chapter, the director may enter upon any public or private land in a reasonable and lawful manner during normal business hours for purposes of sampling, inspection and observation. Failure to provide reasonable access shall constitute a violation of this chapter.

(Code 1989, § 11-104; Ord. No. 412, § 5, 9-21-1998; Ord. No. 498, § I, 7-15-2002)

Sec. 38-59. Penalty.²¹⁵

Any person, firm or corporation violating any provision of this chapter shall be fined according to the penalties described in section 1-8 ~~not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00)~~ for each offense, and each day that the offense occurs shall be considered a separate and distinct offense. Any violation of this chapter is hereby declared to be a nuisance, and in addition to any other relief provided in this chapter, the city attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any such violation of this chapter. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction. Cases involving violations of this chapter may also be heard by the code enforcement board for the purpose of levying fines.

(Code 1989, § 11-105; Ord. No. 412, § 6, 9-21-1998; Ord. No. 498, § I, 7-15-2002)

PROOFS

²¹⁵ **Code 1989, § 11-105. Penalty.** We recommend modifying the language of this provision for purposes of internal consistency with the general penalties clause in the General Provisions chapter. *Change accepted.*

Chapter 39
RESERVED

PROOFS

Chapter 40

STREETS AND SIDEWALKS*

***State law reference**--City has power to construct and maintain roads, including curbs, sidewalks, street lights and devices to control the flow of traffic, Ga. Const. art. IX, § II, ¶ III(a)(4); municipal street systems generally, O.C.G.A. § 32-4-90 et seq.; obstructing sidewalks or other public passages, O.C.G.A. § 16-11-43; damaging public property, O.C.G.A. § 16-7-25; obstructions in streets, O.C.G.A. § 36-30-10; municipal authority to regulate streets, alleys and sidewalks, O.C.G.A. § 36-34-3.

ARTICLE I. IN GENERAL**Sec. 40-1. Obstruction of view at entrances to streets.**

(a) It shall be unlawful for any land owner, or the tenant of any land owner, to erect any fence or other device that obstructs the clear view of any adjacent land owner from entering or exiting any street in the city.

(b) It shall be unlawful for any land owner, or the tenant of any land owner, to grow or maintain any hedge that obstructs the clear view of the entrance or exit of any adjacent land owner from entering or exiting any street in the city.

(Code 1989, § 17-1; Ord. No. 123, § 1, 10-23-1972)

Secs. 40-2--40-20. Reserved.**ARTICLE II. STREET LIGHTING²¹⁶****Sec. 40-21. Districts established generally; classification.**

The city council does hereby establish for the city, districts to be known as "street lighting districts." Such districts shall be classified according to the local area roads and streets, as follows:

- (1) Major thoroughfare districts.
- (2) Industrial parkway districts.
- (3) Collector street districts.
- (4) Local and residential street districts.

(Code 1989, § 17-20; Ord. No. 176, § 1, 3-10-1980)

Sec. 40-22. District description.

The official zoning map for the city shall be utilized for the purpose of demonstrating the street lighting districts, and the office of the city public works department shall establish records designating these various street lighting districts throughout the city to which reference can be made for a full and complete description of each district.

(Code 1989, § 17-21; Ord. No. 176, § 2, 3-10-1980)

Sec. 40-23. Establishing districts and providing lighting in special conditions.

In areas where special conditions as to safety, security, land topography, economic and other factors may be involved, the city council may create special street lighting districts and provide for special street lighting under such terms and conditions as may be determined by the city council, any other provisions of this article to the contrary notwithstanding; provided, however, that in such instances, a public hearing shall be held by the city council after advertisement in the official organ of the city one time at least ten days before conducting such public

²¹⁶ **Code 1989, CH. 17, Article II. Street Lighting.** *Per city's request, please have the Directors of Public Works and Community Development review this article for accuracy.*

hearing.

(Code 1989, § 17-22; Ord. No. 176, § 14, 3-10-1980)

Sec. 40-24. Site plan.

Real estate developers, whether single-family or multifamily residential, commercial, office-institutional, industrial or community unit plan, shall, prior to the receipt of any building permit for their developments, provide the city with detailed site plans of the streets to be used in their developments and showing the location of all street lights; submit proof of payment for pole and electrical installation; and shall comply in every respect with the provisions of this article.

(Code 1989, § 17-23; Ord. No. 176, § 3, 3-10-1980)

Sec. 40-25. Petition for service authorized.

Property owners residing in the city and desiring street lighting for the area in which they live, may petition the city public works department to have such service. Such petition must contain not less than ten property owners representing not less than 65 percent of the property owners within the district to be established. A petition may be brought by less than ten property owners where such petitioners represent 100 percent of the property owners within the district to be established.

(Code 1989, § 17-24; Ord. No. 176, § 4, 3-10-1980)

Sec. 40-26. Presenting and action on petition.

After investigation by the public works department as to advisability of establishing such a district, the petition shall be presented to the city council for consideration upon a public hearing. After the public hearing, the petition will be either approved or disapproved by the city council.

(Code 1989, § 17-25; Ord. No. 176, § 5, 3-10-1980)

Sec. 40-27. Conditions to furnishing service in other than single-family residential districts.

Street lighting in districts other than single-family residential shall be permitted only with the approval of the city building official, subject to the safety, economic and other factors involved, and only upon final approval by the city council, and upon compliance with the standards hereinafter provided.

(Code 1989, § 17-26; Ord. No. 176, § 12, 3-10-1980)

Sec. 40-28. Retirement of construction cost.

(a) In those districts now in existence or which may hereafter be created in which there is construction cost, the same shall be retired as per agreement or contract with the public utility or other person to whom the indebtedness is owed and shall be billed accordingly per lot.

(b) The term "lot" is hereby defined as any single tract of land which falls within any of the zoning classifications as defined by the zoning ordinance.

(c) In areas zoned for purposes other than single-family residential, different criteria may be adopted by the city council for the payment of energy cost and retirement of construction cost.

(Code 1989, § 17-27; Ord. No. 176, §§ 7, 8, 3-10-1980)

Sec. 40-29. Payment for service--Not a tax.

The cost of service for creation of street lighting districts created shall be a service cost and not a tax, as such service is authorized by article IX, section 4, paragraph 2 of the 1983 constitution of the state.

(Code 1989, § 17-28; Ord. No. 176, § 6, 3-10-1980)

Sec. 40-30. Same--Cost to be borne by consumers; computation of charge.

The cost of providing and maintaining the service in existing street lighting districts, and in street lighting districts hereafter created, shall be borne by those citizens and residents receiving the service. The charge therefor shall be the actual cost of the energy, plus the pro-rata share of the retirement of any construction cost, plus ten percent for administrative cost.

(Code 1989, § 17-29; Ord. No. 176, § 7, 3-10-1980)

Sec. 40-31. Same--Due date; delinquency.

The due date for the payment of the services and sums herein provided for shall be the same date of each month as water bills are due to the city and subject to the same penalties for late payment and for failure to pay. Any service provided by the city may be discontinued for late payment or nonpayment, as herein provided for.

(Code 1989, § 17-30; Ord. No. 176, § 9, 3-10-1980)

Sec. 40-32. Same--Officer responsibility for billing, etc.

The billing, accounting, collecting, and receiving of moneys herein provided for is hereby declared to be the responsibility of the city clerk.

(Code 1989, § 17-31; Ord. No. 176, § 10, 3-10-1980)

Sec. 40-33. Providing street lighting by developers, etc.--Conforming to standards.²¹⁷

The owner, developer or other person developing a subdivision, or any other property, shall provide street lighting services to conform to all of the standards herein provided for, and in addition thereto, shall be required to obtain a permit from community development ~~the department of public works~~ prior to commencing any construction of any street lighting facilities, and the city shall not accept any public streets or roads proposed to be dedicated until such time as the provisions hereof have been complied with.

(Code 1989, § 17-32; Ord. No. 176, § 11, 3-10-1980)

Sec. 40-34. Same--Specific requirements.

Street lights shall be required to be provided by the developers of all new subdivisions or other projects within the city unless waived by the city council at a regular meeting. Unless so waived, the preliminary plat of the subdivision or other development shall make provisions for street lights. At the time of and as a requirement of the submission of a final plat, unless waived by the city council as herein provided, the developer shall:

- (1) Submit a drawing of the subdivision's or development's layout showing location of street lights. The drawing must be approved by the city building official prior to obtaining any building permit within that subdivision or development. Such layout may be shown on the final plat. Fixtures and standards/poles installed or used shall be approved by the utility company which will be responsible for the maintenance of the facilities and by the city. The fixtures shall be mounted above the ground and shall have appropriate arm length to place the light over the street. No arm shall be less than 2 1/2 feet long. Post-top luminaries may be permitted when approved by the city building official. Post-top luminary fixtures shall be located not more than 200 feet apart, and at least one light shall be located at each street intersection within the subdivision or development.
- (2) Pay all costs for standards/poles, fixtures and any other related items or materials necessary for the installation.
- (3) Submit proof of payment for complete installation to the city building official.
- (4) Submit a copy of an executed agreement with the utility company for complete maintenance of all installations.

(Code 1989, § 17-33; Ord. No. 176, § 20, 3-10-1980)

Sec. 40-35. Same--Use of underground cable.

In subdivisions or other developments utilizing underground cable for electrical service, the developers shall be required to accomplish the same items listed in other sections hereof.

(Code 1989, § 17-34; Ord. No. 176, § 21, 3-10-1980)

²¹⁷ **Code 1989, § 17-32. Providing street lighting by developers.** *City confirmed that permits are through community development, not public works.*

Sec. 40-36. Standard for installation and operation.²¹⁸

(a) In order to ensure adequate illumination of public rights-of-way and promote safety and security, it is hereby ordained that the American National Standard Practice for Roadway Lighting of the Illuminating Engineering Society, as approved by the American National Standards Institute (1977), as amended, is hereby adopted as the standard for the installation and operation of lighting in the city, with the following exceptions:

- (1) Lighting fixtures installed within the public rights-of-way to be operated for the purpose of street illumination shall comply with these standards. The minimum average horizontal footcandle illumination level by roadway classification shall be:

<i>Roadway Classification</i>	<i>Commercial Area</i>	<i>Intermediate Area</i>	<i>Residential Area</i>
Major thoroughfares	2.0	1.2	0.9
Industrial parkways	2.0	1.2	0.9
Collector streets	1.2	0.9	0.6
Local and residential streets	0.9	0.6	0.2

The uniformity of illumination shall be such that the point of lowest illumination shall have at least one-third of the average horizontal footcandle required illumination level, except that on local or residential streets, it may be not less than one-sixth of this average.

- (2) Any party installing or operating lighting fixtures within a public right-of-way shall furnish plans and specifications to the city building official for approval showing how the proposed lighting meets the standards, and no lighting shall be installed or operated without this approval. Should the city building official disapprove the request to install or operate lighting fixtures within any public right-of-way, such official shall communicate the disapproval in writing to the party desiring the same. The written communication shall include the specific reasons for disapproval. Any disapproval of a light or lighting system by the city building official may be appealed to the city council. If any party desires to appeal an adverse decision by the building official, a notice of appeal shall be filed with the city council within 30 days from the date following the written notice of disapproval, and it shall be the responsibility of the city building official to transmit forthwith to the city council all papers and allied documents constituting the record upon which the action appealed from was taken and to ensure that the appeal is promptly placed upon the agenda of the city council at its next regularly scheduled meeting. The city council may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from.
- (3) Roadway or street lighting luminaries or fixtures installed within the public right-of-way as security lights or for the purpose of lighting areas other than the public streets shall be mounted on the side of the pole opposite the street side and shall be oriented in such a manner as to ensure that the lateral light distribution pattern is parallel to the street and the vertical light distribution, at the initial light source, is perpendicular to the street, so as to protect the users of the street from objectionable glare. The approval of the city building official shall be obtained before installation of these lights.
- (4) Other lighting fixtures to be installed within or outside of public right-of-way for whatever purpose shall be installed and operated in such a manner to prevent glare from being a hazard to or interfering with the

²¹⁸ **Code 1989, § 17-35. Standard for installation and operation.** *City expressed doubt that this provision should be included at all. There is question as to who oversees this installation and operation. City elected to keep provision.*

normal use of the public right-of-way.

(b) The publication referred to in this section shall be attached to the minutes of the city council's regular meeting. An official copy thereof shall be made available by the city building official (American National Standard Practice for Roadway Lighting of the Illuminating Engineering Society, as approved by the American National Standards Institute (1977), as amended).

(Code 1989, § 17-35; Ord. No. 176, §§ 13, 19, 3-10-1980)

Sec. 40-37. Contracting with utilities.

The city council may contract with public utilities for the purpose of carrying out the terms of this article.

(Code 1989, § 17-36; Ord. No. 176, § 15, 3-10-1980)

Sec. 40-38. Granting of exceptions.

The city council may grant exceptions to the literal terms of this article where special conditions or hardships exist.

(Code 1989, § 17-37; Ord. No. 176, § 16, 3-10-1980)

Sec. 40-39. Conflict of laws.

If any provision of this article is in conflict with any state or federal law or with any rule, regulation or order of any state or federal agency having jurisdiction of the subject matter of this article, it is hereby deemed to be the intention of the city council that the state or federal law or rule, regulation or order, as the case may be, shall prevail so that the remaining portion of this article shall be deemed to be of full force and effect.

(Code 1989, § 17-38; Ord. No. 176, § 17, 3-10-1980)

Secs. 40-40--40-66. Reserved.

ARTICLE III. DEDICATION OF STREETS AND OTHER PUBLIC IMPROVEMENTS

~~*Editor's note~~ Ord. No. 269, §§ 1-7, adopted Jan. 22, 1990, did not specifically amend the Code and at the discretion of the editor said provisions have been included herein as Art. III, Div. 1, §§ 17-51-17-71.

DIVISION 1. GENERALLY

Sec. 40-67. Authority.

The city council adopts the ordinance from which this article is derived pursuant to its authority to plan and zone in accordance with the provisions of article 9, section 2, paragraph 4 of the state constitution of the State of Georgia, and pursuant to its general police power to promote the health, safety, order, prosperity and the general welfare of the city.

(Code 1989, § 17-51; Ord. No. 269, § 1, 1-22-1990)

Sec. 40-68. Purpose.

The purpose of this article is to establish standard procedures to be observed by developers, engineers and contractors with respect to the dedication to the city of land for rights-of-way for streets and for the dedication and acceptance for perpetual maintenance by the city of certain public improvements, including streets, utilities and other facilities. This article shall be referred to as the "street dedication ordinance."

(Code 1989, § 17-52; Ord. No. 269, § 2, 1-22-1990)

Sec. 40-69. Application of article.

The provisions of this article shall apply to all development activity within the city that results in the dedication and acceptance by the city of rights-of-way for streets and public uses and for the dedication and acceptance by the city for perpetual maintenance of certain public improvements.

(Code 1989, § 17-53; Ord. No. 269, § 3, 1-22-1990)

Sec. 40-70. Dedication of land for street rights-of-way and other public uses.

All developers who dedicate land for street rights-of-way or other public use shall provide the city with an accurate survey of such land prepared by a registered land surveyor registered in the state, with the cost of the survey to be borne by the developer. The developer shall convey a good and marketable fee simple title to the land by a general warranty deed in a form customarily utilized in metropolitan Atlanta, Georgia. The general warranty deed shall be executed and delivered in recordable form to the city at such time as the city shall direct. The execution and delivery of the general warranty deed, and the acceptance thereof by the city, shall not, unless otherwise provided herein, constitute the city's acceptance for perpetual maintenance of any required improvements constructed or to be constructed on the land. The city's acceptance for perpetual maintenance of such improvements shall be governed by the provisions of section 40-71, 17-55 of this division and such acceptance by the city may or may not occur at the same time as the city's acceptance of the land upon which the improvements have or will be constructed.

(Code 1989, § 17-54; Ord. No. 269, § 4, 1-22-1990)

Sec. 40-71. Dedication and acceptance for perpetual maintenance of public improvements.²¹⁹

The dedication and acceptance for perpetual maintenance of public improvements shall be effected in the following manner:

- (1) Prior to the construction of a public improvement, the developer shall submit a detailed site plan of the proposed development, including all public improvements. The detailed site plan shall specify the location of all street lights, and the developer shall submit proof of payment for pole and electrical installation. The plans shall conform in all respects to the city of Alpharetta standard construction specifications and standard plans in effect at the time the plans are submitted.
- (2) Prior to the construction of such public improvements, the developer shall post a performance bond with the city conditioned upon the faithful performance and completion of the public improvements by the developer. The performance bond shall be in an amount equal to the estimated cost of the public improvements, as determined in the sole discretion of the director of community development ~~city engineer~~. The performance bond shall be issued by a surety authorized to do business in the state and certified by the Department of the Treasury as an acceptable surety on federal bonds. The developer shall notify the director of community development ~~city engineer~~ when the construction of the improvements has been completed, and the director of community development ~~city engineer~~ shall inspect the improvements to determine if construction has been completed in compliance with city standards. If the director of community development ~~city engineer~~ determines that the construction of the improvements has been completed in accordance with city standards, the director of community development ~~city engineer~~ shall notify the developer in writing of such determination, and the developer shall promptly post a maintenance bond with the city conditioned upon the developer's maintenance of the improvements for a period of one year. The bond shall be in the amount of one-third of the estimated cost of the improvements; provided, however, that if the developer has previously failed to comply with any provision of this article, the city may require that the amount of the bond be equal to 43 percent of the estimated cost of improvements. At such time as the city has received the required maintenance bond, the city shall release the performance bond. The surety issuing the maintenance bond shall have the same qualifications as the surety issuing the performance bond. The director of community development's ~~city engineer's~~ inspection and approval of the improvements, and the city's release of the performance bond, shall not constitute a warranty by the city that the improvements have been completed in accordance with all city standards. During the period of the one-year maintenance bond, the director of community development ~~city engineer~~ and representatives of other city departments shall have the right to conduct periodic inspections of the improvements, including the taking of core samples and the performing of other tests as the director of community development ~~city engineer~~ deems appropriate. The cost of the

²¹⁹ **Code 1989, § 17-55.** *City requested all references to city engineer be changed to director of community development, excluding sections 17-102 and 17-105.*

core sampling shall be borne by the developer.

- (3) Not sooner than 75 days nor later than 60 days prior to the expiration of the one-year maintenance bond, the developer shall petition the city to accept the public improvements for perpetual maintenance. Failure to petition the city shall result in forfeiture of the maintenance bond. Upon receipt of the petition, the director of community development city engineer shall notify the fire department, police department, department of ~~planning and~~ community development and the public works department. Each department shall conduct inspections of the improvements and shall submit reports to the director of community development city engineer on forms and within time deadlines established by the director of community development city engineer. The director of community development city engineer, through his own inspection and by the reports submitted by the city departments referred to above, shall be responsible for determining if the improvements are in accordance with city standards and are otherwise acceptable for perpetual maintenance. If the director of community development city engineer finds that the improvements are deficient in any respect, the director of community development city engineer shall so notify the developer and the developer shall timely perform such additional work as the director of community development city engineer deems necessary to render the improvements acceptable for perpetual maintenance by the city. The failure of the developer to timely perform the work specified by the director of community development city engineer shall result in forfeiture of the maintenance bond. Upon the director of community development city engineer's final determination that the improvements are acceptable by the city for perpetual maintenance, the director of community development city engineer shall so notify the developer in writing, and the maintenance bond shall be released. Notwithstanding the release of the performance bond or maintenance bond, the developer shall have the responsibility of maintaining all improvements until such time as the director of community development city engineer has issued the city's written acceptance for perpetual maintenance of the improvements.

(Code 1989, § 17-55; Ord. No. 269, § 5, 1-22-1990)

Sec. 17-56. Alternative procedures.²²⁰

~~At the sole discretion of the city council, the dedication of land and construction of public improvements may be effected in the following manner:~~

- ~~— The developer shall file a petition with the city, which petition shall include the detailed site plan referred to in section 17-55 of this division, together with the survey and warranty deed referred to in section 17-55. The petition shall also contain not less than three (3) current bids from contractors acceptable to the city providing for the construction of the improvements.~~
- ~~— At the sole discretion of the city council, the city council may grant the petition and select one (1) of the bids. If the council elects to grant the petition and select the bid, the developer shall execute the general warranty deed and shall pay to the city the amount of the selected bid plus ten (10) percent. Upon receipt of the funds, the city council shall issue its resolution providing for the acceptance of the land and the proposed public improvements for perpetual maintenance.~~

(Code 1989, § 17-56; Ord. No. 269, § 6, 1-22-1990)

Sec. 40-72. Miscellaneous provisions.

~~(a) Interpretation, purpose and conflict. The provisions of this article shall be considered as the minimum requirements for the promotion of the public safety, health, morals and general welfare within the city. The provisions of this article are not intended to abrogate or eliminate other requirements which may be set forth in the zoning ordinance, subdivision regulations, design standards, or other such ordinances; provided, however, where this article imposes greater requirements, the provisions of this article shall govern.~~

~~(b) Severability. The provisions of this division are severable, and if any provision or section is determined~~

²²⁰ **Code 1989, § 17-56. Alternative Procedures.** *We request that the city reviews this provision, and if the procedure has never been utilized then we suggest we strike it. City elected to strike provision.*

~~to be invalid by a court of competent jurisdiction, the remaining provisions of this division shall remain in full force and effect.~~²²¹

~~(c) Effective date. This division shall become effective immediately upon its adoption~~²²²

(Code 1989, § 17-57; Ord. No. 269, § 7, 1-22-1990)

Secs. 40-73--40-102. Reserved.

ARTICLE IV. DIVISION 2. TESTING STANDARDS FOR NEW STREETS

~~Editor's note~~ Ordinance No. 241 A, adopted April 25, 1988, did not specifically amend this Code; hence, inclusion of §§ 1-5A as Div. 2, §§ 17-81-17-85, was at the discretion of the editor.

Sec. 40-103. Statement of purpose.

The purpose of this article is to provide for a method of testing the physical properties and conformity to standards of all new streets prior to the city's acceptance of such streets for perpetual maintenance. This article authorizes the city to arrange for core boring of roads and other tests, provides for reasonable fees for such core boring, and establishes standards for such core boring.

(Code 1989, § 17-81; Ord. No. 241-A, § 1, 4-25-1988)

Sec. 40-104. Coring requirements.²²³

(a) The city shall require core boring of all new roads or streets in the city. Such boring shall be provided by ~~the contractor/developer~~ the city through franchise with a recognized company which does geotechnical testing.

(b) Testing shall be conducted during construction, and such core borings being taken after the binder is in place, but prior to installation of the final layer of asphalt. Core samples shall be made in accordance with ASTM D3549, and at the rate of one core sample every 100 feet in alternating lanes for two-lane roads. Roads with more than two lanes and acceleration lanes shall be cored at the same rate.

(c) Core samples will be measured for thickness of base and thickness of binder layer. Any road with 95 percent or more of the core samples meeting the required standards shall be deemed to pass the sampling process. If any road has less than 95 percent of the core samples meeting the required standards, such road shall not be accepted for perpetual maintenance until the development/owner takes such corrective action as determined by the director of community development-city engineer. Subsequent to such corrective action, the director of community development-city engineer may require subsequent testing at the development's/owner's expense.

(Code 1989, § 17-82; Ord. No. 241-A, § 2, 4-25-1988)

~~Sec. 17-83. Fees.~~²²⁴

~~— The city shall levy a fee to be established by the city council of fifty cents (\$0.50) per linear foot of centerline of two-lane road for this testing. Roads with more than two (2) lanes and acceleration lanes and other paved areas shall be assessed this fee on a proportionate basis. This fee may be adjusted, from time to time, by resolution by mayor and council.~~²²⁵

²²¹ **Code 1989, § 17-57. Miscellaneous provisions.** We recommend that this provision be stricken as covered by the similar provision appearing in the General Provisions chapter. *City accepted.*

²²² **Code 1989, § 17-57. Miscellaneous provisions.** We recommend that this provision be stricken as not needed. *City accepted.*

²²³ **Code 1989, § 17-82. Coring requirements.** *Language modified per city's request.*

²²⁴ **Code 1989, § 17-83 and § 17-84.** *Per city's request, language has been struck because the city does not provide the borings.*

²²⁵ **Code 1989, § 17-83. Fees.** We recommend making this section more generic for purposes of internal consistency and for ease of modification. *City accepted.*

~~— These fees shall be paid by the developer/owner at the time development permits are purchased.~~

~~— All fees collected by the city shall be held in escrow and shall be used to provide the services ordained by this division. The city engineer shall maintain adequate audit records showing fees collected, cost incurred, and obligations pending.~~

(Code 1989, § 17-83; Ord. No. 241-A, § 3, 4-25-1988)

Sec. 17-84. Responsibilities.

~~— The city engineer shall be responsible for scheduling coring and monitoring this program to include requiring remedial or corrective action required to bring streets and road up to city standards, or to require supplemental testing.~~

~~— The city administrator shall provide for a bid process to select a geotechnical testing company to provide testing services required by this division. Such selection shall be made in accordance with the city charter.~~

~~— The city engineer shall provide certification of test results and shall maintain such records as required for prudent management of this program.~~

~~— The developer/owner shall be responsible for contacting the city engineer of the time testing is required. Such notification shall be after the binder coat is in place, but prior to the final coat being applied.~~

~~— The developer/owner shall provide one (1) additional set of plans at the time development permits are purchased.~~

(Code 1989, § 17-84; Ord. No. 241-A, § 4, 4-25-1988)

Sec. 40-105. Regulations or practices governing public improvements.

This article shall not be construed as invalidating any current regulations or practices governing the acceptance of public improvements.

(Code 1989, § 17-85; Ord. No. 241-A, § 5A, 4-25-1988)

Secs. 40-106--40-125. Reserved.

ARTICLE V. OUTDOOR SPRINKLER SYSTEMS

Sec. 40-126. Findings.

(a) The uncontrolled use of outdoor sprinkler systems when outdoor temperatures are near or below freezing, and where located near sidewalks and/or streets, present an inconvenience and danger to the safety and welfare of persons using the sidewalks and/or streets.

(b) Outdoor sprinkler systems which are left on for an excessive period of time so as to cause puddling of water on sidewalks and/or streets, or which over-spray or spray directly onto sidewalks and/or streets constitute an inconvenience or danger to persons using the sidewalks and/or streets, both by the puddling of water and through the accelerated deterioration of sidewalks and/or streets.

(c) These factors can cause dangerous accidents and accelerated deterioration of public sidewalks and/or streets resulting in additional city expense for repairs.

(d) The mayor and council recognize, however, that the use of outdoor sprinkler systems serves a useful purpose and contributes to the beauty of the city, and that the use of outdoor sprinkler systems should not be absolutely denied.

(Code 1989, § 17-100; Ord. No. 410, § 1, 8-24-1998)

Sec. 40-127. Purpose.

(a) The purpose of this article is to recognize that although outdoor sprinkler systems are proper and necessary, these systems should be reasonably regulated in the interest of public safety and welfare by the establishment of standards for the timing, coverage and use of sprinkler systems.

(b) In order to protect the public safety, to protect the public investment in sidewalks and streets, and to

provide for orderly and reasonable use of outdoor sprinkler systems, the mayor and council hereby determine that the public health, safety and welfare require the adoption of this article.

(Code 1989, § 17-101; Ord. No. 410, § 2, 8-24-1998)

Sec. 40-128. Operations prohibited.²²⁶

(a) It shall be a violation of this article to operate an outdoor sprinkler system when it is reasonably anticipated that temperatures are or will be near or below freezing. All outdoor sprinkler systems which operate on an automatic timer basis shall be equipped with a manual override to allow manual termination of the system in the event that temperatures unexpectedly fall below freezing. It shall also be a violation of this article to continually operate a sprinkler system for excessive periods of time where such sprinkling is likely to create puddling on adjacent public sidewalks and streets, or to operate a sprinkler system in a manner that is likely to over-spray or spray directly onto public sidewalks and public streets so as to cause an inconvenience and danger to persons and/or result in the accelerated deterioration of public sidewalks and streets.

(b) No private improvements, such as lawn sprinkler systems, yard lighting, and the like, shall be installed within a public right-of-way or easement except by authorization of the director of public works. Such authorization, if issued, shall require the owner to assume all repair costs of the owner's facilities should they be damaged during the course of installation, maintenance, or repair of any of the improvements authorized to occupy said right-of-way or easement.

(Code 1989, § 17-102; Ord. No. 410, § 3, 8-24-1998)

Sec. 40-129. Remedies; penalties.²²⁷

(a) When the director of ~~engineering and~~ public works or his designee determines that an outdoor sprinkler system is being operated in violation of this article, a written violation notice shall be issued to the owner/operator of the sprinkler system setting forth the actions deemed necessary to correct or remedy the violation. If the violation pertains to excessive use or over-spraying, the owner/operator shall, within seven days of the violation notice, take such action as is necessary to correct the violation, and shall certify to the director, in writing, the steps that have been taken to correct the violation. If the violation pertains to operating a sprinkler system when temperatures are near or below freezing, the owner/operator, upon receipt of oral or written notice, shall immediately discontinue operation of the sprinkler system, and shall also take such action as is necessary to remove any hazardous condition from the public sidewalks and streets of the city. When an emergency situation exists, and it is not practical to notify the owner/operator of the violation, the director may cause the city to take such action as is necessary to discontinue the operation of the sprinkler system and to remove, or, to the extent possible, eliminate the hazardous condition created by operation of the system. In the event that the city removes or remediates the hazardous conditions created by operation of the system, the owner/operator of the sprinkler system shall be responsible for reimbursing the city for the cost of the removal. In the event that any removal fee remains unpaid for a period of 30 days after written notice, the city may pursue any and all civil remedies available to the city at law or in equity to collect the fee, and the city may, after an additional 15-day period of prior written notice, discontinue water and garbage service to the applicable property. The payment of any unpaid removal fee shall not bar criminal prosecution for any violation of this article.

(b) Any person who is convicted of a first offense under this article shall be subject to a fine according to penalties described in section 1-8, of fifty dollars (\$50.00). ~~Any person who is convicted of a second violation of this article shall be punishable by a fine of one hundred twenty five dollars (\$125.00). Any person who is convicted of a third or any subsequent violation of this article shall be punished by a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00), and each day that this violation occurs and continues~~

²²⁶ **Code 1989, § 17-102.** *Geoffrey Sarra asked if the UDC prohibition on installation of sprinklers in a right-of-way should be included here. We have added the language from the UDC so the city can see what it would look like- we can add it or leave it out, up to the city.*

²²⁷ **Code 1989, § 17-103. Remedies; penalties.** *Language modified per city's request.*

shall constitute a separate offense.²²⁸

(Code 1989, § 17-103; Ord. No. 410, § 4, 8-24-1998)

Sec. 40-130. Exemption.

Owners of single-family residential dwellings shall be exempt from the provisions of this article. However, homeowners' associations maintaining common area entrance ways to residential subdivisions shall be responsible for complying with the provisions of this article.

(Code 1989, § 17-104; Ord. No. 410, § 5, 8-24-1998)

Sec. 40-131. Registration.²²⁹

All owners/operators of outdoor sprinkler systems may voluntarily file a registration with the city public works department, on a form designated by the ~~director of public works-city engineer~~. The registration shall identify the owner/operator, the property address, the locations of any manual override or shut-off valves, the name, address and telephone number of a 24-hour contact person, and such other information as the ~~director of public works city engineer~~ deems necessary. The voluntary registration requirements of this article shall become mandatory with respect to any owner/operator receiving a written violation notice pursuant to this article.

(Code 1989, § 17-105; Ord. No. 410, § 6, 8-24-1998)

PROOFS

²²⁸ **Code 1989, § 17-103. Remedies; penalties.** We recommend modifying the language of this provision for purposes of internal consistency with the general penalties clause in the General Provision chapter. *City accepted.*

²²⁹ **Code 1989, § 17-105. Registration.** *City confirmed that city engineer needs to be director of public works in this section.*

Chapter 41
RESERVED

PROOFS

Chapter 42

TAXATION

ARTICLE I. IN GENERAL

Sec. 42-1. Liability insurance on city vehicles.

(a) The ~~director of finance mayor and/or city clerk~~ is hereby authorized and directed to maintain automobile liability in limits not less than \$100,000.00 bodily injury per person, \$300,000.00 bodily injury per occurrence and \$100,000.00 property damage.²³⁰

(b) All contractors doing business with the city shall provide certificates of the ~~afore-described coverage described in subsection (a) of this section~~ to the city, and the city shall maintain files on all owned and contracted vehicles.

(Code 1989, § 8-1; Ord. No. 159, § 1, 11-6-1978)

~~Sec. 8-2. Reserved.~~

Editor's note—For purposes of classification and ease of reference, the provisions of § 8-2, relative to payment of ad valorem taxes, have been moved to Art. III, Div. 1, and redesignated as § 8-51, at the editor's discretion.

(Code 1989, § 8-2)

Sec. 42-2. Tax exemption to residents 65 years of age or older.

(a) All residents of the city who own and occupy their homes on January 1 of the year and who have attained the age of 65 years or older on or before such date, and do not have an income exceeding \$10,000.00, which includes all moneys received by such person or such person's spouse, are hereby granted a \$5,000.00 homestead exemption.

(b) If disabled, a certificate provided by the attending physician licensed to practice medicine in the state certifying that the applicant is mentally or physically incapacitated to the extent that such person is unable to be gainfully employed, and that his condition is likely to be permanent, must be submitted to the tax commissioner. An affidavit must be signed by the applicant.²³¹

(Code 1989, § 8-3; Res. of 3-28-1983)

Sec. 8-4. Freeport tax exemption.²³²

"A RESOLUTION

"WHEREAS, ~~there was a General Election held in the City of Alpharetta, Georgia on October 19, 1982 electing certain City Officials of said City; and~~

"WHEREAS, ~~a referendum was, on said date, submitted to the qualified voters of said City pertaining to FREEPORT TAX EXEMPTION; and~~

"WHEREAS, ~~said FREEPORT TAX EXEMPTION REFERENDUM was broken down into three (3) sections known as Sections A, B and C. The specifics of said proposed FREEPORT TAX EXEMPTION is hereto attached and is by reference made a part of this Resolution; and~~

"WHEREAS, ~~all Sections A, B and C were overwhelmingly favored by the voters in said election;~~

"BE IT THEREFORE RESOLVED ~~by the Mayor and Council of the City of Alpharetta that the attached~~

²³⁰ Language updated per request of City.

²³¹ Code 1989, § 8-3. Tax exemption to residents sixty-five or older. Change accepted.

²³² Code 1989, § 8-4. Freeport tax exemption. We recommend striking the unnecessary language. Change accepted by City.

~~"Freeport Tax Exemption" be and the same is hereby granted, same being as outlined on the ballot that was submitted to the voters of the City of Alpharetta.~~

~~"All Resolutions or Ordinances in conflict with this Resolution are hereby repealed."~~

~~"CITY OF ALPHARETTA, GEORGIA~~

~~REFERENDUM~~

~~October 19, 1982~~

~~1. SENIOR CITIZENS TAX EXEMPTION:²³³~~

~~Regular \$5,000 City of Alpharetta Homestead Exemption:~~

~~Applicable to all legal residents of the City of Alpharetta who own and occupy their home on January 1st. Once qualified, this exemption is granted automatically each year. This exemption must be applied for each time the homeowner changes title or place of resident.~~

~~Applicant must be age 65 on or before January 1st, gross income not to exceed \$10,000.00. This includes all income received. If disabled, a certificate provided by the attending physician licensed to practice medicine in Georgia certifying that the applicant is mentally or physically incapacitated to the extent that such person is unable to be gainfully employed and that their condition is likely to be permanent must be submitted to the tax commissioner. Affidavit must be signed by the applicant.~~

~~VOTE FOR THE ABOVE: YES _____ NO _____~~

Sec. 42-3. Freeport tax exemption.

(a) ~~Shall~~ Inventory of goods and the process of manufacture or production which shall include all partially finished goods and raw materials held for direct use or consumption in the ordinary course of the taxpayer's manufacturing or production business in the state is exempt from ad valorem taxation by the city, as provided in article VII, section 1, paragraph IV of the state constitution of Georgia.

~~VOTE FOR THE ABOVE: YES _____ NO _____~~

(b) ~~Shall~~ Inventory of finished goods manufactured or produced within the state in the ordinary course of the taxpayer's manufacturing or production business when held by the original manufacturer or producer of such finished goods is exempt from ad valorem taxation by the city, as provided by article VII, section 1, paragraph IV of the state constitution of Georgia.

~~VOTE FOR THE ABOVE: YES _____ NO _____~~

(c) ~~Shall~~ Inventory of finished goods which on the first day of January are stored in a warehouse, dock or wharf, whether public or private, and which are destined for shipment to a final destination outside the state, and inventory of finished goods which are shipped into the state from outside this state and stored for trans-shipment to a final destination outside this state is exempt from ad valorem taxation by the city, as provided in article VII, section 1, paragraph IV of the state constitution.

~~VOTE FOR THE ABOVE: YES _____ NO _____~~ (Res. No. 148, 3-28-83)

(Code 1989, § 8-4; Res. No. 148, 3-28-1983)

State law reference--Ga. Const. art. VII, § II, ¶ III; freeport exemption, O.C.G.A. § 48-5-48.2.

Sec. 42-4. Fees for checks returned for nonpayment.

(a) Effective with the passage of this section, a returned check fee of \$25.00 shall be imposed on all checks returned to the city for nonpayment.

(b) This fee may be adjusted, from time to time, by the finance director, provided that with such adjustments:

²³³ **Code 1989, § 8-3. Tax exemption to residents sixty five or older.** We recommend striking this section as covered by Sec. 8-3. *Change accepted by City.*

- (1) The city council is notified;
- (2) A public notice is posted announcing the new rate and effective date; and
- (3) The adjustment shall not be more than \$20.00 or five percent of the face amount of the returned check, whichever is greater.

(Code 1989, § 8-5; Res. No. 378, 12-17-1990; Ord. No. 507, 9-23-2002)

~~**Editor's note** Resolution No. 378, adopted Dec. 17, 1990, did not specifically amend the Code; hence, its inclusion as § 8-5 was at the discretion of the editor.~~

Secs. 42-5--42-28. Reserved.

ARTICLE II. INSURER LICENSE FEES^{*234}

***State law reference**--General assembly authorized to provide for taxation of insurance companies based on gross direct premiums received from insurance policies within the unincorporated areas of counties, Ga. Const. art. IX, § IV, ¶ I(c); powers of municipal corporations to impose license fees on life insurance companies, O.C.G.A. § 33-8-8; local tax on life insurance companies, O.C.G.A. § 33-8-8.1; local tax on other than life insurance companies, O.C.G.A. § 33-8-8.2.

~~**Editor's note** Ord. No. 485, §§ 1-5, adopted Dec. 17, 2001, did not specifically amend the Code. Hence, its inclusion herein as article VIII, sections 12-201-12-205, was at the discretion of the editor.~~

Sec. 42-29. Insurer license fees.²³⁵

There is hereby levied for the year 2002 and for each year thereafter an annual license fee upon each insurer doing business within the city in the amount of \$100.00. For each separate business location in excess of one, not covered by section ~~42-30~~~~42-202~~, which is operating on behalf of such insurers within the city, there is hereby levied a license fee in the amount of \$100.00. For the purposes of this article, the term "insurer" means a company which is authorized to transact business in any of the classes of insurance designated in O.C.G.A. § 33-3-5.

(Code 1989, § 12-201; Ord. No. 485, § 1, 12-17-2001)

Sec. 42-30. License fees for insurers insuring certain risks at additional business locations.²³⁶

For each separate business location not otherwise subject to a license fee hereunder, operated and maintained by a business organization which is engaged in the business of lending money or transacting sales involving term financing, and in connection with such loans or sales offers, solicits or takes application for insurance through a licensed agent of an insurer for insurance, said insurer shall pay an additional license fee of \$35.00 per location ~~for the year 2002 and for each year thereafter.~~

(Code 1989, § 12-202; Ord. No. 485, § 2, 12-17-2001)

Sec. 42-31. Gross premiums tax imposed on life insurers.²³⁷

There is hereby levied ~~for the year 2002 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 state in an amount equal to one percent of the gross direct premiums received during the preceding calendar year in accordance with

²³⁴ **Code 1989, Article VIII. Insurer license fees.** We recommend moving this article to appear within the "Taxation" chapter of this Code for purposes of subject matter consistency. *Change accepted.*

²³⁵ **Code 1989, § 12-201. Insurers license fees.** We recommend adding generic language for purposes of internal consistency and for ease of modification. *City elected to keep fee provision as is.*

²³⁶ **Code 1989, § 12-201. Insurers license fees.** We recommend adding generic language for purposes of internal consistency and for ease of modification. *City elected to keep fee provision as is.*

²³⁷ **Code 1989, § 12-203. Gross premiums tax imposed on life insurers.** We recommend that this language be stricken as no longer needed. *Change accepted.*

O.C.G.A. § 33-8-8.1. The term "gross direct premiums," as used in this section, shall mean gross direct premiums as used in O.C.G.A. § 33-8-4. The premium tax levied by this section is in addition to the license fees imposed by section ~~42-2912-201~~ of this article.

(Code 1989, § 12-203; Ord. No. 485, § 3, 12-17-2001)

Sec. 42-32. Gross premiums tax, all other insurers.²³⁸

There is hereby levied ~~for the year 2002 and for each year thereafter~~ an annual tax based solely upon gross direct premiums upon each insurer, other than an insurer transacting business in the class of insurance designated in subsection 1 of O.C.G.A. § 33-3-5, doing business within the state, in an amount equal to 2 1/2 percent of the gross direct premiums received during the preceding calendar year, in accordance with O.C.G.A. § 33-8-8.2. The term "gross direct premiums," as used in this section, shall mean gross direct premiums as used in O.C.G.A. § 33-8-4. The premium tax levied by this section is in addition to the license fees imposed by section ~~42-2912-201~~ of this article.

(Code 1989, § 12-204; Ord. No. 485, § 4, 12-17-2001)

Sec. 42-33. Due date for license fees.²³⁹

License fees imposed in sections ~~42-29 and 42-3012-201 and 12-202~~ of this article shall be due and payable ~~on the first day of 2002 and on the first day~~ on the first day of each subsequent year.

(Code 1989, § 12-205; Ord. No. 485, § 5, 12-17-2001)

Secs. 42-34--42-54. Reserved.

ARTICLE III. OCCUPATION TAX^{*240}

ARTICLE IA. OCCUPATION TAX

***State law reference**--Local taxes and fees, Ga. Const. art. IX, § IV, ¶ I; limitation on expanding the power of municipal regulation over any business activity regulated by the public service commission, O.C.G.A. § 36-35-6(a)(5); business and occupation taxes, O.C.G.A. § 48-13-5 et seq.

Editor's note--Ordinance Number 355, adopted December 20, 1994, did not specifically amend this Code; hence, inclusion of §§ 1-33 as Ch. 12, Art. IA, §§ 12-29.1-12-29.33 was at the discretion of the editor. Appendices A and B attached to Ord. No. 355, are not printed herein but on file in the offices of the city clerk. Sections 12-1-12-16, 12-18, 12-22, and 12-23 were deleted as being superseded by the provisions of Ord. No. 355. Former sections pertained to licenses and derived from Ord. No. 173, §§ 1-15, adopted January 22, 1980; Ord. No. 192, §§ 1-6, adopted December 15, 1983; Ord. No. 202, §§ a-d, adopted September 24, 1984; Ord. No. 221, § 1, adopted December 8, 1986; Ord. No. 292, §§ 1-3, adopted January 13, 1992.

Sec. 42-55. Purpose and intent of article.

The purpose and intent of this article is to provide for the levy, assessment and collection of an annual occupation tax on certain businesses and practitioners of professions and occupations located or exerting substantial efforts in the city. This article is implemented pursuant to, and in accordance with, the state-enabling statute codified in O.C.G.A. § 48-13-5, et seq.

(Code 1989, § 12-29.1; Ord. No. 355, § 1, 12-20-1994; Ord. No. 366, § 1, 8-28-1995)

²³⁸ **Code 1989, § 12-204. Gross premiums tax, all other insurers.** We recommend that this language be stricken as no longer needed. *Change accepted.*

²³⁹ **Code 1989, § 12-205. Due date for license fees.** We recommend that the transitory language be stricken as no longer needed. *Change accepted.*

²⁴⁰ **Code 1989, Article IA. Occupation tax.** We recommend moving this article to appear within the "Taxation" chapter of the code for purposes of subject matter consistency. *Change accepted.*

Sec. 42-56. Construction of terms; Definitions.²⁴¹

(a) ~~Wherever the term "City of Alpharetta" is used, such term shall mean "Alpharetta, Georgia"; wherever the term "city" is used, it shall mean "Alpharetta, Georgia."~~²⁴²

(b) ~~As used in this article, the term:~~

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:²⁴³

Administrative fee means a component of an occupational tax which approximates the reasonable cost of handling and processing the occupation tax.

Business means any person, corporation, partnership or other legal entity which exerts substantial efforts within the city, engages in, causes to be engaged in, and/or represents or holds out to the public to be engaged in the occupation or activity with the object of gain or benefit, either directly or indirectly.

Business registration certificate means the document issued by the city to a business or to a practitioner of a profession or occupation which gives evidence of compliance with the requirements of this article. The certificate shows the name and address of the business, the business type, and other pertinent information, but not the amount of tax paid.

Dominant business activity means the activity which is the major source of income of a business that conducts multiple activities. Such dominant business activity represents the largest percentage of business revenues but may not represent a majority of revenues.

Dominant line means the type of business within a multiple-line business from which ~~that~~ the greatest amount of income is derived ~~from~~.

Employee means an individual whose work is performed under the direction and supervision of the employer, and whose employer withholds FICA, federal income tax or state income tax from such individual's compensation, or whose employer issues to such individual, for purposes of documenting compensation, a form IRS W-2, but not a form IRS 1099.

Location or office means any structure or vehicle where a business, profession or occupation is conducted, but shall not include a temporary or construction work site which serves a single customer or project, or a vehicle used for sales or delivery by a business or practitioner of a profession or occupation which has a location or office. The renter's or lessee's location which is the site of personal property which is rented or leased from another does not constitute a location or office for the personal property's owner, lessor, or the agent of the owner or lessor. The site of real property which is rented or leased to another does not constitute a location or office for the real property's owner, lessor, or the agent of the owner or lessor unless the real property's owner, lessor, or the agent of the owner or lessor, in addition to showing the property to prospective lessees or tenants and performing maintenance or repair of the property, otherwise conducts the business of renting or leasing the real property at such site or otherwise conducts any other business, profession, or occupation at such site.²⁴⁴

Occupation tax means a tax levied on persons, partnerships, corporations or other entities for engaging in an occupation, profession or business for revenue raising purposes.

Practitioner of profession or occupation ~~means a practitioner who by state law is required to obtain a state~~

²⁴¹ **Code 1989, § 12-29.2. Construction of terms; definitions.** We recommend renaming this provision for purposes of internal consistency. *Change accepted.*

²⁴² **Code 1989, § 12-29.2. Construction of terms; definitions ("City of Alpharetta").** We recommend striking this definition as covered in the General Provisions chapter. *Change accepted.*

²⁴³ **Code 1989, § 12-29.2 Construction of terms; definitions.** We recommend adding introductory language to this provision for purposes of internal consistency. *Change accepted.*

²⁴⁴ **Code 1989, § 12-29.2. Construction of terms; definitions ("Location or office").** Definition updated to reflect current wording of O.C.G.A. § 48-13-5. *Change accepted.*

~~license as a condition to practicing such profession or occupation. This definition does not include a practitioner who is an employee of a business, if the business pays an occupation tax. shall not include a practitioner who is an employee of a business, if the business pays an occupational tax.~~²⁴⁵

Regulatory fees means payments, whether designated as license fees, permit fees or by another name, which are required by a local government as an exercise of its police power and as a part of or as an aid to regulation of an occupation, profession or business. The amount of a regulatory fee shall approximate the reasonable cost of the actual regulatory activity performed by the city. A regulatory fee may not include an administrative fee or registration fee. Development impact fees, as defined by paragraph 8 of O.C.G.A. § 36-71-2, or other costs or conditions of zoning or land development are not regulatory fees.²⁴⁶

~~*Person* means an individual, sole proprietor, corporation, partnership or any other form of business organization.~~²⁴⁷

Taxpayer means any business or practitioner of a profession or occupation responsible for the payment of an occupation tax pursuant to the provisions of this article.

(Code 1989, § 12-29.2; Ord. No. 355, § 2, 12-20-1994; Ord. No. 366, § 2, 8-28-1995; Ord. No. 593, § 1(exh. A), 6-19-2006)

Sec. 42-57. Administrative and regulatory fee structure; occupation tax structure.

(a) An annual non-prorated, non-refundable administrative fee of \$50.00 is imposed on each business and practitioner of a profession or occupation required to pay an occupation tax under this article, except home occupations. The administrative fee shall be due on the same date as the occupation tax.

(b) A regulatory fee may be imposed as provided under O.C.G.A. § 48-13-9 on those applicable businesses. A regulatory fee may not include an administrative fee.

(Code 1989, § 12-29.3; Ord. No. 355, § 3, 12-20-1994; Ord. No. 366, § 3, 8-28-1995; Ord. No. 593, § 1(exh. A), 6-19-2006)

State law reference--Imposition and collection of regulatory fees, O.C.G.A. § 48-13-8; limitation, imposition and calculation of regulatory fees, O.C.G.A. § 48-13-9.

Sec. 42-58. Occupation tax levied; restrictions.

(a) An occupation tax is levied upon those businesses and practitioners of professions and occupations with one or more locations or offices within the corporate limits of the city and upon the applicable out-of-state businesses with no location or office in the state, pursuant to O.C.G.A. § 48-13-7, based upon the following criteria:

- (1) The taxpayer shall pay the occupation tax based upon the number of employees of the business or practitioner.
- (2) The tax shall be calculated at the following rate:
 - a. Home occupation (limited to one employee): \$90.00.
 - b. All other businesses (not otherwise addressed herein or by law):

Employees:

 1. One to four: \$100.00.
 2. Five to ten: \$175.00.
 3. 11 to 25: \$300.00.

²⁴⁵ **Code 1989, § 12-29.2. Construction of terms; definitions (“Practitioner of profession or occupation”).** Definition updated to reflect current wording of O.C.G.A. § 48-13-5. *Change accepted.*

²⁴⁶ **Code 1989, § 12-29.2. Construction of terms; definitions (“Regulatory fees”).** *Id.* *Change accepted.*

²⁴⁷ **Code 1989, § 12-29.2. Construction of terms; definitions (“Person”).** We recommend striking this definition as covered in the General Provisions chapter. *Change accepted.*

4. 26 to 49: \$450.00.
5. 50 and above, plus \$7.00 per employee: \$150.00.

(3) An administrative fee of \$50.00 shall be assessed in addition to the occupational tax for all businesses except home occupations.²⁴⁸

(4) The number of employees shall be computed on a full-time position basis and a full-time position equivalent basis. For the purposes of the calculation, an employee who works 40 hours or more weekly shall be considered a full-time employee, and the average weekly hours of employees who work less than 40 hours weekly shall be added and such sum shall be divided by 40 to produce full-time position equivalents. In no event shall the tax exceed \$10,000.00.

(b) Restrictions.

(1) The city shall not require the payment of more than one occupational tax for each location that a business or practitioner shall have.

(2) The city shall require an occupation tax from those real estate brokers, agents or companies whose offices are located outside the city and who sell property inside the limits of the city.

(3) An occupation tax shall not be levied in any other manner except as described in this section.

(4) For out-of-state businesses with no location in the state, occupation taxes shall be calculated at the annual rate of \$250.00.

(c) Notwithstanding any other provision of this section, the imposition of an occupation tax and registration requirements of this section shall not constitute a condition to the practice of law by attorneys. Further, any provision of this section which imposes the criminal sanction of imprisonment for failure to register or pay an occupation tax shall not apply to attorneys. The audit provisions of this section shall not be deemed to require an attorney to provide confidential billing records to the city.

(Code 1989, § 12-29.4; Ord. No. 355, § 4, 12-20-1994; Ord. No. 366, § 4, 8-28-1995; Ord. No. 403, § 1, 4-6-1998; Ord. No. 593, § 1(exh. A), 6-19-2006)

Sec. 42-59. Applicability of occupation tax to businesses with no location in the state.

The occupation tax levied pursuant to section ~~42-58~~^{12-29.4} of this article is imposed on those businesses and practitioners of professions with no location or office in the state if the business's largest dollar volume of business in the state is in the city, and the business or practitioner:

- (1) Has one or more employees or agents who exert substantial efforts within the jurisdiction of the city for the purpose of soliciting business or serving customers or clients; or
- (2) Owns personal or real property which generates income and which is located within the jurisdiction of the city.

(Code 1989, § 12-29.5; Ord. No. 355, § 5, 12-20-1994; Ord. No. 366, § 5, 8-28-1995)

State law reference--Taxation of businesses and practitioners of professions and occupations with no location in state, O.C.G.A. § 48-13-7.

Sec. 42-60. Each line of business to be identified on business registration.

The business registration certificate of each business in the city shall identify the dominant line of business that the business conducts.

(Code 1989, § 12-29.6; Ord. No. 355, § 6, 12-20-1994; Ord. No. 366, § 6, 8-28-1995)

²⁴⁸ **Code 1989, 12-29.4. Occupational tax levied; restrictions.** We recommend adding the generic language for purposes of internal consistency and for ease of modification. *City elected to keep fee provision as is.*

Sec. 42-61. The number of businesses considered operating in city.

Where a person conducts business at more than one location, each location shall be considered a separate business for the purpose of occupation tax.

(Code 1989, § 12-29.7; Ord. No. 355, § 7, 12-20-1994; Ord. No. 366, § 7, 8-28-1995)

Sec. 42-62. Professionals as classified in O.C.G.A. § 48-13-9(c), paragraphs (1) through (18).

Practitioners of professions as described in O.C.G.A. § 48-13-9(c)(1) through (18) shall elect as their entire occupation tax:

- (1) The occupation tax based on number of employees as set forth in section ~~42-58~~ ~~12-29.4~~ of this article; or
- (2) A fee of \$400.00 per practitioner who is licensed to provide the service, such tax to be paid at the practitioner's office or location. The per-practitioner fee shall include all persons in the business who qualify as a practitioner under the state's regulatory guidelines and framework.
- (3) This election is to be made on an annual basis.

(Code 1989, § 12-29.8; Ord. No. 355, § 8, 12-20-1994; Ord. No. 366, § 8, 8-28-1995; Ord. No. 593, § 1(exh. A), 6-19-2006)

Sec. 42-63. Practitioners exclusively practicing for the government.

Any practitioner whose office is maintained by and who is employed in practice exclusively by the United States, the state, a municipality or county of the state, or instrumentalities of the United States, the state or a municipality or county of the state, shall not be required to obtain a license or pay an occupation tax for that practice.

(Code 1989, § 12-29.9; Ord. No. 355, § 9, 12-20-1994; Ord. No. 366, § 9, 8-28-1995)

Sec. 42-64. Scope of tax.

The occupation tax levied pursuant to this article is for revenue purposes only and is not for regulatory purposes; nor is the payment of the tax made a condition precedent to the practice of any such profession or trade. The occupation tax applies to those businesses and occupations which are covered by the provisions of O.C.G.A. §§ 48-13-5 through 48-13-26. All other applicable businesses and occupations are taxed by the city pursuant to the pertinent general and/or local law and ordinances.

(Code 1989, § 12-29.10; Ord. No. 355, § 10, 12-20-1994; Ord. No. 366, § 10, 8-28-1995)

Sec. 42-65. When tax due and payable; effect of transacting business when tax delinquent.

(a) Each business or practitioner of a profession or occupation required to pay an administrative fee and occupation tax or a regulatory fee pursuant to this article shall file an annual registration and return (the "registration") with the city finance department on a form provided by the city. The registration, accompanied by the occupation tax and/or fee, is due on February 15 of each calendar year, and is delinquent on April 1. The registration and tax for a business commencing after January 1 of any year is due on the commencement date and is delinquent 90 days after the commencement date.

(b) A penalty of ten percent of the amount of the tax and/or fee shall be assessed on April 1 for businesses required to register on February 15, and on the 19th day after commencement of business for businesses commencing business after January 1. Interest of 1 1/2 percent shall be assessed for each month or fraction thereof that the tax and/or fee remains delinquent after the imposition of the ten percent penalty.

(c) A business registration certificate shall be issued by the city finance department for each registration under this article. The business registration certificate shall be prominently displayed in each office of the business in the city. If any person, firm or corporation whose duty it is to obtain a business registration certificate shall, after the registration and occupation tax becomes delinquent, transact or offer to transact business in the city, such offender shall, in addition to remedies provided herein, upon conviction, be punished as provided in section ~~1-8-12-29.17~~ of this article.

~~(d) Notwithstanding the provisions of paragraphs (a) through (f) of this section 12-29.11, for calendar year~~

~~1995 only the registration and the tax and/or fee is due on September 30 and is delinquent on January 1.~~²⁴⁹

(Code 1989, § 12-29.11; Ord. No. 355, § 11, 12-20-1994; Ord. No. 366, § 11, 8-28-1995; Ord. No. 593, § 1(exh. A), 6-19-2006)

Sec. 42-66. Allocation of employees of business with multiple intrastate or interstate locations.

For those businesses having multiple locations inside and outside the city, only the employees who work in the city locations will be counted for occupation tax purposes.

(Code 1989, § 12-29.12; Ord. No. 355, § 12, 12-20-1994; Ord. No. 366, § 12, 8-28-1995; Ord. No. 593, § 1(exh. A), 6-19-2006)

~~**Editor's note**—Ord. No. 593, § 1(exh. A), adopted June 19, 2006, changed the title of § 12-29.12 from "Allocation of employee or gross receipts of business with multiple intra or interstate locations" to "Allocation of employee of business with multiple intra or interstate locations."~~

Sec. 42-67. Exemption for state and local authorities and nonprofit organizations.

State and local authorities and nonprofit organizations are exempt from any occupation tax, regulatory fee or administrative fee levied pursuant to this article.

(Code 1989, § 12-29.13; Ord. No. 355, § 13, 12-20-1994; Ord. No. 366, § 13, 8-28-1995)

Sec. 42-68. Evidence of state registration required if applicable; state registration to be displayed.

Each person required to be licensed under title 43 of the state license examining boards shall provide evidence of proper and current state licensure before the city registration may be issued.

(Code 1989, § 12-29.14; Ord. No. 355, § 14, 12-20-1994; Ord. No. 366, § 14, 8-28-1995)

Sec. 42-69. Evidence of qualification required if applicable.

(a) Any business required to obtain health permits, bonds, certificates of qualification, certificates of competency, certificates of occupancy or any other regulatory matter shall first, before the issuance of a city business registration, show evidence of such qualification.

(b) Any business required to submit an annual application for continuance of that business shall do so before the registration is issued.

(Code 1989, § 12-29.15; Ord. No. 355, § 15, 12-20-1994; Ord. No. 366, § 15, 8-28-1995)

Sec. 42-70. Liability of officers and agents; registration required; failure to obtain.

All persons subject to the occupation taxes provided in this article shall be required to obtain the necessary registration for such business as provided in this article, and in default thereof, the officer or agent soliciting for or representing such persons shall be subject to the same penalty as other persons who fail to obtain a certificate. Every person commencing business in the city after January 1 of each year shall likewise obtain the registration before commencing the same; and any person transacting or offering to transact in the city any of the kinds of business, trade, profession or occupation without first having so obtained such registration shall be subject to penalties provided herein, and upon conviction, shall be punished as provided in section ~~1-812-29.17 of this article~~.

(Code 1989, § 12-29.16; Ord. No. 355, § 16, 12-20-1994; Ord. No. 366, § 16, 8-28-1995)

~~**Sec. 12-29.17. Penalty for article violation.**~~²⁵⁰

~~Whenever in this article any act is prohibited or declared to be unlawful, or whenever the doing of any act is~~

²⁴⁹ **Code 1989, § 12-29.11. When tax due and payable; effect of transacting business when tax delinquent.** We recommend striking this language as it is no longer necessary. *Change accepted.*

²⁵⁰ **Code 1989, § 12-29.17. Penalty for article violation.** We recommend modifying the language of this provision, for purposes of internal consistency with the general penalties clause in the General Provisions chapter. *Change accepted.*

~~required or the failure to do any act is declared to be unlawful, the violation of any such provision shall be punished by a fine not to exceed one thousand dollars (\$1,000.00). Each day any violation of any provision of this article shall continue shall constitute a separate offense. In addition to the penalties provided in this section, any condition caused or permitted to exist in violation of any of the provisions of this article shall be deemed a public nuisance, may cause the non-renewal of the business registration certificate by the city 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.~~

~~(Code 1989, § 12-29.17; Ord. No. 355, § 17, 12-20-1994; Ord. No. 366, § 17, 8-28-1995; Ord. No. 593, § 1(exh. A), 6-19-2006)~~

Sec. 42-71. City building official; business inspector.²⁵¹

The city code enforcement manager ~~building official~~ and his duly designated officers and inspectors or his successors shall be classified as deputy officer marshal ~~business inspector~~ with full subpoena and arresting powers in conjunction with any violation pertaining to the business tax ordinance for 1995 ~~(this article)~~ and succeeding years thereafter.

(Code 1989, § 12-29.18; Ord. No. 355, § 18, 12-20-1994; Ord. No. 366, § 18, 8-28-1995)

Sec. 42-72. Businesses not covered by this article.

The following businesses are not covered by the provisions of this article, but may be assessed an occupation tax or other type of tax pursuant to the provisions of other general laws of the state or by act of local law:

- (1) Those businesses regulated by the state public service commission.
- (2) Those electrical service businesses organized under O.C.G.A. chapter 3 of title 46.
- (3) Any farm operation for the production from or on the land of agricultural products, but not including agribusiness.
- (4) Cooperative marketing associations governed by O.C.G.A. § 2-10-80 et seq. ~~section 2-10-105.~~²⁵²
- (5) Insurance companies governed by O.C.G.A. § 33-8-8.
- ~~(6) Motor common carriers governed by O.C.G.A. § 46-7-15.~~²⁵³
- (6) Those businesses governed by O.C.G.A. § 48-5-355.
- (7) Agricultural products and livestock raised in the state governed by O.C.G.A. § 48-5-356.
- (8) Depository financial institutions governed by O.C.G.A. § 48-6-93.
- (9) Facilities operated by a charitable trust governed by O.C.G.A. § 48-13-55.

(Code 1989, § 12-29.19; Ord. No. 355, § 19, 12-20-1994; Ord. No. 366, § 19, 8-28-1995)

Sec. 42-73. Occupation tax inapplicable where prohibited by law or provided for pursuant to other existing law.

This occupation tax is not levied upon any business or any part of a business where such levy is prohibited or exempted by the laws of the state or of the United States.

(Code 1989, § 12-29.20; Ord. No. 355, § 20, 12-20-1994; Ord. No. 366, § 20, 8-28-1995; Ord. No. 593, § 1(exh. A), 6-19-2006)

²⁵¹ *Per City's request, change references of Marshal to Officer because the Business License Officer works for Code Enforcement.*

²⁵² **Code 1989, § 12-29.19. Businesses not covered by this article.** We recommend modifying the cite here to reflect the whole article that covers this subject matter. *Change accepted.*

²⁵³ **Code 1989, 12-29.19. Business not covered by this article.** We recommend striking this provision as O.C.G.A. § 46-7-15 was repealed in 2012. *Change accepted.*

Sec. 42-74. More than one place or line of business.

Where a business is operated at more than one place or where the business includes more than one line, the number of employees at each location will be entered on a separate occupation tax return and the tax will be calculated at the rate of the dominant line of business conducted by the business, identified on a form to be furnished by the city.

(Code 1989, § 12-29.21; Ord. No. 355, § 21, 12-20-1994; Ord. No. 366, § 21, 8-28-1995; Ord. No. 593, § 1(exh. A), 6-19-2006)

Sec. 42-75. Returns confidential.

Except in the case of judicial proceedings or other proceedings necessary to collect the occupation tax hereby levied, the contents of occupation tax returns shall be confidential and open only to the officials, employees, agents or clerks of the city using said returns for the purpose of this occupation tax levy and the collection of the tax. Independent auditors or bookkeepers employed by the city shall be classed as employees. Nothing herein shall be construed to prohibit the publication by the city of statistics, so classified as to reasonably prevent the identification of particular reports or returns and items thereof, or the inspection of the records by duly qualified employees of the tax departments of the state or of the United States, and other local governments. Information provided by a business or practitioner may also be disclosed to the governing authority of another local government for occupational tax purposes.

(Code 1989, § 12-29.22; Ord. No. 355, § 22, 12-20-1994; Ord. No. 366, § 22, 8-28-1995)

Sec. 42-76. Inspection of books and records.

In any case, the finance department of the city, through its officers, agents, employees or representatives, may inspect the books of the business for which the returns are made. The director of the finance department or the director's designee shall have the right to inspect the books or records for the business of which the return was made in the city, and upon demand of the director of the finance department or the director's designee, such books or records shall be submitted for inspection by a representative of the city within 30 days. Failure of submission of such books or records within 30 days shall be grounds for revocation of the tax certificate currently existing to do business in the city. Adequate records shall be kept in the city for examination by the director of the finance department or the director's designee at the director's discretion. If, after examination of the books or records, it is determined that a deficiency occurs as a result of underreporting, a penalty of ten percent of the deficiency and an additional one percent of the deficiency for each month or fraction thereof that the deficiency was due and unpaid shall be assessed.

(Code 1989, § 12-29.23; Ord. No. 355, § 23, 12-20-1994; Ord. No. 366, § 23, 8-28-1995)

Sec. 42-77. Business registration certificate to be revoked for failure to pay tax, file returns, or permit inspection of books.

Except for a person whose qualifications to practice his profession are determined by the general laws of the state, upon the failure of any business to pay such occupation tax or any part thereof before it becomes delinquent or upon failure to permit inspection of its books as above provided, any business registration certificate granted by the city under this article permitting the owner of such business to do business in the city for the current year shall be, ipso facto, revoked. No new business registration certificate shall be granted by the city for the operation of a business for which any part of the occupation tax herein provided for is at that time unpaid, or to a person who has failed to submit adequate records as requested by the finance department in accordance with provisions found in section 42-7612-29.23.

(Code 1989, § 12-29.24; Ord. No. 355, § 24, 12-20-1994; Ord. No. 366, § 24, 8-28-1995)

Sec. 42-78. Effect of failure to comply with article provisions; continuing in business after business registration certificate revocation.

Any person, their manager, agent or employee, who does business in the city after the certificate for such business has been revoked as above; any person, their manager, agent or employee, ~~is~~ hereby required to make returns showing the number of employees, and who fails to make such returns within the time and in the manner herein provided, or refuses to amend such returns so as to set forth the correct information, or who shall make false

returns; and any person, their manager, agent or employee who refuses to permit an inspection of books in his charge when the officer, agent, employee or representative of the city requests such inspection, during business hours, for the purpose of determining the accuracy of the returns herein provided for, shall be subject to penalties provided in section ~~1-812-29.17 of this article.~~

(Code 1989, § 12-29.25; Ord. No. 355, § 25, 12-20-1994; Ord. No. 366, § 25, 8-28-1995; Ord. No. 593, § 1(exh. A), 6-19-2006)

Sec. 42-79. Execution for delinquent occupation tax.

In addition to the other remedies herein provided for the collection of the occupation tax herein levied, the director of the finance department of the city, upon any tax or installment of such tax becoming delinquent and remaining unpaid, shall issue execution for the correct amount of such tax against the person liable for such tax, which execution shall bear interest at the rate of one percent per month from the date when such tax or installment becomes delinquent, and the lien shall cover the property of the person liable for such tax, all as provided by the ordinances and Charter of the city and the laws of the state. The lien of such occupation tax shall become fixed on and date from the time when such tax or any installment thereof becomes delinquent. The execution shall be levied by the director of the finance department of the city upon the property of the person liable for such tax, and sufficient property shall be advertised and sold to pay the amount of such execution, with interest and costs. All other proceedings in relation thereto shall be had as is provided by the ordinances and the Charter of the city and the laws of the state, and the defendant in such execution shall have rights of defense, by affidavit of illegality and otherwise, which are provided by the Charter of the city and the laws of the state in regard to tax executions. When a nulla bona entry has been entered by proper authority upon an execution issued by the city against any person defaulting on the occupation tax, the person against whom the entry was made shall not be allowed or entitled to have or collect any fees or charges whatsoever for services rendered after the entry of the nulla bona. If, at any time after the entry of nulla bona has been made, the person against whom the execution issues pays the tax in full together with all interest, penalties and costs accrued on the tax, the person may collect any fees and charges due the person as though the person had never defaulted in the payment of the taxes.

(Code 1989, § 12-29.26; Ord. No. 355, § 26, 12-20-1994; Ord. No. 366, § 26, 8-28-1995)

Sec. 42-80. Amendment or repeal of provision.

This article shall be subject to amendment or repeal, in whole or in part, at any time, and no such amendment or repeal shall be construed to deny the right of the council to assess and collect any of the taxes or other charges prescribed. Such amendment may increase or lower the amounts and tax rates of any occupation and may change the classification thereof. The payment of any occupation tax provided for shall not be construed as prohibiting the levy or collection by the city of additional occupation taxes upon the same person, property or business.

(Code 1989, § 12-29.27; Ord. No. 355, § 27, 12-20-1994; Ord. No. 366, § 27, 8-28-1995)

Sec. 42-81. Applications of provisions to prior ordinance.

This article does not repeal or affect the force of any part of any ordinance heretofore passed where taxes levied under such prior ordinance have not been paid in full. So much and such parts of ordinances heretofore and hereinafter passed as provided for the issuing and enforcing of execution for any tax or assessment required by such ordinances, or that imposed fines or penalties for the nonpayment of such tax or for failure to pay regulatory fees provided for in such ~~ordinance or~~ ordinances, or failure to comply with any other provisions hereof, shall continue and remain in force until such tax, regulatory fee or assessment shall be fully paid.

(Code 1989, § 12-29.28; Ord. No. 355, § 28, 12-20-1994; Ord. No. 366, § 28, 8-28-1995)

Sec. 42-82. Enforcement of provisions.

It is hereby made the duty of the building official, the finance department and the police department to see that the provisions of this article relating to occupation taxes are observed, and to summon all violators of the same to appear before the municipal court. It is hereby made the further duty of the building official, director of the finance department, the chief of police and their designees and assistants to inspect all certificates issued by the city, as often as in their judgment it may seem necessary to determine whether the certificate held is the proper one for the business sought to be transacted thereunder.

(Code 1989, § 12-29.29; Ord. No. 355, § 29, 12-20-1994; Ord. No. 366, § 29, 8-28-1995)

Sec. 42-83. Provisions to remain in full force and effect until changed by council.

This article shall remain in full force and effect until changed by amendment adopted by the council. All provisions hereto relating to any form of tax herein levied shall remain in full force and effect until such taxes have been paid in full.

(Code 1989, § 12-29.30; Ord. No. 355, § 30, 12-20-1994; Ord. No. 366, § 30, 8-28-1995)

Sec. 42-84. Requirement of public hearing before tax increase.²⁵⁴

~~After January 1, 1996,~~ The council shall conduct at least one public hearing before adopting any ordinance or resolution which will increase the rate of occupation tax as set forth in this article.

(Code 1989, § 12-29.31; Ord. No. 355, § 31, 12-20-1994; Ord. No. 366, § 31, 8-28-1995)

Sec. 42-85. Option to establish exemption or reduction in occupation tax.

The council may, by this article or subsequent ordinance or resolution, provide for an exemption or reduction in occupation tax to one or more types of businesses or practitioners of occupations or professions or to a designated district as part of a plan for economic development or attracting or encouraging selected types of businesses or practitioners of selected occupations or professions. Any such plan may be designed to attract development to a particular area in the city or to the city at large. Such exemptions or reductions in occupation tax shall not be arbitrary or capricious.

(Code 1989, § 12-29.32; Ord. No. 355, § 32, 12-20-1994; Ord. No. 366, § 32, 8-28-1995)

Sec. 42-86. Conflicts between specific and general provisions.

Where there is an apparent conflict in this article between specific and general provisions, it is the intention hereof that the specific shall control.

(Code 1989, § 12-29.33; Ord. No. 355, § 33, 12-20-1994; Ord. No. 366, § 33, 8-28-1995)

Sec. 42-87. Information provided to state department of revenue.

(a) Any person who performs any business, occupation or profession subject to an occupation tax or regulatory fee under O.C.G.A. § 48-13-1 et seq. is required to provide the city the following information when paying such occupation tax or regulatory fee:

- (1) The legal name of the business;
- (2) Any associated trade names for the business;
- (3) The mailing address for the business;
- (4) The actual physical address of each location of the business, if it is different than the mailing address;
- (5) The North American Industry Classification System (NAICS) code applicable to such business; and
- (6) The sales and use tax identification number assigned to the business by the state department of revenue, if the business is required by law to have such a number.

(b) The city will provide written notice to all persons subject to the city's occupation taxes or regulatory fees ~~and that:~~

- (1) This information will be provided to the state department of revenue; and
- (2) If the person refuses or fails to provide the required information, the city will notify the state department of revenue of this fact.

²⁵⁴ **Code 1989, § 12-29.31. Requirement of public hearing before tax increase.** We recommend that the transitory language in this provision be stricken as it is no longer needed.
Change accepted.

(c) Within 30 days after receiving the payment of occupation taxes or regulatory fees pursuant to O.C.G.A. § 48-13-20, or at such other later date as otherwise reasonable, the city will electronically submit the information received from each business to the state department of revenue.

(Code 1989, § 12-29.34; Res. No. 1535, 2-21-2011)

~~**Editor's note**—Res. No. 1535, adopted February 21, 2011, did not specify manner of inclusion; hence, inclusion as section 12-29.34 is at the discretion of the editor.~~

Secs. 42-88--42-119. Reserved.

ARTICLE IV. AD VALOREM TAX*

***State law reference**--Taxation power of municipal and county governments, Ga. Const. art. IX, § IV, ¶ I(a) and (b)(2); ad valorem taxation of property, O.C.G.A. § 48-5-1 et seq.; municipal power of ad valorem taxation to provide for financial assistance to its development authority, O.C.G.A. § 48-5-350 et seq.

~~***Editor's note**—For classification purposes and ease of reference, the provisions of § 8-2 have been moved to Art. III, Div. 1, and redesignated as § 8-51, at the discretion of the editor.~~

DIVISION 1. GENERALLY

Sec. 42-120. Ad valorem tax due and delinquency dates; penalties.

Citizens of the city are hereby given the following deadline for filing and paying their property taxes:

- (1) All property owners, both real and personal, shall declare their taxable properties in accordance with the rules and regulations provided for by the county tax assessor and the state property tax division. The city shall levy and collect ad valorem taxes based upon tax records provided by the county. These records shall include, but not be limited to, the owner's name, address, property assessment, valuation, and exemptions (if any).
- (2) Ad valorem taxes will be billed on or about October 1 of each year for that tax year, and shall be payable within 60 days of the bill date. Any ad valorem taxes due under the provisions of this section shall bear interest at the maximum rate allowed by state law. Additionally, a penalty shall be imposed on any unpaid principal in accordance with state law. In the event taxes go unpaid after the due date, a ten (10) percent one time penalty will be charged based upon the amount of tax due. Further, a twelve (12) percent per annum interest charge shall accrue until the taxes are paid in full.²⁵⁵
- (3) Unpaid accounts shall be delinquent 30 days after the due date and shall be subject to late notices, publication of owners' names within the legal organ for the city, and execution of fi. fas.
- (4) The ad valorem tax rate for the city for the 2015 calendar year, on property subject to ad valorem taxation by the city, is hereby fixed at \$5.750 on 40 percent of each \$1,000.00 of property subject to ad valorem tax by the city.
- (5) Said rate of \$5.750 on 40 percent of each \$1,000.00 of taxable property is hereby levied as follows:
 - a. For general government purposes: \$5.000 on 40 percent of each \$1,000.00 of taxable property.
 - b. For the purpose of retiring outstanding general obligation bonds: \$0.7500 on 40 percent of each \$1,000.00 of taxable property.

(Code 1989, § 8-51; Ord. No. 101, 11-8-1966; Ord. No. 457, § 1, 12-18-2000; Ord. No. 706, §§ I, II, 7-20-2015)

State law reference--O.C.G.A. § 48-2-44.

²⁵⁵ **Code 1989, § 8-51. Ad valorem tax due and delinquency dates; penalties.** We recommend modifying this section as it is currently in conflict with O.C.G.A. § 48-2-40. *Change accepted by City and language added per request of City.*

Secs. 42-121--42-138. Reserved.**DIVISION 2. TAX EXECUTIONS AND SALES**

~~*Editor's note~~ Ordinance No. 263, adopted Oct. 23, 1989, did not specifically amend this Code; hence, inclusion of §§ 1-22 as Art. III, Div. 2, §§ 8-61-8-81, was at the discretion of the editor.

Sec. 42-139. Municipal tax collector.

(a) *Creation of office.* There is hereby created in the city the office of municipal tax collector. This office shall be held by the city administrator who shall be responsible for carrying out the provisions of this division. The municipal tax collector shall also undertake such duties as prescribed, from time to time, by the mayor and council.

(b) *Additional powers and authority.* The municipal tax collector shall have such further powers and authority as is necessary to carry out the requirements of this division.

(Code 1989, § 8-61; Ord. No. 263, §§ 1, 22, 10-23-1989)

Sec. 42-140. Records to be kept by municipal tax collector.

The municipal tax collector or his designee ~~designate~~ shall maintain the following records in carrying out the provisions of this division:

- (1) *Defaulters book.* The municipal tax collector shall prepare and maintain a book listing all defaulters (delinquent taxpayers) and the amount and value of the property in default.
- (2) *Execution docket.* The municipal tax collector shall maintain an execution docket listing the executions against all delinquent taxpayers by entering their names in the docket along with an itemized statement of the taxes covered by the executions.

(Code 1989, § 8-62; Ord. No. 263, § 2, 10-23-1989)

Sec. 42-141. Issuance, direction and recording of tax executions.

Where any property owner who has property subject to taxation within the limits of the city shall fail, refuse or neglect to pay the taxes imposed according to law or the ordinances of the city, the municipal tax collector is hereby authorized to issue an execution against the property owner for the tax, which execution shall bear interest in the name of the city, be entered on the records of the municipal tax collector, and be directed to the chief of police, commanding him to levy on the personal and real property of the property owner, or so much thereof as shall be sufficient to satisfy the demand and costs. Upon issuance of the execution, the municipal tax collector shall also be authorized to record the execution on the general execution docket in the office of the clerk of the superior court of the county.

(Code 1989, § 8-63; Ord. No. 263, § 3, 10-23-1989)

Sec. 42-142. Date of issuance; enforcement of executions.

At any time after the last day for the payment of taxes has arrived, the municipal tax collector may notify, in writing, each delinquent taxpayer of the fact that the taxes owing have not been paid, and that, unless paid, an execution shall be issued. The municipal tax collector may issue executions for nonpayment of taxes collectable at any time after 30 days have elapsed since giving the foregoing notice. The execution shall include the owner of the property to which the execution is directed, the year for which the execution is to be issued, a description of the property sufficient to put interested parties on notice as to where the subject property can be located, the amount due including the tax, penalties, execution costs, and interest, the name of the officer conducting the levy and his address, the date the execution was issued, and the official who issued the tax execution. Such tax executions shall be levied and collected as provided by this division and state law.

(Code 1989, § 8-64; Ord. No. 263, § 4, 10-23-1989)

Sec. 42-143. City's costs and fees on executions.

The costs and fees of the city on executions shall be as follows: the costs and fees associated with the collection of delinquent tax accounts including the execution of fi. fas, settling fi. fas, advertising, and any reasonable collection costs shall be added to the delinquent tax account at the actual proportionate cost paid by the city, with

relation to each delinquent tax account.

(Code 1989, § 8-65; Ord. No. 263, § 5, 10-23-1989; Ord. No. 457, § 2, 12-18-2000)

Sec. 42-144. Alias tax executions.

When a properly issued tax execution is lost or destroyed, an alias tax execution may be issued by the municipal tax collector, and such alias tax execution shall have the same force and effect as the lost or destroyed original execution.

(Code 1989, § 8-66; Ord. No. 263, § 6, 10-23-1989)

Sec. 42-145. Interest on executions.

All taxes, from the date the same become delinquent and in default, and all penalties and other sums owing under executions, from the date of imposition, shall bear interest from such dates as provided by state law.

(Code 1989, § 8-67; Ord. No. 263, § 7, 10-23-1989)

Sec. 42-146. Procedures for sales under tax executions.

The property which is the subject of the tax execution shall be advertised and sold as provided by state law for fi. fas and judicial sales, with the exception that the place of sale shall be held in the council chambers of the city. In addition to the notice required under state law, at any sale under tax execution under this division, the defendant in fi. fa shall be given 20 days' written notice of such sale by registered mail to the last-known address as listed in the records of the municipal tax collector.

(Code 1989, § 8-68; Ord. No. 263, § 8, 10-23-1989)

Sec. 42-147. Duty of levying officers.

The municipal tax collector shall place issued executions in the hands of the city police chief or his designee~~designate~~, who shall be authorized to collect or levy the executions as provided herein. The levying officer shall proceed promptly to enforce by levy and sale the collection of the executions. The levying or collecting officer shall make prompt settlements with the municipal tax collector and return to the municipal tax collector the tax collected and the uncollected executions with proper entries on the executions.

(Code 1989, § 8-69; Ord. No. 263, § 9, 10-23-1989)

Sec. 42-148. Failure to find property on which to levy.

When the levying officer can find no property belonging to the taxpayer on which to levy, the officer shall place such notation (nulla bona) on the execution and return it to the municipal tax collector. Upon the return of the execution, the city may proceed with the issuance of a summons of garnishment as well as such other remedies as provided under state law.

(Code 1989, § 8-70; Ord. No. 263, § 10, 10-23-1989)

Sec. 42-149. Payment of excess.

Any excess remaining after the payment of taxes, costs and all expenses~~expenses~~ of a sale shall be immediately paid to the person authorized to receive the excess.

(Code 1989, § 8-71; Ord. No. 263, § 11, 10-23-1989)

Sec. 42-150. Authority of levying officer to put purchaser in possession of land.

The officer selling property at a tax sale shall have the authority, subject to requirements of state law, to put purchasers in possession of land sold under tax executions.

(Code 1989, § 8-72; Ord. No. 263, § 12, 10-23-1989)

Sec. 42-151. Purchase of property by city.

The city may purchase and hold in its official capacity any real or personal property offered for sale by virtue of tax executions, except that the city may bid on such property only when other bids do not cover the amount of the tax execution and related costs. The city shall not bid more for the property than the amount of taxes, interest,

penalties and costs due.

(Code 1989, § 8-73; Ord. No. 263, § 13, 10-23-1989)

Sec. 42-152. Register to be kept showing land sold for taxes and redemption.

The municipal tax collector shall keep a register of all sales of real estate, whether vacant or improved, in a book provided for that purpose, in which the municipal tax collector shall enter each tract or lot of land sold, the precise quantity sold, a copy of the advertisement, the amount of taxes and costs the property was sold for and the purchaser's name. Space shall also be provided to insert the name of the person who may redeem such lot or tract of land, the date of redemption and the amount of redemption money paid.

(Code 1989, § 8-74; Ord. No. 263, § 14, 10-23-1989)

Sec. 42-153. Persons entitled to redeem land sold under tax execution; payment; time.

Whenever any real property is sold under or by virtue of an execution issued for the collection of ad valorem taxes, the defendant in fi. fa or any person having any right, title or interest in or lien upon such property may redeem the property from the sale by the payment of the redemption price as provided in section ~~42-1548-76~~:

- (1) At any time within 12 months from the date of the sale; and
- (2) At any time after the sale until the right to redeem is foreclosed by the giving of the notice provided for in section ~~42-1578-79~~.

(Code 1989, § 8-75; Ord. No. 263, § 15, 10-23-1989)

Sec. 42-154. Amount payable for redemption.

(a) Except as otherwise provided in subsection (b) of this section, the amount required to be paid for redemption of property from any sale for taxes as provided in this division (the "redemption price") shall be the amount paid for the property at the tax sale, as shown by the recitals in the tax deed, plus any taxes paid on the property by the purchaser after the sale for taxes, plus a premium of ten percent of the amount for each year or fraction of a year which has elapsed between the date of the sale and the date on which the redemption payment is made. If redemption is not made until after the required notice of foreclosure of right to redeem has been given, there shall be added to the redemption price the cost of serving the notice, the cost of publication of the notice, if any, and the sum of ten percent of the amount paid for the property at the sale to cover the cost of making the necessary examinations to determine the person upon whom notice should be served. All amounts required to be paid hereunder shall be paid to the purchaser at the tax sale or to his successors.

(b) In cases where the city purchases property at a tax sale, the redemption price shall be the amount paid for the property at the tax sale, as shown by the recitals in the tax deed, plus a premium of 20 percent of the amount for each year or fraction of a year which has elapsed between the date of the sale and the date on which the redemption payment is made. If redemption is not made until after the required notice of foreclosure of right to redeem has been given, there shall be added to the redemption price the cost in connection with serving the notice, the cost of publication of the notice, if any, and the further sum of 20 percent of the amount paid for the property of the sale to cover the cost of making the necessary examination to determine the person upon whom notice should be served. All of the amounts required to be paid hereunder shall be paid to the purchaser at the tax sale or to his successors.

(Code 1989, § 8-76; Ord. No. 263, § 16, 10-23-1989)

Sec. 42-155. Effect of redemption.

When property has been redeemed, the effect of the redemption shall be to put the title conveyed by the tax sale back into the defendant in fi. fa, subject to all liens existing at the time of the tax sale. If the redemption has been made by any creditor of the defendant or by any person having any interest in the property, the amount expended by the creditor or person interested shall constitute a first lien on the property and, if the quit-claim deed provided for in section ~~42-1568-78~~ is recorded as required by law, shall be repaid prior to any other claims upon the property.

(Code 1989, § 8-77; Ord. No. 263, § 17, 10-23-1989)

Sec. 42-156. Quit-claim deed by purchaser.

In all cases where property is redeemed, the purchaser at the tax sale shall make a quit-claim deed to the defendant in fi. fa, which deed shall recite the name of the person who has paid the redemption money and the capacity in which, or the claim of right or interest pursuant to which, the redemption money was paid.

(Code 1989, § 8-78; Ord. No. 263, § 18, 10-23-1989)

Sec. 42-157. Notice of foreclosure of right to redeem; time.

After 12 months from the date of a tax sale, the purchaser at the sale or his heirs, successors or assigns may terminate, foreclose, divest and forever bar the right to redeem the property from the sale by causing a notice of notices of the foreclosure as prescribed by state law to be served as provided by state law.

(Code 1989, § 8-79; Ord. No. 263, § 19, 10-23-1989)

Sec. 42-158. Sale of property bought by city at tax sale and not redeemed.

Where property purchased by the city at a tax sale by the municipal tax collector has not been redeemed as provided by law, it may be sold by the city in accordance with state law.

(Code 1989, § 8-80; Ord. No. 263, § 20, 10-23-1989)

Sec. 42-159. Execution of deeds.

It shall be the duty of the municipal tax collector to execute deeds to purchasers at tax sales under executions.

(Code 1989, § 8-81; Ord. No. 263, § 21, 10-23-1989)

Secs. 42-160--42-186. Reserved.**ARTICLE V. HOTEL-MOTEL TAX***

*State law reference--O.C.G.A. § 48-13-51.

*Editor's note--Ordinance No. 256, adopted May 8, 1989, did not specifically amend this Code; hence, inclusion of §§ 1-14 as a new Art. II, §§ 8-21-8-34, was at the discretion of the editor.

Sec. 42-187. Title.

This article shall be referred to and commonly known as the "Alpharetta Hotel/Motel Tax Ordinance." The authority to levy this tax is granted through the O.C.G.A. § 48-13-51(b)(2).²⁵⁶

(Code 1989, § 8-21; Ord. No. 256, § 1, 5-8-1989; Ord. No. 507, 9-23-2002; Ord. No. 538, 2-23-2004)

Sec. 42-188. Definitions.²⁵⁷

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:²⁵⁸

~~Whenever the following words, terms or definitions are used in this article, they shall have the following meaning:~~

~~City. The City of Alpharetta, Georgia.~~

Due date means the 20th day after the close of the monthly period for which tax is to be computed.

²⁵⁶ **Code 1989, § 8-21. Title.** The DCA requests that an ordinance enacting a Hotel-Motel Tax is required to, at a minimum, identify the specific paragraph in O.C.G.A. § 48-13-51(a) that authorizes the city to impose the tax. *Language modified per City's request.*

<http://www.dca.state.ga.us/development/research/programs/ordinance.asp>

²⁵⁷ **Code 1989, § 8-22. Definitions.** We recommend modifying some terms for purposes of comprehensive coverage of the subject matter. *Change accepted by City.*

²⁵⁸ **Code 1989, § 8-22. Definitions.** We recommend adding introductory language to this provision for purposes of internal consistency. *Change accepted by City.*

Guestroom means a room in any hotel (as defined ~~in this section below~~) which is occupied, or intended, arranged, or designed for occupancy, by one or more occupants as living quarters or as residential use.

Hotel means any building or structure kept, used or maintained as or advertised or held out to furnish for value to the public any room ~~or rooms~~, lodging, or accommodations furnished by any person or legal entity licensed by or required to pay business or occupation taxes to the city for operating a hotel, motel, inn, lodge, tourist camp, tourist cabin, campground, or any other place in which rooms, lodging or accommodations are regularly furnished for value.

Monthly period means any calendar month of any year.

Occupancy means the use or possession of, or the right to use or possess, any guestroom, or the right to use or possess any of the furnishings, services or accommodations accompanying the use of possession of a guestroom.

Occupant means any person who, for a consideration, uses, possesses, or has the right to use or possess any guestroom under any lease, concession, permit, right of access, license to use or other agreement.

Operator/innkeeper means any person operating a hotel (as defined ~~in this section above~~) in the city, including, but not limited to, the hotel owner or proprietor of such premises, lessee, sublessee, lender in possession, licensee, or any other person otherwise operating such hotel.

Person means any natural person, receiver, administrator, executor, conservator, assignee, trust in perpetuity, trust, estate, firm, co-partnership, joint venture, club, company, business trust, domestic or foreign corporation, association, syndicate, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise.

Rent or rental means the consideration or value received in money or otherwise for occupancy valued in money, whether received in money or otherwise, including all receipts, cash, credits, and property or services of any kind or nature, and also the amount for which credit is allowed by the operator to the occupant, without any deduction therefrom whatsoever.

Return means any return filed or required to be filed as herein provided.

Tax means the tax imposed by this article, as provided by O.C.G.A. § 48-13-51(b)(2) ~~48-13-51(a)(4)~~.²⁵⁹

(Code 1989, § 8-22; Ord. No. 256, § 2, 5-8-1989; Ord. No. 507, 9-23-2002; Ord. No. 538, 2-23-2004; Ord. No. 633, § 1, 6-22-2009)

Sec. 42-189. Imposition and rate.

(a) This excise tax shall be imposed on any person or legal entity licensed by or required to pay a business or occupation tax to the city for operating a hotel, motel, inn, lodge, tourist camp, tourist cabin, campground or any other place in which rooms, lodging, or accommodations are regularly furnished for value and shall apply to the furnishing for value of any room, lodging, or accommodation. Every person or entity subject to a tax levied as provided in this article shall be liable for the tax at the applicable rate on the lodging charges actually collected or, if the amount of taxes collected is in excess of the total amount that should have been collected, the total amount actually collected must be remitted.

(b) Any tax levied as provided in this article is also imposed upon every person or entity who is a hotel guest and who receives a room, lodging, or accommodation that is subject to the tax levied under this article. Every such guest subject to the tax levied under this article shall pay the tax to the person or entity providing the room, lodging, or accommodation. The tax shall be of a debt of the person obtaining the room, lodging, or accommodation to the person or entity providing such room, lodging, or accommodation until it is paid, and shall be recoverable by law by the person or entity providing such room, lodging, or accommodation in the same manner as the recovery of other debts. The person or entity collecting the tax from the hotel guest shall remit the tax to the city in concurrence with the provisions of this article.

(c) Commencing on October 1, 2015, there is hereby imposed and there shall be paid to the city an excise

²⁵⁹ Language modified per City's request.

tax in the amount of eight percent of the gross rental charge for every occupancy of a guest room in a hotel in the city, in accordance with O.C.G.A. § 48-13-51(b)(2).

~~Commencing on the first day of July 2000, there is hereby imposed and there shall be paid for every occupancy of a guest room in a hotel in the city a tax in the amount of six (6) percent of the gross rental charge for the purposes outlined in the O.C.G.A. § 48-13-51(a)(4).~~

(Code 1989, § 8-23; Ord. No. 256, § 3, 5-8-1989; Ord. No. 397, § 1, 12-16-1997; Ord. No. 443, § 1, 6-6-2000; Ord. No. 538, 2-23-2004; Ord. No. 709, § 2, 8-17-2015)

Sec. 42-190. Exemptions.

(a) The tax authorized by this article shall not apply to charges made for any rooms, lodging, or accommodations provided to any persons who certify that they are staying in such rooms, lodging, or accommodations as a result of the destruction of their homes or residences by fire or other casualty.

(b) The tax authorized by this article shall apply to the fees or charges for any rooms, lodging, or accommodations during the first 30 days of continuous occupancy, and shall not apply to charges imposed for any continuous occupancy thereafter.

(c) The tax authorized by this article shall not apply to charges made for the use of meeting rooms and other such facilities or to any rooms, lodging, or accommodations provided without charge.

(d) The tax authorized by this article shall not apply to the charges for any rooms, lodging, or accommodations furnished for a period of one or more days for use by state or local government officials or employees when traveling on official business. Notwithstanding the availability of any other means of identifying the person as a state or local government official or employee, whenever a person pays for any rooms, lodging, or accommodations with a state or local government credit or debit card, such rooms, lodging, or accommodations shall be deemed to have been furnished for use by a state or local government official or employee traveling on official business for purposes of the exemption provided by this section.

(Code 1989, § 8-24; Ord. No. 256, § 4, 5-8-1989; Ord. No. 507, 9-23-2002; Ord. No. 538, 2-23-2004; Ord. No. 633, § 2, 6-22-2009)

Sec. 42-191. Collection.

The tax levied herein shall be secured by the operator from the occupant when collecting the rent to which it applies.

(Code 1989, § 8-25; Ord. No. 256, § 5, 5-8-1989; Ord. No. 538, 2-23-2004)

Sec. 42-192. Registration of operator; form and content; execution; certificate of authority.²⁶⁰

~~Upon the adoption of this article,~~ No person shall be granted a license as an operator in this city until such person meets all the requirements for operating a hotel within the city and registers with the finance director pursuant to this section. The registration set forth in this section shall require the name under which such person operates a hotel or intends to operate a hotel, the location of the hotel, and such other information which the finance director deems necessary in facilitating the collection of the tax. The registration shall be signed by the operator/owner, if a natural person, and, if the operator shall not be a natural person, then anyone authorized to sign on behalf of the operator. The finance director shall, after such registration, issue without charge a certificate of authority to the registered operator to collect the tax. A separate registration shall be required for each hotel of an operator. Each certificate shall state the name and location of the hotel to which it is applicable.

(Code 1989, § 8-26; Ord. No. 256, § 6, 5-8-1989; Ord. No. 507, 9-23-2002; Ord. No. 538, 2-23-2004)

Sec. 42-193. Returns; due dates of taxes and payments; collection fee allowed operators.

(a) *Returns; time of filing; persons required to file; contents.* On or before the 20th day of the month following each monthly period for which the tax is levied, a return for the preceding monthly period shall be filed

²⁶⁰ **Code 1989, § 8-26. Registration of operator; form and consent; execution; certificate of authority.** We recommend striking the unnecessary language. *Change accepted by City.*

with the finance director showing the gross rent, taxable rent, amount of tax collected or otherwise due for the related period, and such other information as may be required by the mayor and council or finance director.

(b) *Due date of taxes.* The taxes required to be collected under this article shall be due and payable to the city monthly on or before the 20th day of every month following each respective monthly period for which the tax is levied.

(c) *Collection fee allowed operators.* In reporting and paying the amount of tax due under this article, each operator shall be allowed a deduction of three percent of the amount due, but only if the amount due was not delinquent at the time of payment.

(Code 1989, § 8-27; Ord. No. 256, § 7, 5-8-1989; Ord. No. 507, 9-23-2002; Ord. No. 538, 2-23-2004)

Sec. 42-194. Determination of deficiency; notice of determination; interest on deficiency.

(a) *Determination of deficiency.* Should the finance director believe that any return filed pursuant to this article does not reflect accurately the amount of tax required to be paid to the city, the finance director may determine the amount which is believed to be the appropriate amount of tax due.

(b) *Notice of determination; service of notice.* The finance director or his designee~~designate~~ shall give written notice of the determination of deficiency. The notice may be served personally or by certified mail, return receipt requested. If notice is given by certified mail, it shall be addressed to the operator at his address as it appears in the records of the business license issued to the operator. Service by certified mail will be deemed complete on the date the return receipt is signed by the addressee. Should the addressee fail for any reason to accept delivery, notice shall be deemed given upon the expiration of five days after the notice is mailed by the finance director or his designee~~designate~~.

(c) *Collection of deficiency.* Within 15 days after the operator receives a notice of determination of deficiency, the operator shall remit to the finance director the amount of deficiency owing, or provide the finance director with a satisfactory explanation in writing which sets forth the ~~reason or~~ reasons such deficiency amount is not owing to the city.

(d) *Penalty.* The amount of the deficiency shall bear a penalty of five percent or \$5.00, whichever is greater, on the past due amount, from the original due date of the tax.

(e) *Interest.* The amount of the deficiency shall bear interest at the rate of one percent per month, or fraction thereof, from the original due date of the tax.

(f) *Repeated failure to file accurate return.* Upon an operator's filing two inaccurate returns within any 24-month period, the city shall have the right to revoke an operator's business license.

(Code 1989, § 8-28; Ord. No. 256, § 8, 5-8-1989; Ord. No. 507, 9-23-2002; Ord. No. 538, 2-23-2004)

Sec. 42-195. Failure to make return; effect.²⁶¹

(a) *Failure to make return.* If any operator fails to make any return required by this article, the finance director shall notify the operator in writing of such failure. The operator shall have 15 days from the date of the notice to remit the return, along with the tax owing. In addition to the tax owing, ~~taxes the operator shall bear~~ interest at an annual rate equal to the bank prime loan rate as posted by the Board of Governors of the Federal Reserve System in statistical release H. 15 or any publication that may supersede it, plus three percent, to accrue monthly. Such annual interest rate shall be determined for each calendar year based on the first weekly posting of statistical release H. 15 on or after January 1 of each calendar year. Interest shall begin to accrue from the date the tax is due until the date the tax is paid. ~~on the amount owing at the rate of one (1) percent per month, from the twentieth day of the month following the monthly period for which the amount of tax is owing.~~ Should any operator fail to make a return after such 15-day period, the finance director or his designee~~designate~~ shall review the operator's records and make a determination as to the tax owing for the monthly period for which the operator failed to make a return. After making a determination of the tax due, the finance director shall mail written notice of such

²⁶¹ Language modified to reflect changes from HB 960, effective July 1, 2016.

determination to the operator. The operator shall have five days from the date of the notice to pay all sums owing, together with interest at the rate of one (1) percent per month, from the 20th day of the month following the monthly period for which the determination is made. In addition, the operator shall pay to the city a penalty of five ~~ten~~ percent of the total amount of tax owing.

(b) *Repeated failure to file return.* Upon an operator's failure to make two returns within any 24-month period, the city shall have the right to revoke an operator's business license.

(Code 1989, § 8-29; Ord. No. 256, § 9, 5-8-1989; Ord. No. 507, 9-23-2002; Ord. No. 538, 2-23-2004)

State law reference--O.C.G.A. § 48-2-40; O.C.G.A. § 48-2-44.

Sec. 42-196. Administration of article.

(a) *Authority.* The finance director shall administer and enforce the provisions of this article for the collection of the tax imposed by this article.

(b) *Records required from operators, etc.; form.* Each operator required to make a return and pay any tax under this article shall keep and preserve:

- (1) Suitable records of the charges taxable under this article; and
- (2) Other books of account which are necessary to determine the amount of tax due.

(c) *Examination of records; audits.* The finance director or ~~his designee designate~~ may examine the books, papers, records, financial reports, equipment and other facilities of any operator in the city in order to verify the accuracy of any return made, or, if no return is made by the operator, to ascertain and determine the amount of tax owing to the city.

(d) *Authority to require reports; contents.* In the administration of the provisions of this article, the finance director may require the filing of additional reports by any persons or class of persons having custody of information relating to the rental of guestrooms in the city. The reports shall be filed when required by the finance director and shall set forth such information as the finance director may require.

(Code 1989, § 8-30; Ord. No. 256, § 10, 5-8-1989; Ord. No. 507, 9-23-2002; Ord. No. 538, 2-23-2004)

Sec. 42-197. Successors and assigns of operator; liability for tax.

If any hotel or operator liable for any tax, interest, or penalty imposed by this article sells his business or quits the business, a final return with payment shall be made within 15 days after the date of selling or quitting the business. The operator's successor or assigns, if any, shall be liable for any unpaid tax, interest, or penalties accrued under this article and unpaid by any former owner or assignor.

(Code 1989, § 8-31; Ord. No. 256, § 11, 5-8-1989; Ord. No. 538, 2-23-2004)

Sec. 42-198. Overpayment of tax; tax credit.

In the event an operator remits to the finance director any sum greater than the amount of tax owing, and such fact is brought to the attention of the finance director, the finance director shall credit the amount of overpayment to the operator's account and such credit shall be applied to the amount owing for a successive monthly period ~~or periods~~.

(Code 1989, § 8-32; Ord. No. 256, § 12, 5-8-1989; Ord. No. 507, 9-23-2002; Ord. No. 538, 2-23-2004)

Sec. 42-199. Appropriation of sums collected.

All sums collected under this article shall be expended for any purpose authorized by law.

(Code 1989, § 8-33; Ord. No. 256, § 14, 5-8-1989; Ord. No. 397, § 2, 12-16-1997; Ord. No. 538, 2-23-2004)

Sec. 42-200. Penalties for violation.²⁶²

Every person convicted of a violation of any provision of this article shall be punished according to the penalties described in section 1-8 ~~by fine of not more than one thousand dollars (\$1,000.00)~~ for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. In addition, the city shall be entitled to bring an action in a court of competent jurisdiction to collect any amount of delinquent tax, together with interest, court costs, and reasonable attorney's fees, and to recover ~~for~~ any other damages which ~~with~~ the city may suffer. The imposition or payment of a fine under this section shall not relieve the operator from the obligation to pay any and all taxes due under this article, including applicable interest and penalties.

(Code 1989, § 8-34; Ord. No. 256, § 13, 5-8-1989; Ord. No. 507, 9-23-2002; Ord. No. 538, 2-23-2004)

PROOFS

²⁶² **Code 1989, § 8-34. Penalties for violation.** We recommend modifying the language of this provision for purposes of internal consistency with the general penalties clause of the General Provisions chapter. *Change accepted by City.*

Chapter 43
RESERVED

PROOFS

Chapter 44

TELECOMMUNICATIONS*

***State law reference--**Powers to grant franchise, O.C.G.A. § 36-34-2; regulation of cable television systems, O.C.G.A. § 36-18-1.

ARTICLE I. IN GENERAL**DIVISION 1. GENERALLY DEFINITIONS****Sec. 44-1. 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.²⁶³

~~For purposes of this article, the following terms, phrases, words and their derivations shall have the meanings set forth in this Section, unless the context clearly indicates that another meaning is intended.~~

~~When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number and words used in the singular number include the plural number.~~

Article means this article and all modifications and amendments thereto.

Cable services means the term "cable services" as defined in the Communications Act of 1934, as amended by the Cable Communications Policy Act of 1984 and the Cable Television Consumer Protection and Competition Act of 1992, and as may be further amended from time to time (the "Cable Act"). In the event that the term "cable services" is no longer defined in the Cable Act or the definition in the Cable Act otherwise becomes inapplicable, the term "cable services" shall mean "cable services" as defined in the Cable Act immediately prior to such term no longer being defined in the Cable Act, or such definition otherwise becoming inapplicable.

Cable system means any "cable system" as defined in the Cable Act.

City means the City of Alpharetta, Georgia.²⁶⁴

City Council means the city council of the city and its designee or any successor thereto.²⁶⁵

Franchise means an initial authorization, or renewal thereof, issued by the city, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement or otherwise, which authorizes the occupation and use of the streets, and, where applicable, other city property, to provide telecommunications services.

Grantee means the legal entity to which is granted the right, authority and responsibility to construct, install, operate and maintain a system of equipment as necessary to furnish, supply and distribute cable services or other telecommunications services to inhabitants within the franchise area.

~~*May* is permissive.~~

~~*Person* means any individual or any association, firm, partnership, joint venture, corporation, limited liability company or other legally recognized entity, whether for profit or not for profit, but shall not mean the city.~~

~~*Shall* is mandatory, not merely directive.~~

~~*Streets* means the surface of, as well as the spaces above and below, any and all streets, alleyways, avenues,~~

²⁶³ **Code 1989, § 17.5. Definitions.** We recommend adding introductory language to this provision for purposes of internal consistency. *Change accepted.*

²⁶⁴ **Code 1989, § 17.5-20. Definitions ("City").** We recommend striking this provision as covered in the General Provisions chapter. *Change accepted.*

²⁶⁵ **Code 1989, § 17.5-20. Definitions ("City Council").** *Id.* *Change accepted.*

~~highways, boulevards, driveways, bridges, tunnels, parks, parkways, public grounds or waters, and any public rights of way within or belonging to the city.~~²⁶⁶

Telecommunications services means the receipt and/or distribution, through any means, including, without limitation, coaxial cable, optical fiber, or satellite or microwave transmission, of one or more audio, voice or data signals. The term "telecommunications services" includes both cable services and non-cable telecommunications services.

(Code 1989, § 17.5-20; Ord. No. 394, § 1, 8-4-1997)

Secs. 44-2--44-20. Reserved.

DIVISION 2. GENERAL PROVISIONS

Sec. 17.5-29. Severability.²⁶⁷

~~If any section, subsection, sentence, clause, phrase or other portion of this article is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.~~

(Code 1989, § 17.5-29; Ord. No. 394, § 1, 8-4-1997)

Sec. 44-21. Delegation.

Consistent with applicable law, the city council shall have the right to delegate and re-delegate, and to revoke such delegation or re-delegation, from time to time, any of its rights or obligations under this article to any body, organization or official. Any such delegation, re-delegation or revocation, no matter how often made, shall not be deemed an amendment to this article or to require the consent of any applicant for a franchise or franchisee. The city council may also establish and appoint one or more advisory boards, with such duration and such number of members as the city council shall determine, to advise it on such of the matters which are the subject of this article.

(Code 1989, § 17.5-30; Ord. No. 394, § 1, 8-4-1997)

Secs. 44-22--44-47. Reserved.

ARTICLE II. TELEPHONE COMPANIES

Sec. 44-48. Telephone companies.²⁶⁸

(a) Due compensation for telephone companies with end user retail customers within the city. The city hereby requires due compensation of three percent of actual recurring local service revenues, as defined in paragraphs (8) and (9) of subsection (b) of O.C.G.A. § 46-5-1; ~~provided, however, that any company which pays in excess of three (3) percent of actual recurring local service revenues pursuant to an existing franchise agreement shall continue to pay in accordance with the agreement until the expiration of the franchise agreement or December 31, 2012, whichever occurs first, and any company which pays in excess of three (3) percent of actual recurring local service revenues in accordance with an occupational license tax arrangement shall continue to pay in accordance with such payment schedule until December 31, 2012.~~²⁶⁹

²⁶⁶ **Code 1989, § 17.5-20. Definitions ("Streets").** *Id.* Change accepted.

²⁶⁷ **Code 1989, § 17.5-29. Severability.** We recommend that this provision be stricken, as it is covered by a similar severability provision appearing in the "General Provisions" chapter of the Code. *Change accepted.*

²⁶⁸ **Code 1989, § 12-21. Telephone companies.** We recommend moving this provision to appear within a "Telecommunications" chapter for purposes of subject matter consistency. *Change accepted.*

²⁶⁹ **Code 1989, § 12-21. Telephone companies.** We recommend striking this language as it is no longer necessary. *Change accepted.*

(b) Regarding any telephone company that does not have retail end user customers located within the city's municipal boundaries, the payment by such company to a municipal authority in accordance with the rates set by regulations promulgated by the department of transportation for the use of its rights-of-way shall be considered the payment of due compensation.

(c) Authorized designee. The director of finance shall, on behalf of the city, exercise day-to-day administrative duties necessary to fulfill the regulatory authority of the city under O.C.G.A. § 46-5-1 et seq., and shall perform the following duties:

- (1) Review application information submitted by a telephone company to the city and, if an application is incomplete, notify the telegraph or telephone company within 15 business days of the receipt of such application, identifying in such notice all application deficiencies.
- (2) Report the receipt of a completed application to the council within 60 calendar days of the receipt of such completed application.
- (3) Review payments of due compensation submitted by the company to ensure compliance with the provisions of the amended law and this section.
- (4) Provide a coordination function between a telephone company and all city departments on any matter relating to the amended law and this section.
- (5) Arrange and evaluate, no more than once a year, a comprehensive review of the records of a company which is reasonably related to the calculation and payment of due compensation.
- (6) Provide to all telegraph and telephone companies located in its rights-of-way written notice of annexations and changes in municipal corporate boundaries.

(Code 1989, § 12-21; Ord. No. 114, § 1, 4-12-1971; Ord. No. 632, § 1, 6-22-2009)

State law reference--Construction of telegraph or telephone lines, O.C.G.A. § 46-5-1.

Secs. 44-49--44-69. Reserved.

ARTICLE III. GRANTING AUTHORITY AND FRANCHISE PROCEDURE

~~DIVISION II. GRANTING AUTHORITY AND FRANCHISE PROCEDURE~~

Sec. 44-70. Granting authority.

(a) No person shall provide cable services or operate a cable system without a franchise granted in accordance with the provisions of this article, and no person shall use or occupy city property, including streets, to provide any telecommunications services without a franchise granted in accordance with the provisions of this article.

(b) The city council may grant one or more franchises in accordance with this article, provided that the city council reserves the right to modify any provision of this article by amendment hereof.

(c) The grant of any franchise shall be made by adoption of a separate ordinance by the city council and shall be on such terms and conditions as may be specified in said separate ordinance and/or a franchise agreement between the city and the franchisee.

(d) Any franchise granted shall be non-exclusive. The city specifically reserves the right to:

- (1) Grant, at any time, such additional franchises as it deems appropriate; and
- (2) Engage, for itself, in the provision of telecommunications services.

(e) The grant of franchises by the city shall be subject to the provisions of applicable law, such as the provisions in the Communications Act of 1934, as amended, governing cable television franchises and renewals thereof.

(Code 1989, § 17.5-21; Ord. No. 394, § 1, 8-4-1997)

Sec. 44-71. Franchise applications.

(a) Applications for franchises shall be submitted in such form and be issued on such terms and conditions as the city council may determine, subject to applicable law.

(b) Any application for a franchise shall contain the following information with respect to the proposed franchise unless waived by the city council, and shall contain such other information as the city council shall deem necessary or appropriate:

- (1) The applicant's name, address, telephone number, and federal employer identification number or social security number; a copy of the applicant's corporate charter, partnership agreement or other appropriate organizational documentation as is applicable; and any trade names (and registrations) used by the applicant;
- (2) A detailed statement of the applicant, including, but not limited to, the following, and to whatever extent required by the city:
 - a. The names and the residence and business addresses of all officers, directors, members, managing partners and/or managing principals of the applicant as may be applicable;
 - b. The names, and residence and business addresses of all persons and entities having any share of the ownership of the applicant and the respective ownership share of each person or entity;
 - c. The name and address of any parent or subsidiary of the applicant, namely, any other business entity owning or controlling the applicant in whole or in part, or owned or controlled in whole or in part by the applicant, and a statement describing the nature of any such parent or subsidiary business entity, including, but not limited to, telecommunications or cable systems owned or controlled by the applicant, its parent, and subsidiary, and the areas served thereby;
 - d. A detailed and complete financial statement of the applicant, certified by an independent certified public accountant, for the fiscal year immediately preceding the date of the application hereunder, or a letter or other acceptable evidence in writing from a recognized lending institution or funding source, addressed to both the applicant and the city council, setting forth the basis for a study performed by such lending institution or funding source, and a clear statement of its intent as a lending institution or funding source to provide whatever capital shall be required by the applicant to construct and operate the proposed telecommunications or cable system in the city, or a statement from an independent certified public accountant certifying that the applicant has available sufficient free, net, and uncommitted cash resources to construct and operate the proposed cable or telecommunications system in the city;
 - e. A detailed financial plan (pro forma) describing, for each year of the franchise, the projected number of subscribers, rates, all revenues, operating expenses, capital expenditures, depreciation schedules, income statements, and a sources and uses of funds statement; and
 - f. A statement identifying, by place and date, any other cable system or telecommunications franchise awarded to the applicant, its parent or subsidiary; the status of said franchise with respect to completion thereof; the total cost of completion of such franchised cable or telecommunication system; and the amount of the applicant's and its parent's or subsidiary's resources committed to the completion thereof;
- (3) A detailed description of the proposed plan of operation of the applicant which shall include, but not be limited to, the following:
 - a. A description of the cable services and any other telecommunications services proposed to be provided;
 - b. A detailed map indicating all areas proposed to be served, and a proposed time schedule for the installation of all equipment necessary to become operational throughout the entire area to be serviced;
 - c. A statement or schedule setting forth all proposed classifications or rates and charges to be made against subscribers and all rates and charges as to each of said classifications, including installation

- charges, charges for cable service, and charges for any other telecommunications service;
- d. A detailed, informative, and referenced statement describing the actual equipment and operational standards proposed by the applicant;
 - e. A copy of the form of any agreement, undertaking, or other instrument proposed to be entered into between the applicant and any subscriber to or for cable services or any other telecommunications services; and
 - f. A detailed statement setting forth in entirety any and all agreements and undertakings, whether formal or informal, written, oral, or implied, existing or proposed to exist between the applicant and any person, firm, or corporation which materially relate or pertain to or depend upon the application and the granting of the franchise.
- (4) A copy of any agreement covering the franchise area between the applicant and any utility providing for the use of any facilities of the utility, including, but not limited to, poles, lines, or conduits; and
 - (5) Any other details, statements, supplementary information, or references pertinent to the subject matter of such application which shall be required or requested by the council, or by any other provision of law.

(Code 1989, § 17.5-22; Ord. No. 394, § 1, 8-4-1997)

Sec. 44-72. Non-refundable application fees for new franchises.

(a) *Application fees.* No application for a new franchise shall be considered without payment by the applicant of application fees as provided in this section. If a franchise is granted, application fees will not be deemed a credit towards any other fees or sums due by the grantee. If an application is denied, the application fee will not be refunded.

(b) ~~Same—Purpose.~~ The application fees provided by this section will serve to cover the direct and indirect costs incurred by the city in processing and analyzing the application and related documentation, evaluating the applicant and any related entities or matters, and granting a franchise, and shall include, but not be limited to, administrative, engineering, publication, legal, and consultant's fees and expenses.

(c) ~~Same—Payment.~~ The applicant will be expected to pay the reasonable costs of the city in evaluating the application. Notwithstanding any other requirement of this article, each applicant must furnish with his proposal a non-refundable application fee in the amount of \$10,000.00, by certified check or cashier's check made payable to the city.

(Code 1989, § 17.5-23; Ord. No. 394, § 1, 8-4-1997)

Sec. 44-73. Responsibilities of applicants.

It shall be the responsibility of each applicant for a franchise to comply with all applicable laws, ordinances, resolutions, rules, regulations and other directives of the city and any federal, state or local governmental authority having jurisdiction.

(Code 1989, § 17.5-24; Ord. No. 394, § 1, 8-4-1997)

Sec. 44-74. Public availability of applications.

To the extent determined by the city council, applications for franchises, including any additions, modifications or amendments thereto, shall be available for public inspection during normal business hours.

(Code 1989, § 17.5-25; Ord. No. 394, § 1, 8-4-1997)

Sec. 44-75. Evaluation criteria.

In making any determination hereunder as to any application for a franchise, the city council may consider such factors as it deems appropriate and in the public interest, including, without limitation:

- (1) The adequacy of the proposed compensation to be paid to the city, including the value of any facilities and telecommunications services offered by the applicant to the city;
- (2) The legal, financial, technical and other appropriate qualifications of the applicant, and where applicable, related entities;

- (3) The ability of the applicant to maintain the property of the city in good condition throughout the term of the franchise;
- (4) The value and efficiency to the city and its residents of the cable services and other telecommunications services to be provided, including the type of cable services and telecommunications services to be provided, as well as alternatives to those cable and telecommunications services and services that may be precluded by the grant of the franchise;
- (5) The willingness and ability of the applicant to meet construction and physical requirements and to abide by all purpose and policy conditions, limitations and requirements with respect to the franchise; and
- (6) Any other public interest factors or considerations deemed pertinent by the city for safeguarding the interests of the city and the public.

(Code 1989, § 17.5-26; Ord. No. 394, § 1, 8-4-1997)

Sec. 44-76. Procedure for consideration of and action on applications.

(a) The city may make such investigations and take or authorize the taking of such other steps as the city council deems necessary or appropriate to consider and act on applications for franchises and determine whether a franchise should be granted to an applicant, and may require the applicant to furnish additional information and data for this purpose. In considering applications, the city council may seek advice from other city officials or bodies, from such other advisory bodies as it may establish or determine appropriate, or from the public, and may request the preparation of one or more reports to be submitted to the city council, which may include recommendations with respect to such applications.

(b) If the city council, after considering such information as it determines to be appropriate, elects to further consider one or more applications, the city council may set one or more public hearings for consideration of the application, fixing and setting forth a day, hour and place certain when and where any persons having any interest therein or objections thereto may file written comments and appear before the city council and be heard, and providing notice of such public hearing in accordance with applicable law.

(c) The city council may authorize negotiations between city officials and applicants to determine whether the city and such applicants are able to reach agreement on the terms of the proposed franchise.

(d) Upon completion of the steps deemed appropriate by the city council, the city council may grant the franchise, and may specify the conditions under which the franchise is granted. Alternatively, the city may reject any and all applications from whatever source and whenever received, except that the city as franchising authority may not grant an exclusive franchise. The city also reserves the right to waive any or all requirements when it determines that the best interests of the city may be served thereby and may, if it so desires, request new or additional proposals.

(Code 1989, § 17.5-27; Ord. No. 394, § 1, 8-4-1997)

Sec. 44-77. Terms and conditions of franchise.

The terms and conditions applicable to any franchise granted pursuant to this article shall be set forth in the separate ordinance granting the franchise or in a separate written agreement. Such separate ordinance or written agreement, among other things, shall address the following subjects, unless otherwise waived by the city:

- (1) The term of the franchise;
- (2) The franchise area and the cable services and other telecommunications services and purposes of such other telecommunications services, if any, which are the subject of a franchise;
- (3) The compensation to be paid to the city, which may include the payment of fees or the provision of facilities or services, or both;
- (4) The circumstances upon which the franchise may be terminated or canceled;
- (5) The mechanisms, such as performance bonds, security funds or letters of credit, to be put in place to insure the performance of the franchisee's obligations under the franchise;
- (6) The city's right to inspect the facilities and records of the franchisee;

- (7) Insurance and indemnification requirements applicable to the franchisee;
- (8) The obligation of the franchisee to maintain complete and accurate books of account and records, and the city's inspection rights with respect thereto;
- (9) Provisions to ensure quality workmanship and construction methods;
- (10) Provisions to ensure that the franchisee will comply with all applicable city, state and federal laws, regulations, rules and policies, including, without limitation, those related to employment, purchasing and investigations;
- (11) Provisions to ensure adequate oversight and regulation of the franchisee by the city;
- (12) Provisions to restrict the assignment or other transfer of the franchise without the prior written consent of the city;
- (13) Remedies available to the city to protect the city's interest in the event of the franchisee's failure to comply with terms and conditions of the franchise;
- (14) Provisions to ensure that the franchisee will obtain all necessary licenses and permits from, and comply with, all laws, regulations, rules and policies of any governmental body having jurisdiction over the franchisee, including the Federal Communications Commission;
- (15) Provisions to ensure that the franchisee will protect the property of the city and the delivery of public services from damage or interruption of operations resulting from the construction, operation, maintenance, repair or removal of improvements related to the franchise;
- (16) Provisions designed to minimize the extent to which the public use of the streets of the city are disrupted in connection with the construction of improvements relating to the franchise; and
- (17) Such other provisions as the city determines are necessary or appropriate in furtherance of the public interest.

(Code 1989, § 17.5-28; Ord. No. 394, § 1, 8-4-1997)

Chapter 45
RESERVED

PROOFS

Chapter 46

TRAFFIC AND VEHICLES*

***State law reference**--Authority to provide devices to control the flow of traffic, Ga. Const. art. IX, § II, ¶ III(a)(4); powers of cities generally, O.C.G.A. § 40-6-371; jurisdiction of municipal court of violation of driver's license statute, O.C.G.A. § 40-5-124; operating motor vehicle without license, O.C.G.A. § 40-13-22; adoption of uniform rules of the road by local authorities, O.C.G.A. § 40-6-372.

ARTICLE I. IN GENERAL**Sec. 46-1. Adoption of state law by reference.**

(a) Pursuant to O.C.G.A. § 40-6-372, O.C.G.A. § 40-1-1, entitled "definitions," and O.C.G.A. §§ 40-6-1 through 40-6-395, known as the "Uniform Rules of the Road," are hereby adopted as and for the traffic regulations of this municipality with like effect as if recited herein.

(b) Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this section shall be punished as provided in section 1-8.

(c) The provisions of O.C.G.A. § 40-6-160 regarding school buses are hereby adopted and made applicable to and shall be effective upon the private roads in the city to the same extent and with the same effect as the provisions of such sections apply to the public streets in the city. Further, the city police department is hereby empowered and authorized to enforce all provisions of O.C.G.A. §§ 40-6-160 through 40-6-164 upon all private roads in the city.

(Code 1989, § 18-1; Ord. No. 229, § 1, 8-10-1987; Ord. No. 254, § 2, 3-13-1989; Ord. No. 411, § 1, 8-24-1998)

Sec. 46-2. Speed limits--Schedule.²⁷⁰

(a) The speed limit schedule shall be determined by the city council from time to time, and is on file at the city court.

~~Be it ordained by the mayor and council that the following speed zones are hereby established based on an engineering and traffic investigation as prescribed by law.~~

~~ON SYSTEM~~²⁷¹

STATE ROUTE	WITHIN THE CITY/TOW N LIMITS OF and/or School Name	FROM	MILE POINT	TO	MILE POINT	LENGTH IN MILES	SPEED LIMIT

²⁷⁰ **Code 1989, § 18-2. Speed limits—Schedule.** We request that the city review the street names and speed limits appearing in this provision, and advise us whether they are accurate. *City elected to take out speed limits.*

²⁷¹ **Code 1989, § 18-2. Speed Limits—Schedule.** *City expressed concern about having the schedule codified because it changes so much- see proposed language that is underlined.*

9	ALPHARETTA	Upper Hembree Road (N. Roswell City Limits) (S. Alpharetta City Limits)	23.37	50 feet south of Devore Road	24.46	1.09	45
9	ALPHARETTA	50 feet south of Devore Road	24.46	0.10 mi. north of Cumming Street	25.38	0.92	35
9	ALPHARETTA	0.10 mi. north of Cumming Street	25.38	Windward Pkwy. (N. Alpharetta City Limits)	27.04	1.66	45
120	ALPHARETTA	State Route 120 runs common with State Route 9 from M.P. 6.71 to M.P. 8.08.					
120	ALPHARETTA	SR 9	8.08	0.37 mi. west of Webb Bridge Road (E. Alpharetta City Limits)	12.52	4.44	45
400	ALPHARETTA	Big Creek bridge (N. Roswell City Limits) (S. Alpharetta City Limits)	15.92	Forsyth County line	22.47	6.55	65

OFF-SYSTEM

Road Name	Within the City/Town Limits of and/or School Name	From	To	Length in Miles	Speed Limit
Academy Street	ALPHARETTA	SR 9	Brooke Drive	0.20	30
Academy Street	ALPHARETTA	Brooke Drive	Wedgewood Drive	0.79	35
Alderman Drive	ALPHARETTA	Windward Parkway	Windward Concourse	1.00	35
Alexander Drive	ALPHARETTA	Brookside Parkway	Old Milton Parkway	0.38	30
Andover Road	ALPHARETTA	Hopewell Road	Surrey Point	0.39	25
Ash Rill Drive	ALPHARETTA	Berkshire Manor Drive	Birch Rill Drive	0.37	25

Barnesley Lane	ALPHARETTA	Grey Abbey Drive	Cul-de-sac	0.78	25
Berkshire Manor Drive	ALPHARETTA	Haynes Bridge Road	Alvin Road	0.27	25
Bethany Road	ALPHARETTA	MidBroadwell Road	Mayfield Road	0.60	35
Big Creek Overlook	ALPHARETTA	Webb Bridge Road	Cul-de-sac	0.59	25
Birch Rill Drive	ALPHARETTA	Berkshire Manor Drive	Cul-de-sac	0.78	25
Briars Bend	ALPHARETTA	Brierfield Road	Briars Bend	0.91	25
Brierfield Road	ALPHARETTA	MidBroadwell Road	Dead-end	0.25	25
Briers Chute	ALPHARETTA	Briers Creek Drive	Dead-end	0.34	25
Briers Creek Drive	ALPHARETTA	Briars Bend	Dead-end	0.26	25
Broadwell Road	ALPHARETTA	Rucker Road	580 feet north of Cathedral Drive	0.40	35
Brookside Parkway	ALPHARETTA	Old Milton Parkway	Old Milton Parkway	0.70	35
Caney Creek Landing	ALPHARETTA	Newport Bay Passage	Cul-de-see	0.19	25
Canton Street	ALPHARETTA	Milton Avenue	Mayfield Road	0.80	30
Canton Street *** SCHOOL ZONE ***	ALPHARETTA	95 feet south of Independence High School	50 feet north of Trailer Street	0.22	25
Canton Street	ALPHARETTA	Mayfield Road	300 feet north of Pebble Trail	0.32	35
Cape York Trace	ALPHARETTA	Grey Abbey Drive	Cul-de-sac	0.62	25
Carybell Lane	ALPHARETTA	North Farm Drive	North Farm Drive	0.58	25
Chantilly Drive	ALPHARETTA	Bethany Road	Mayfield Road	0.39	25
Charlotte Drive	ALPHARETTA	MidBroadwell Road	Rucker Road	0.82	35
Chasewood Trail	ALPHARETTA	Chasewood Landing	Cul-de-see	0.40	25
Clairbourne Drive	ALPHARETTA	Clairmonte Ave.	Clairview Street	0.20	25
Clairmonte Ave.	ALPHARETTA	Cumming Street	Clairmonte Ave.	0.35	25
Clairview Street	ALPHARETTA	Clairbourne Drive	Cul-de-see	0.40	25
Clipper Bay Drive	ALPHARETTA	Lake Windward Drive	Southlake Drive	0.57	25
Cogburn Road	ALPHARETTA	SR-9	Hopewell Road (City Limits)	0.46	35

Colony Drive	ALPHARETTA	Mayfield Road	Cul-de-sac	0.19	25
Compass Pointe Crossing	ALPHARETTA	Windward Parkway	Cul-de-sac	0.33	25
Clubhouse Drive	ALPHARETTA	Lake Windward Drive	Douglas Road	1.30	30
Crabapple Chase Drive	ALPHARETTA	Rucker Road	Crabapple Road	0.80	25
Crabapple Trace	ALPHARETTA	Chantilly Drive	Chantilly Drive	0.23	25
Cumming Street	ALPHARETTA	SR 9	Westside Parkway	1.31	35
Cumming Street *** SCHOOL ZONE ***	ALPHARETTA	1360 feet west of Henderson Parkway Manning Oaks Elementary School	985 feet east of Henderson Parkway	0.40	25
Devore Road	ALPHARETTA	Haynes Bridge Road	SR 9	0.40	35
Douglas Road	ALPHARETTA	McGinnis Ferry Road	Highland Glen Drive	1.25	35
Dover Avenue	ALPHARETTA	Oakmere Drive	Lantern Ridge Court	0.42	25
Encore Parkway	ALPHARETTA	Westside Parkway	North Point Parkway	0.42	35
Eversedge Drive	ALPHARETTA	Cul-de-sac	Cul-de-sac	0.83	25
Georgia Lane	ALPHARETTA	Haynes Bridge Road	North Point Parkway	0.25	25
Golf Club Drive	ALPHARETTA	Windward Parkway	Privet Drive	0.18	25
Greenmont Walk	ALPHARETTA	Rucker Road	0.70 mi. north of Rucker Road	0.70	25
Grenadier Lane	ALPHARETTA	South Kimball Bridge Crossing	Tuxford Drive	0.18	25
Grey Abbey Drive	ALPHARETTA	Cul-de-sac	Cul-de-sac	0.89	25
Harrington Drive	ALPHARETTA	Mayfield Road	Eversedge Drive	0.40	25
Harris Road	ALPHARETTA	Upper Hembree Road	Rucker Road	0.50	35
Haynes Bridge Road	ALPHARETTA	Academy Street	SR 120	0.30	35
Haynes Bridge Road	ALPHARETTA	SR 120	495 Feet north of Wentworth Terrace (Alpharetta City Limits)	3.10	45

Haynes Bridge Road *** SCHOOL ZONE ***	ALPHARETTA Haynes Bridge Middle School	1190 feet south of Blackwatch Lane	845 feet north of Blackwatch Lane	0.39	25
Hembree Road	ALPHARETTA	288 feet east of Old Roswell Road	Westside Parkway	0.53	35
Henderson Parkway	ALPHARETTA	Cumming Street	SR-9	0.91	25
High Hampton Chase	ALPHARETTA	Waters Road	Cul-de-sac	1.08	25
Hillcrest Heights	ALPHARETTA	Wynridge Crossing	Cul-de-sac	0.21	25
Hook Road	ALPHARETTA	Mayfield Road	Shady Grove Lane	0.18	25
Hopewell Plantation Drive	ALPHARETTA	Cogburn Road	Penn Oak Court	0.58	25
Hopewell Road	ALPHARETTA	300 feet north of Pebble Trail	Vaughan Drive (City Limits)	0.34	35
Jayne Ellen Way	ALPHARETTA	Cumming Street	Denna Drive	0.60	25
Jon Scott Drive	ALPHARETTA	Devore Road	Dead end	0.37	25
Karen Drive	ALPHARETTA	Devore Road	Dead end	0.48	25
Kenneth Drive	ALPHARETTA	Mayfield Circle	Meadow Drive	0.19	25
Kimball Bridge Road	ALPHARETTA	Westside Parkway	320 feet east of Pinchhigh Drive (Alpharetta City Limits)	3.80	35
Kimball Bridge Road *** SCHOOL ZONE ***	ALPHARETTA New Prospect Elementary	2612 feet east of North Point Parkway	950 feet east of North Point Parkway	0.31	25
Lakeview Parkway	ALPHARETTA	Haynes Bridge Road	Morrison Parkway	0.35	35
Lake Windward Drive	ALPHARETTA	Webb Bridge Road	Clubhouse Drive	1.29	25
Lantern Ridge Court	ALPHARETTA	Dover Avenue	Cul-de-sac	0.37	25
Maid Marion Close	ALPHARETTA	Webb Bridge	Cul-de-sac	0.64	25
Mansell Road	ALPHARETTA	Old Roswell Road/Westside Parkway	Big Creek Bridge (Roswell City Limits)	1.31	40
Marconi Drive	ALPHARETTA	Windward Parkway	Cul-de-sac	0.59	30

Market Place	ALPHARETTA	Windward Parkway	Cul-de-sac	0.25	30
Marietta Street	ALPHARETTA	SR 9	Old Milton Parkway	0.41	30
Maxwell Road	ALPHARETTA	Hembree Road	Westside Parkway	0.48	35
Maxwell Road	ALPHARETTA	SR 9	900 feet south of Brady Place	0.24	40
May Apple Drive	ALPHARETTA	Water Lilly Drive	Cul-de-sac	0.34	25
Mayfield Circle	ALPHARETTA	Mayfield Road	Cul-de-sac	0.46	25
Mayfield Manor Drive	ALPHARETTA	Mayfield Road	Cul-de-sac	0.67	25
Mayfield Road	ALPHARETTA	SR 9	Freemanville Road	2.43	35
Mayfield Road *** SCHOOL ZONE ***	ALPHARETTA Elementary School	1090 feet west of Hook Road	105 feet east of Hook Road	0.23	25
Meadow Drive	ALPHARETTA	Upshaw Drive	Cul-de-sac	0.42	25
Michael Drive	ALPHARETTA	Devore Road	Allyson Circle	0.39	25
Mid-Broadwell Road	ALPHARETTA	Wills Road	Charlotte Drive	2.00	40
Mill Creek Avenue	ALPHARETTA	North Point Parkway	Society Street	0.52	25
Milton Avenue	ALPHARETTA	SR 9	0.29 miles west of Roswell Street/Canton Street	0.40	25
Milton Avenue	ALPHARETTA	0.29 miles west of Roswell Street/Canton Street	Wills Road	0.43	35
Morris Road	ALPHARETTA	SR 120	Morris Road	1.00	30
Newcastle Drive	ALPHARETTA	Eversedge Drive	Sulling Way	0.41	25
Newport Bay Drive	ALPHARETTA	Newport Bay Passage	Newport Bay Passage	0.90	25
Newport Bay Passage	ALPHARETTA	Clubhouse Drive	Douglas Road	0.45	25
North Creek Circle	ALPHARETTA	Pine Grove Drive	Pine Grove Drive	0.55	25
North Farm Drive	ALPHARETTA	Houze Road/SR 140	Carybell Lane	0.53	25
North Point Drive	ALPHARETTA	North Point Circle	North Point Parkway	0.63	35

North Point Parkway	ALPHARETTA	Mansell Road	Haynes Bridge Road	1.30	35
North Point Parkway	ALPHARETTA	Haynes Bridge Road	Windward Parkway	3.80	40
North Point Parkway *** SCHOOL ZONE ***	ALPHARETTA	772 feet south of Webb Bridge Road	1910 feet south of Webb Bridge Road	0.21	25
North Trace	ALPHARETTA	Hopewell Road	Cul-de-sac	0.27	25
Northwinds Parkway	ALPHARETTA	Kimball Bridge Road	Haynes Bridge Road	0.64	35
Oakmere Drive	ALPHARETTA	Andover Road	Cul-de-sac	0.21	25
Old Alabama Road Connector	ALPHARETTA	Mansell Road	0.50 mi. south of Mansell Road	0.50	45
Old Milton Parkway	ALPHARETTA	SR-9	Wills Road	0.80	35
Old Roswell Road	ALPHARETTA	Mansell Road	Warsaw Road	0.40	35
Park Bridge Parkway	ALPHARETTA	Webb Bridge Road	400 feet south of Autumn Sage Drive	0.54	30
Park Bridge Parkway	ALPHARETTA	400 feet south of Autumn Sage Drive	SR 120	0.49	35
Park Brooke Drive	ALPHARETTA	Kimball Bridge Road	Park Brooke Trace	0.40	25
Park Brooke Trace	ALPHARETTA	Cul-de-sac	Cul-de-sac	1.03	25
Park Creek Drive	ALPHARETTA	Park Bridge Parkway	Cul-de-sac	0.42	25
Parkmont Drive	ALPHARETTA	Warsaw Road	Dead End	0.20	25
Pebble Trail	ALPHARETTA	Canton Street	Cul-de-sac	0.42	25
Pine Grove Drive	ALPHARETTA	SR-9	Cul-de-sac	0.58	25
Pinehigh Drive	ALPHARETTA	Kimball Bridge Road	Pineset Drive	0.50	25
Pineset Drive	ALPHARETTA	Buice Road	Pinehigh Drive	0.47	25
Pinewalk Drive	ALPHARETTA	Buice Road	Pineset Drive	0.30	25
Pinewalk Forest Circle	ALPHARETTA	Pinewalk Forest Circle	Cul-de-sac	0.66	25
Preston Ridge Road	ALPHARETTA	North Point Parkway	Morris Road	0.61	30

Providence Road	ALPHARETTA	Mayfield Road	160 feet south Providence Oaks Street (Alpharetta City Limits)	0.85	35
Roswell Street	ALPHARETTA	SR 9	Old Milton Parkway	0.27	35
Roswell Street	ALPHARETTA	Old Milton Parkway	Milton Avenue	0.30	35
Rucker Road	ALPHARETTA	Wills Road	Spring Place Lane	2.21	35
Salem Drive	ALPHARETTA	Colony Drive	Cul-de-sac	0.31	25
Sandridge Court	ALPHARETTA	Tuxford Drive	Cul-de-sac	0.27	25
Seale Drive	ALPHARETTA	Rock Mill Road	Seale Drive	0.72	25
Shady Grove Lane	ALPHARETTA	Canton Street	Pebble Trail	0.42	25
South Kimball Bridge Crossing	ALPHARETTA	Kimball Bridge Road	Kimball Bridge Road	0.47	25
Southlake Drive	ALPHARETTA	Webb Bridge Road	Douglas Road	1.50	30
Stanyan Street	ALPHARETTA	Thornberry Drive	Cul-de-sac	0.21	25
Sugar Valley Trail	ALPHARETTA	Waters Road	Cul-de-sac	0.33	25
Traywick Chase	ALPHARETTA	Cogburn Road	Traywick Chase	0.92	25
Thompson Street	ALPHARETTA	Haynes Bridge Road	Westside Parkway	0.63	25
Thornberry Drive	ALPHARETTA	Haynes Bridge Road	Cul-de-sac	0.31	25
Tuxford Drive	ALPHARETTA	Kimball Bridge Road	Cul-de-sac	1.00	25
Union Hill Road	ALPHARETTA	Windward Parkway	McGinnis Ferry Road	0.33	30
Upper Hembree Road	ALPHARETTA	100 feet west of SR 9	118 feet west of Taylor Oaks Drive	0.70	35
Upshaw Drive	ALPHARETTA	Mayfield Road	Dead End	0.17	25
Walnut Creek Crossing	ALPHARETTA	Windward Parkway	Cul-de-sac	0.16	25
Walnut Creek Drive	ALPHARETTA	Walnut Creek Trail	Cul-de-sac	0.17	25
Warsaw Road	ALPHARETTA	Old Roswell Road	Mansell Road	0.25	35
Waters Road	ALPHARETTA	Kimball Bridge Road	Jones Bridge Road	1.35	35
Webb Bridge Road	ALPHARETTA	Wedgewood Drive	SR 400	0.46	35

Webb Bridge Road	ALPHARETTA	SR 400	Webb Bridge Way	2.90	40
Webb Bridge Road *** SCHOOL ZONE ***	ALPHARETTA Webb Bridge Middle School	1100 feet west of Park Glenn Drive	1880 feet east of Park Glenn Drive	0.56	25
Webb Bridge Road *** SCHOOL ZONE ***	ALPHARETTA Creek View Elementary School	1350 feet west of Lake Windward Drive	1000 feet east of Lake Windward Drive	0.45	25
Webb Bridge Road *** SCHOOL ZONE ***	ALPHARETTA High School	1967 feet east of North Point Parkway	1052 feet east of North Point Parkway	0.17	25
Webb Bridge Road	ALPHARETTA	Webb Bridge Way	Cul-de-sac	0.30	30
Webb Bridge Way	ALPHARETTA	Webb Bridge Road	Kimball Bridge Road	0.27	30
Westside Parkway	ALPHARETTA	Mansell Road	Windward Parkway	5.50	40
Wills Drive	ALPHARETTA	Milton Avenue	Old Milton Parkway	0.25	25
Wills Road	ALPHARETTA	SR 9	MidBroadwell Road	0.80	35
Windward Concourse	ALPHARETTA	Windward Parkway	McGinnis Ferry Road	0.47	35
Windward Parkway	ALPHARETTA	Cogburn Road	North Point Parkway	1.80	35
Windward Parkway	ALPHARETTA	North Point Parkway	McGinnis Ferry Road	3.32	40
Windward Plaza	ALPHARETTA	Windward Parkway	Windward Parkway	0.36	30
Wynridge Crossing	ALPHARETTA	Windward Parkway	Cul-de-sac	0.38	25

(b) School zone hours effective:

- (1) School days only (a.m.): from 45 minutes prior to commencement time to 15 minutes after commencement time.
- (2) School days only (p.m.): from 15 minutes prior to dismissal time to 45 minutes after dismissal time.

(c) Signs are to be erected by the city.

(Code 1989, § 18-2; Ord. No. 253-A, § 2, 2-13-1989; Ord. No. 262, 9-25-1989; Ord. No. 309, 9-28-1992; Ord. No. 348, § 1, 6-20-1994; Ord. No. 375, 4-1-1996; Ord. No. 385, 1-27-1997; Ord. No. 423, § 1, 6-21-1998; Ord. No. 449, §§ 1--3, 8-21-2000; Ord. No. 487, §§ 1--29, 2-4-2002; Ord. No. 543, 4-19-2004; Ord. No. 599, 8-21-2006; Ord. No. 617, 2-18-2008; Ord. No. 628, §§ 1--5, 2-2-2009; Ord. No. 645, §§ 1--34, 9-20-2010; Ord. No. 669, §§ 1--31, 11-5-2012)

State law reference--Maximum limits generally, O.C.G.A. § 40-6-181; authority to alter, O.C.G.A. § 40-6-183.

Sec. 46-3. Same--Erection of signs.

Signs on the state highway system shall be erected by the state department of transportation. All others shall be erected by the city.

(Code 1989, § 18-3; Ord. No. 253-A, § 2, 2-13-1989)

Sec. 46-4. Truck routes--Definitions.²⁷²

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:²⁷³

Deviating truck means a truck which leaves and departs from a truck route while traveling within the city limits, as permitted herein.

~~*Truck*: Any vehicle designed, or operated for the transportation of property, including raw materials, and the body weight or combined body and load weight of which exceeds five (5) tons.~~²⁷⁴

Truck route means any street, or portion thereof, within the city, over which trucks are not prohibited to operate by the provisions of section 18-5.

(Code 1989, § 18-4; Ord. No. 140, § 1, 11-18-1974)

Sec. 18-5. Same--Designated.

~~(a) Except as specifically set out herein, trucks shall be operated over the following streets only:~~²⁷⁵

~~— U.S. Highway 19 (North Main Street—South Main Street)~~

~~— Georgia Highway 120 from U.S. Highway 19 (East—West)~~

~~— Exceptions to the above schedule are as follows:~~

~~— Any truck may be deviated from a truck route and operated over a prohibited street listed herein where necessary to reach a destination point within the city for the conduct of business, provided streets upon which truck traffic is permitted are used until reaching the intersection of the prohibited street nearest such destination.~~

~~— Any truck may be operated over a prohibited street listed herein where necessary to leave a point of origin within the city for the conduct of business, provided it leaves such prohibited street at the nearest intersection of a truck route to such point of origin.~~

~~— Any truck may be operated over a prohibited street listed herein if owned or operated by the city, public utilities, any contractor or materialman, while engaged in the repair, maintenance or construction of streets, street improvements, or street utilities within the city.~~

~~— All streets within the city except those listed in (a) above are not open to truck traffic.~~

(Code 1989, § 18-5; Ord. No. 140, § 2, 11-18-1974)

Sec. 46-5. Same--Enforcement.

~~(a) The city clerk shall keep and maintain accurate maps setting out truck routes and streets upon which truck traffic is permitted; the maps shall be kept on file in the office of the city clerk and shall be available to the~~

²⁷² **Code 1989, § 18-4. Truck Routes.** John Maloney suggests a rewrite by Public Works and Public Safety. Any substantive changes would need to be readopted and not possible to include in this process.

²⁷³ **Code 1989, § 18-4. Truck routes—Definitions.** We recommend adding introductory language to this provision for purposes of internal consistency. *City accepted.*

²⁷⁴ **Code 1989, § 18-4. Truck routes—Definitions.** We recommend striking this definition as covered by, and in conflict with, O.C.G.A. § 40-1-1. *City accepted.*

²⁷⁵ **Code 1989, § 18-5. Designated.** We request that the city review the streets that trucks are allowed to operate on and advise us whether they are accurate. *City elected to strike provision.*

public.²⁷⁶

(a) The chief of police shall cause those streets upon which truck traffic is prohibited to be clearly sign-posted to give notice ~~that section 18-5 is in effect.~~

(b) The chief of police shall have the authority to require any person driving or in control of any commercial vehicle not proceeding over a truck route or street over which truck traffic is permitted to proceed to any public or private scale available for the purpose of weighing ~~and determining whether section 18-5 has been complied with.~~

(Code 1989, § 18-6; Ord. No. 140, § 3, 11-18-1972)

Sec. 46-6. Hazardous driving.

It shall be unlawful for any person to drive any vehicle of any kind within the limits of this city in a hazardous manner, regardless of speed. The term "hazardous driving" is defined to be driving any vehicle of any kind on any street in the city in such a manner as to endanger the life or limb of any person, or any damage to personal property that might result therefrom, taking into consideration the conditions and surroundings of such time and place that a careful and prudent person would observe.

(Code 1989, § 18-7; Ord. No. 87, § 8.2, 9-3-1962)

Sec. 46-7. Funeral processions.

Vehicles of a funeral procession shall have the right-of-way over all vehicles, except authorized emergency vehicles, provided such vehicles shall identify themselves by burning regular headlights and shall keep in close formation. When the lead vehicle in a funeral procession has entered an intersection on a green light, all other cars in the procession may proceed through the intersection, even though such signal may change to red.

(Code 1989, § 18-8; Ord. No. 87, § 8.10, 9-3-1962)

State law reference--Funeral processions, O.C.G.A. § 40-6-76.

Secs. 46-8--46-32. Reserved.

ARTICLE II. PARKING

Sec. 46-33. Definitions.

~~For the purposes of this article, the following definition shall apply:~~

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:²⁷⁷

~~Park or parking: The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading of property or passengers.~~²⁷⁸

Parking enforcement officer means non-sworn personnel designated by the director of public safety or his designee, for the purpose of enforcing parking regulations, including issuance of citations and/or towing of vehicles parked in restricted areas.

(Code 1989, § 18-20; Ord. No. 216, § 2, 11-11-1985; Ord. No. 717, § 1, 12-14-2015)

Sec. 46-34. Designation of parking areas; marking.

(a) The chief of police is authorized to designate specific parking areas or zones within the city in which the parking of vehicles is regulated or prohibited. The chief of police shall make such determinations upon the basis of

²⁷⁶ **Code 1989, § 18-6. Same—Enforcement.** Are the maps still kept by the city clerk in the city clerk's office? *City elected to strike provision as there are no truck route maps.*

²⁷⁷ **Code 1989, § 18-20. Definitions.** We recommend modifying the introductory language to this provision for purposes of internal consistency. *City accepted.*

²⁷⁸ **Code 1989, § 18-20. Definitions ("Park or parking").** We recommend striking this definition as covered by O.C.G.A. § 40-1-1. *City accepted.*

any engineering and traffic investigations indicating that the adoption of such regulations and prohibitions will aid in the reasonable regulation and control of the parking of vehicles and the reasonable movement of traffic. Without limiting the generality of the foregoing, the chief of police is authorized to designate areas or zones in which:

- (1) Parking is prohibited at all times or at designated times;
- (2) Parking is permitted for specified types of vehicles only; or
- (3) Parking may not exceed a specified consecutive period of time.

(b) Each parking area or zone shall be marked or indicated by adequate signs setting forth the applicable restriction in a sufficiently legible manner.

(Code 1989, § 18-21; Ord. No. 216, § 1, 11-11-1985)

Sec. 46-35. Compliance with no-parking or restricted parking markings or signs.²⁷⁹

It shall be unlawful for any person to park any vehicle on any street in the city where such street or place of such parking has painted thereat a yellow or no parking line, or has erected thereat signs providing for parking, or to fail to comply with such marking or sign which limits parking thereat.

(Code 1989, § 18-22; Ord. No. 126, 4-9-1973)

Sec. 46-36. Enforcement; fine, impoundment of vehicle.²⁸⁰

~~Every person convicted of a violation of any provision of this article shall be punished by a fine according to the penalties described in section 1-8, of not more than twenty five dollars (\$25.00). All police officers shall enforce the provisions of this article, and shall be empowered to issue written citations requiring the accused to appear to answer the charge. In addition, where any vehicle has been left unattended in a restricted zone for twenty four (24) hours or more, the police officer is authorized to cause the vehicle to be towed away to the nearest garage or other place of safety, at the expense of the owner of the vehicle.~~

Every person convicted of a violation of any provision of this article shall be punished by a fine to be determined by the city council from time to time of not more than twenty five dollars (\$25.00). All parking enforcement officers and police officers shall enforce the provisions of this article, and shall be empowered to issue written citations requiring the accused to appear to answer the charge. In addition, where any vehicle has been left unattended in a restricted zone for 24 hours or more, the parking enforcement officer or police officer is authorized to cause the vehicle to be towed away to the nearest garage or other place of safety, at the expense of the owner of the vehicle.

(Code 1989, § 18-23; Ord. No. 216, § 3, 11-11-1985; Ord. No. 717, § 2, 12-14-2015)

State law reference--Impoundment of vehicles, O.C.G.A. § 40-6-206.

Secs. 46-37--46-60. Reserved.

ARTICLE III. PARADES, MOTORCADES AND SPECIAL EVENTS^{*281}

***State law reference**--Operation of motor vehicles and motorcycles in parades, O.C.G.A. § 40-6-7.

²⁷⁹ **Code 1989, § 18-22. Compliance with no-parking or restricted parking markings or signs.** *John Maloney suggested adding language that references street markings. We will add any language that is non-substantive, but any substantive changes would need to be readopted and not possible to include in this process.*

²⁸⁰ **Code 1989, § 18-23. Enforcement; fine, impoundment of vehicle.** *We recommend modifying the language of this provision for purposes of internal consistency with the general penalties clause in the General Provisions chapter. City accepted.*

²⁸¹ **Code 1989, Article III. Parades, motorcades, and special events.** *John Maloney suggests a rewrite by Special Events Office. Any substantive changes would need to be readopted and not possible to include in this process.*

Sec. 46-61. Definitions.

~~For the purpose of this article, the following words and phrases shall have the respective meanings ascribed to them by this section:~~

(a) 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.²⁸²

Motorcade means an organized procession containing 25 or more vehicles, except funeral processions, upon any public street, sidewalk or alley.

Parade means any march or procession consisting of people, animals or vehicles or a combination thereof, except funeral processions, upon any public street, sidewalk or alley, which does not comply with normal and usual traffic regulations or controls.

Special event means any activity which occurs upon private or public property that will affect the ordinary use of public streets, rights-of-way or sidewalks. This includes, but is not limited to, fairs, festivals, foot runs and bicycle runs.

(b) Private social gatherings, neighborhood block parties and neighborhood parades conducted primarily on subdivision streets within the neighborhood and which will make only limited use of other city streets are not included in these definitions. However, no such event shall be held unless and until an exemption letter for such event has been obtained from the director of recreation and parks or his designee ~~city traffic engineer~~. No fee shall be charged for an exemption letter.²⁸³

(Code 1989, § 18-36; Ord. No. 370, § 1, 2-19-1996)

Sec. 46-62. Permit required.

No person or organization shall conduct a parade, motorcade or special event within the city, or knowingly participate in any such parade, motorcade or special event, unless and until a permit to conduct such parade, motorcade or special event has been obtained from the city traffic engineer, or, as hereinafter provided, from the city council.

(Code 1989, § 18-37; Ord. No. 370, § 2, 2-19-1996)

Sec. 46-63. Parade, motorcade or special event for commercial purpose prohibited.

No permit shall be issued authorizing the conduct of a parade, motorcade or special event which the city traffic engineer finds is to be held for the primary purpose of advertising any products, goods, wares, merchandise or events and is designed to be held primarily for private profit. Otherwise, permits shall be issued on a non-discriminatory basis.

(Code 1989, § 18-38; Ord. No. 370, § 3, 2-19-1996)

Sec. 46-64. Interference with parade, motorcade or special event.

No person shall knowingly join or participate in any parade, motorcade or special event conducted under permit from the city traffic engineer in violation of any of the terms of the permit, nor knowingly join in or participate in any permitted parade, motorcade or special event without the consent or over the objection of the permittee, nor in any manner interfere with its progress or orderly conduct.

(Code 1989, § 18-39; Ord. No. 370, § 4, 2-19-1996)

²⁸² **Code 1989, 18-36. Definitions.** We recommend modifying the introductory language to this provision for purposes of internal consistency. *City accepted.*

²⁸³ **Code 1989, § 18-36. Definitions (“private social gatherings”).** *City elected to change reference to director of recreation and parks or designee.*

Sec. 46-65. Permit application and fee.²⁸⁴

An application for a permit shall be submitted to the city traffic engineer with a non-refundable application fee that shall be established by the city council, from time to time, and made available for public examination in the office of the clerk of courts of fifty dollars (\$50.00) no later than 30 days prior to the proposed event. The city traffic engineer may, in his discretion, consider an application for a permit which is filed less than 30 days prior to the date of the event. The permit application shall be made in writing on a form approved by the city traffic engineer. The application shall contain the following information:

- (1) The name, address and telephone number of the sponsoring organization or individual, including the name, address and telephone number of an individual who shall be designated as a contact person and agent for service of process;
- (2) The proposed date, location, hours of operation and schedule of proposed events, including the location of the assembly area, the location of the disbanding area, and any route to be traveled;
- (3) An estimate of the number of participants, and the number of individuals that will be utilized to monitor and control the event;
- (4) A description of any sound amplification equipment proposed to be used; and
- (5) Such other information as the city traffic engineer deems reasonably necessary to determine whether a permit may be issued.

(Code 1989, § 18-40; Ord. No. 370, § 5, 2-19-1996)

Sec. 46-66. Standards for issuance or denial of permit.

The city traffic engineer may deny a permit upon reasonably determining that:

- (1) The event will disrupt traffic within the city beyond practical solution;
- (2) The event will unreasonably interfere with access to fire stations and fire hydrants;
- (3) The location of the event will cause extreme hardship to adjacent businesses or residents;
- (4) The event will require the diversion of so many public employees that allowing the event would unreasonably deny service to the remainder of the city;
- (5) The event will interfere with another event for which a permit has been issued; and
- (6) The applicant refuses to sign the permit indicating his willingness to abide by or comply with the provisions of this article and the conditions set forth in the permit.

(Code 1989, § 18-41; Ord. No. 370, § 6, 2-19-1996)

Sec. 46-67. Departmental cost analysis; permit fee.

The city traffic engineer shall send copies of a permit application to all affected city departments. Each departmental activity required for the event shall be itemized, showing hourly rate and total cost. Costs shall only reflect those activities related to the management of streets. The total street management costs to the city shall be the sum of each department's costs, and shall be the amount of the permit fee. The permit fee shall not be applicable to any event sponsored or co-sponsored by the city, or to any event designated from time to time by resolution of the city council as a traditional or historic annual event. An example of a traditional or historic annual event is the Old Soldier's Day Parade. The city traffic engineer may develop a permit fee schedule based upon the size of the event, provided that the fee schedule is reasonably related to the actual street management costs of the city. The city traffic engineer shall also develop a clean-up cost deposit schedule based upon the size of the event.

(Code 1989, § 18-42; Ord. No. 370, § 7, 2-19-1996)

²⁸⁴ **Code 1989, § 18-40. Permit application and fee.** We recommend adding generic language for purposes of internal consistency and for ease of modification. *City accepted.*

Sec. 46-68. Issuance of permit.

Upon payment of the permit fee and clean-up cost deposit, and execution of the permit by the applicant indicating the applicant's agreement to abide by this article and the conditions set forth in the permit, the city traffic engineer shall issue the permit. The conditions of the permit shall include specifications as to the date, location, size and time limits for the event, limitations on amplification equipment, the maximum number and type of vehicles, if any, the maximum number of participants, and the minimum number of persons required to monitor the event. In addition, each permit shall contain a condition that the permittee shall hold the city harmless and indemnify the city, its officials and employees, from any and all claims or lawsuits for personal injury or property damage arising from or in any way connected to the event, except for any claims arising solely out of the negligent acts of the city, its officials or employees. In addition, the city traffic engineer may, in his discretion, require proof that the permittee has insurance, with limits of coverage, as determined by the city traffic engineer, adequate for the risks associated with the event and to support the permittee's indemnity obligations to the city.

(Code 1989, § 18-43; Ord. No. 370, § 8, 2-19-1996)

Sec. 46-69. Limitation of liability.

This article shall not constitute a waiver of sovereign immunity, create rights in any third party, or impose upon the city or its officials or employees any liability or responsibility for any injury or damage to any person or property arising out of the event for which a permit has been issued. The city and its officials and employees shall not be deemed to have assumed any liability or responsibility by reason of inspections performed, the issuance of any permit, or the approval of the use of any city right-of-way.

(Code 1989, § 18-44; Ord. No. 370, § 9, 2-19-1996)

Sec. 46-70. Sanitation and clean up.

A permit may be issued only after adequate waste disposal facilities have been identified and obtained by the permittee. The permittee will clean the rights-of-way of rubbish and debris, returning the rights-of-way to their previous condition, within 24 hours of the conclusion of the event. If the permittee completes the clean-up in a timely manner, the clean-up cost deposit shall be refunded. If the permittee fails to clean up such refuse, the city may perform the clean-up, and the clean-up cost deposit shall be forfeited.

(Code 1989, § 18-45; Ord. No. 370, § 10, 2-19-1996)

Sec. 46-71. Revocation of permits.

(a) All permits issued pursuant to this article are temporary and do not vest any permanent rights. Any permit may be summarily revoked by the city traffic engineer upon a determination by the city traffic engineer that:

- (1) The permit application contained incomplete or false information;
- (2) The applicant is not complying with all terms and conditions of the permit or this article; or
- (3) The occurrence of an emergency which threatens the safety of the public or property.

(b) Notice of the revocation shall be delivered in writing to the registered agent of the permittee designated in the permit application. Delivery may be by personal service or certified mail, return receipt requested, and notice shall be deemed given when personally served or when deposited in the mail, as the case may be.

(Code 1989, § 18-46; Ord. No. 370, § 11, 2-19-1996)

Sec. 46-72. Appeals procedure.

Any applicant whose permit application has been denied or revoked may appeal from the determination of the city traffic engineer within five days thereafter to the city council, by filing a written notice of appeal for a hearing by the city council at its next meeting. Upon such appeal, the city council may reverse, affirm or modify in any regard the determination of the city traffic engineer.

(Code 1989, § 18-47; Ord. No. 370, § 12, 2-19-1996)

Sec. 18-48. Officials to be notified.²⁸⁵

Immediately upon the granting of a permit pursuant to this article, the city traffic engineer shall send a copy of the permit to the mayor and council, the city administrator, the fire chief, the police chief, the public works director and the public information director.

(Code 1989, § 18-48; Ord. No. 370, § 1, 2-19-1996)

Sec. 46-73. Penalty.²⁸⁶

In addition to any other remedy provided under this article or other applicable law, any person who violates any provision of this article shall be subject to a fine according to the penalties described in section 1-8 of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00) for each violation. Each day that an offense occurs or continues under this article shall be considered a separate and distinct violation.

(Code 1989, § 18-49; Ord. No. 370, § 14, 2-19-1996)

Secs. 46-74--46-91. Reserved.**ARTICLE IV. TRAFFIC CONTROL SIGNAL MONITORING DEVICES***

***State law reference**--Traffic control signal monitoring devices generally, O.C.G.A. § 40-6-20; permit to operate traffic control signal monitoring system, O.C.G.A. § 40-14-21.

***Editor's note**—Ord. No. 568, §§ 1–7, adopted June 6, 2005, did not specifically amend the Code. Hence, its inclusion herein as article IV, sections 18-61–18-67, was at the discretion of the editor.

Sec. 18-61. Definitions.²⁸⁷

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:

Owner means the registrant of a motor vehicle, except that such term shall not include a motor vehicle rental company when a motor vehicle registered by such company is being operated by another person under a rental agreement with such company.

Recorded images means images recorded by a traffic control signal monitoring device:

(1) ~~On:~~

- a. ~~Two (2) or more photographs;~~
- b. ~~Two (2) or more microphotographs;~~
- c. ~~Two (2) or more electronic images; or~~
- d. ~~Videotape; and~~

(2) ~~Showing a traffic control signal displaying a circular red or red arrow signal along with the rear of a motor vehicle apparently operated in disregard or disobedience of such signal and, on at least one image or portion of tape, clearly revealing the number or other identifying designation of the license plate displayed on the motor vehicle.~~

Traffic control signal monitoring device means a device with one or more motor vehicle sensors working in conjunction with a traffic control signal to produce recorded images of motor vehicles being operated in disregard or disobedience of a circular red or red allow signal.

²⁸⁵ **Code 1989, § 18-48. Officials to be notified.** Is this list still accurate and protocol still followed? *City elected to strike provision.*

²⁸⁶ **Code 1989, § 18-49. Penalty.** We recommend modifying the language of this provision for purposes of internal consistency with the general penalties clause of the General Provisions chapter. *City accepted.*

²⁸⁷ **Code 1989, § 18-61. Definitions.** We recommend striking this section as all definitions are covered by O.C.G.A. § 40-6-20. *City accepted.*

(Code 1989, § 18-61; Ord. No. 568, § 1, 6-6-2005)

Sec. 46-92. Authorization of traffic control signal monitoring devices.

Subject to the provisions of O.C.G.A. § 40-14-21, the chief of police and the city council authorize the use of traffic control signal monitoring devices for purposes of automated traffic enforcement. Use of said devices shall be governed by the provisions of O.C.G.A. §§ 40-6-20, ~~40-14-21, 40-14-22, 40-14-23,~~ through 40-14-24, and any other applicable provisions of law.

(Code 1989, § 18-62; Ord. No. 568, § 1, 6-6-2005)

Sec. 46-93. Identification of intersections for use of traffic control signal monitoring devices.²⁸⁸

The city department of public works engineering shall be responsible for the identification and selection of intersections where traffic control signal monitoring devices will be utilized and for compliance with O.C.G.A. §§ 40-14-22 and 40-14-23.

(Code 1989, § 18-63; Ord. No. 568, § 1, 6-6-2005)

Sec. 46-94. Enforcement.

The city police department shall be responsible for the administration and enforcement of this article as required by O.C.G.A. § 40-6-20.

(Code 1989, § 18-64; Ord. No. 568, § 1, 6-6-2005)

Sec. 46-95. Civil penalty.²⁸⁹

The driver of a motor vehicle cited pursuant to this article shall be liable for a civil monetary penalty according to the penalties described in section 1-8, not to exceed seventy dollars (\$70.00). Citations shall be issued by the city police department in accordance with O.C.G.A. § 40-6-20(f)(3)(B).

(Code 1989, § 18-65; Ord. No. 568, § 1, 6-6-2005)

Sec. 46-96. Contesting the civil penalty.

(a) In accordance with O.C.G.A. § 40-6-20(D), liability shall be determined based upon preponderance of the evidence. Prima facie evidence that the vehicle described in the citation issued pursuant to this article was operated in violation of O.C.G.A. § 40-6-20(a), together with proof that the defendant was at the time of such violation the registered owner of the vehicle, shall permit the trier of fact in his discretion to infer that such owner of the vehicle was the driver of the vehicle at the time of the alleged violation. Such an inference may be rebutted if the owner of the vehicle:

- (1) Testifies under oath in open court that he was not the operator of the vehicle at the time of the alleged violation;
- (2) Presents to the court prior to the return date established on the citation a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation; or
- (3) Submits to the court prior to the return date established on the citation a sworn notarized statement identifying the name of the operator of the vehicle at the time of the alleged violation.

(b) The provisions of this article shall not limit law enforcement agencies to the use of traffic control signal monitoring devices in enforcing O.C.G.A. § 40-6-20(a); and, when there is evidence obtained from another source or sources which constitutes a prima facie case of a violation of O.C.G.A. § 40-6-20(a), such violation may be

²⁸⁸ **Code 1989, § 18-63. Identification of intersections used for use of traffic control signal monitoring devices.** *Language modified per city's request.*

²⁸⁹ **Code 1989, § 18-65. Civil Penalty.** We recommend modifying the language of this provision for purposes of internal consistency with the general penalty clause in the General Provisions chapter. *City accepted.*

prosecuted as otherwise provided by law in lieu of, but not limited to, enforcement under this article.

(Code 1989, § 18-66; Ord. No. 568, § 1, 6-6-2005)

Sec. 46-97. Warning period.²⁹⁰

In accordance with O.C.G.A. § 40-6-20(f)(3)(B), only warning notices and not citations for violations shall be sent during the 30-day period following the installation of any traffic control signal monitoring device.

(Code 1989, § 18-67; Ord. No. 568, § 1, 6-6-2005)

Secs. 46-98--46-124. Reserved.

ARTICLE V. READY-MIX CONCRETE TRUCKS²⁹¹

Sec. 46-125. Restrictions on ready-mix concrete trucks.²⁹²

(a) It shall be unlawful to operate any ready-mix concrete truck on the public roads of the city in such a manner so as to result in the spillage or leakage of concrete or similar debris onto any city road or walk. In the event of any such spill, it shall be the duty of the owner and operator of the truck to report the spill to the city ~~engineering~~ department of public works within 24 hours of the spill. In addition, the owner shall be responsible for all costs incurred by the city in removing the concrete and/or repairing the roadway. In the event that the owner fails to reimburse the city for such costs within 30 days after written notice, the city may pursue any and all civil remedies available to the city at law or in equity to recover its costs, including reasonable attorney's fees. Criminal prosecution for any violation of this article shall not relieve any owner from the obligation to reimburse the city for such costs; nor shall payment of such costs bar criminal prosecution for any violation of this article.

(b) In addition to those prohibitions listed above, it shall be unlawful to operate any ready-mix concrete truck on the public roads within the city unless such truck is equipped with a chute enclosure, or some other mechanism which precludes the leakage of concrete and other debris from leaking or escaping from the truck while traveling through or within the city. For purposes of this article, the term "truck" is defined to mean any vehicle with two or more axles used primarily for the purpose of transporting materials and products.

(c) The chute enclosure must meet the following requirements:

- (1) The device must be 100 percent effective in keeping debris from coming out of the chute when the device is engaged;
- (2) The device must be rigid, open and close, and lock and unlock automatically when the flop chute is lowered or raised;
- (3) The device shall have no parts which may become clogged with concrete;
- (4) The device must close the chute at the end and seal it completely. No debris shall be able to escape and fall from the chute while the truck is traveling;
- (5) The device shall be coated with a reflective paint, tape or logo so that it is clearly visible at night; and
- (6) The device shall be permanently attached to the chute of each truck.

(d) Any person, firm or corporation who violates any provision of this article shall be guilty of a misdemeanor, and upon conviction, shall be fined according to the penalties described in section 1-8; ~~in an amount not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00);~~ and each violation

²⁹⁰ **Code 1989, § 18-67. Warning Period.** Citation updated to reflect current O.C.G.A. provision.
City accepted.

²⁹¹ **Code 1989, Ch. 10, Article IV. Ready-mix concrete trucks.** We recommend moving this article to appear within the "Traffic and Vehicles" chapter for purposes of subject matter and organizational consistency. *Change accepted*

²⁹² **Code 1989, § 10-61. Restrictions on ready-mix concrete.** *Language modified per city's request.*

thereof shall constitute a separate offense and shall be punishable as such; and each day that a violation continues shall be punishable as a separate offense.²⁹³

(Code 1989, § 10-61; Ord. No. 417, § 1, 3-15-1999)

PROOFS

²⁹³ **Code 1989, § 10-61. Restrictions on ready-mix concrete trucks.** We recommend modifying the language of this provision for purposes of internal consistency with the general penalties clause in the General Provisions chapter. *Change accepted*

Chapter 47
RESERVED

PROOFS

Chapter 48

VEHICLES FOR HIRE

ARTICLE I. IN GENERAL

Secs. 48-1--48-18. Reserved.

ARTICLE II. TAXICABS*²⁹⁴

***State law reference**--Taxicabs, O.C.G.A. § 36-60-25; regulatory fees, O.C.G.A. § 48-13-9.

~~***Editor's note**--Ord. No. 497, § I, adopted June 17, 2002, amended chapter 13 with the addition of a new article VI, sections 13-46--13-62. In order to avoid the duplication of article and section numbers, the provisions of said ordinance have been included herein as article VI, sections 13-146--13-162, at the discretion of the editor.~~

Sec. 48-19. 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:

Taxicab means a motor vehicle used in the business of transporting passengers for compensation in the city and not operated on a fixed route. The term "taxicab" shall not include limousines regulated by the state public service commission.

(Code 1989, § 13-146; Ord. No. 497, § I, 6-17-2002)

Sec. 48-20. Permits required.

No permit is required if the operation of the taxicab in the city is limited solely to passing through the city without picking up a passenger or dropping off a passenger whose trip originated outside the city.

(Code 1989, § 13-147; Ord. No. 497, § I, 6-17-2002; Ord. No. 523, § 1, 3-3-2003)

Sec. 48-21. Classes of permits.

There shall be three classes of permits required under this article:

- (1) *Company permit.* This permit applies to persons, firms, partnerships, corporations or other entities engaged in the business of operating a taxicab in the city, and which are subject to an occupation tax under chapter ~~42-12~~ of this Code.
- (2) *Resident operator's permit.* This permit applies to any person operating a taxicab on the streets of the city and who is operating under the auspices of a company permit.
- (3) *Nonresident operator's permit.* This permit applies to any person operating a taxicab on the streets of the city and who is not operating under the auspices of a company subject to an occupation tax in the city.

(Code 1989, § 13-148; Ord. No. 497, § I, 6-17-2002)

Sec. 48-22. Company permit.

In order to secure a company permit, an applicant must provide information showing its qualifications on a form provided by the city, and must submit to a background investigation and fingerprinting. An applicant must:

- (1) Be at least 21 years of age;
- (2) Be a citizen of the United States or an alien admitted for permanent residence, or a person who has

²⁹⁴ **Code 1989, Article VI. Vehicles for hire / taxis.** We recommend moving this article to appear within the "Vehicles for Hire" chapter for purposes of subject matter consistency. *Change accepted by City.*

otherwise been granted employment authorized by the United States Immigration and Naturalization Service;

- (3) Hold an occupation tax certificate issued by the city;
- (4) Maintain an office within the city staffed at all times during hours of operation as outlined in this article by company employees, including a dispatcher, from which all dispatching of vehicles will be performed;
- (5) Provide proof of insurance as required in this article.

(Code 1989, § 13-149; Ord. No. 497, § I, 6-17-2002)

Sec. 48-23. Convictions disqualifying applicant for a company permit.

No permit shall be issued if the applicant has been convicted of any of the following offenses:

- (1) Manslaughter, or negligent homicide, resulting from the operation of a motor vehicle.
- (2) Driving a motor vehicle while under the influence of intoxicating liquor or drugs, in the last five years.
- (3) Any felony in the commission of which a motor vehicle is used.
- (4) Failure to stop and render aid or leaving the scene of an accident, as required under the laws of the state.
- (5) Perjury or false swearing in making any statements under oath in connection with this application for permit.
- (6) Perjury or the making of a false affidavit or statement under oath relating to the ownership or operation of motor vehicles.
- (7) Convictions or forfeiture of bail on three charges of a violation of the state motor vehicle laws within a 12-month period.
- (8) The violation of any law involving moral turpitude.
- (9) Repeated violation of the city ordinances, county laws, or state laws which affect the safety of human life or limb on the streets of the city.

(Code 1989, § 13-150; Ord. No. 497, § I, 6-17-2002; Ord. No. 523, § 2, 3-3-2003)

Sec. 48-24. Place of operation.

No person to whom an occupation tax certificate to operate or engage in a taxicab business has been granted by lawful authority shall operate or carry on the business from any place in the city except the established place of business referred to and described in the application for an occupation tax certificate to operate or engage in the taxicab business.

(Code 1989, § 13-151; Ord. No. 497, § I, 6-17-2002)

Sec. 48-25. Hours of operation.

The standard hours of operations for any holder of a company permit to operate or engage in a taxicab business within the city shall be Monday through Sunday, 24 hours per day.

(Code 1989, § 13-152; Ord. No. 497, § I, 6-17-2002)

Sec. 48-26. Insurance required.

(a) No owner of a taxicab shall operate or authorize any other person to operate a taxicab in the city unless it is covered by a liability insurance policy issued by an insurance company authorized to do business in this state, which provides the following minimum coverage:

- (1) \$25,000.00 for injury to or death of one person in one accident;
- (2) \$50,000.00 for injury to or death of two or more persons in any one accident; and
- (3) \$25,000.00 for injury or destruction of property of others in any one accident.

(b) Each taxicab operated within the city limits shall be required to carry and maintain in effect this minimum insurance coverage and provide current certificates of insurance evidencing such coverage, the name of the

insurance company supplying the coverage and the policy number. The insurance must provide specific coverage for a vehicle used in the business of transporting passengers.

(c) If the term of said insurance coverage is less than a period of 12 months, on the first Monday of each month, the holder of the company permit shall provide to the chief of police or his designee either a current insurance identification card for each vehicle intended to be operated in the coming month or a verified statement from a licensed insurance agent or licensed insurance company within this state setting forth the identity of the vehicles for which coverage has been procured, by vehicle identification number, make and model, the amount of coverage afforded to each such vehicle and the term for which such coverage has been prepared by the taxicab company or taxicab driver.

(d) If the term of such insurance coverage is at least a period of 12 months, proof of such insurance coverage, together with a receipted premium from the insurer, or its duly authorized agent, showing payment of the premium on the policy for and during the period covered by the life of the occupational tax certificate, shall be provided to the city before a permit shall be issued. The insurance policy must provide and stipulate therein that the insurer will give notice to the city a minimum of 30 days before its termination or cancellation, for any reason, of the policy on the person insured.

(e) Failure to maintain such coverage shall constitute cause for revocation of a city permit.

(f) Nothing in this section shall be construed to waive applicable state or federal laws, if any, which require a higher amount of minimum coverage.

(Code 1989, § 13-153; Ord. No. 497, § I, 6-17-2002; Ord. No. 523, § 3, 3-3-2003)

Sec. 48-27. Drivers' qualifications.

Before operating a taxicab within the city, a driver shall:

- (1) Possess a Georgia class C driver's license, with a for-hire endorsement or a private background check certification, through the taxicab service or ride share network service that employs them;²⁹⁵
- (2) Be competent to operate a motor vehicle;
- (3) Be familiar with the traffic laws and ordinances of the city;
- (4) Not have been convicted of a felony unless ten years have elapsed since the date of completion of the felony sentence;
- (5) Not have been convicted of a crime of moral turpitude within past ten years;
- (6) Not have been classified as an habitual offender by the department of public safety for the previous five years;
- (7) Not have had a driver's license revoked by the department of public safety for violations for the previous five years;
- (8) Provide authorization and any information necessary to enable the director of public safety ~~chief of police~~ or his designee to investigate the driver's background, criminal history, and traffic record;²⁹⁶
- (9) Be of good character as determined by the aforesaid investigation; and
- (10) Possess an operator's permit issued by the city.

(Code 1989, § 13-154; Ord. No. 497, § I, 6-17-2002; Ord. No. 523, § 4, 3-3-2003)

Sec. 48-28. Taxicab equipment.

All taxicabs operating in the city shall:

- (1) Be equipped with a taximeter maintained in good working order at all times. Such taximeter shall be

²⁹⁵ *Modified pursuant City's request.*

²⁹⁶ *Id.*

permanently affixed in front of the passenger's seat and be visible to them at all times. After sundown, the face of the taximeter shall be illuminated. It shall be operated mechanically by a mechanism of standard design and construction, driven either from the transmission or from one of the front wheels by a flexible and permanently attached driving mechanism. It shall be sealed at all points and connections that, if manipulated, would affect its correct reading and recording.

- (2) Be affixed with a vehicle permit sticker issued by the director of public safety ~~chief of police~~ or his designee. Such stickers must at all times be displayed in the upper right corner of the rear window. Each vehicle will be assigned a numbered sticker, and that sticker shall not be used on any other vehicle.²⁹⁷
- (3) Such marking shall be affixed only by means of permanent vinyl lettering or paint, and shall, ~~as of January 1, 2004,~~ be a minimum of four inches in height. The four-inch lettering requirement can be met if the logo is a minimum of four inches in height and the lettering within the logo is a minimum of two inches in height.²⁹⁸
- (4) Be marked with rates on the side of the vehicle so as to be plainly visible to persons seeking to use the taxicab.
- (5) Maintain signage in the passenger compartment stating, in clearly legible lettering of a minimum of one inch in height, "The public is invited to contact the city department of public safety Code Enforcement Office by calling (678)297-6080-6306 to report any instance of a taxicab being operated while not in a clean and safe operating condition."²⁹⁹
- (6) Be equipped with a roof light permanently mounted on the roof of the vehicle and maintained in good working order at all times.
- (7) Be maintained in good, safe and serviceable mechanical condition as verified in a statement signed by a technician at a location properly licensed to do business within the city, and be in compliance with all county and state licensing and emission standards.
- (8) Be maintained in a clean condition, free from foreign matter and offensive odors.
- (9) Transport as passengers only the number of persons specified by the vehicle manufacturer.
- (10) The minimum weight of a taxicab shall be 2,000 pounds, as determined by the manufacturer's specifications.
- (11) ~~As of January 1, 2004,~~ No vehicle operated as a taxicab shall be more than eight years old.³⁰⁰
- (12) No taxicab shall have less than three doors for loading passengers, and each taxicab must be a station wagon, a sedan, a minivan or a sports utility vehicle. All such vehicles shall meet the emission standards as set by federal guidelines for their particular class.

(Code 1989, § 13-155; Ord. No. 497, § I, 6-17-2002; Ord. No. 523, § 5, 3-3-2003)

Sec. 48-29. Log books.

(a) Daily trip sheets shall be maintained for all taxicabs operated within the city. The driver shall retain the trip sheets in the vehicle for a period of 72 hours from the time of the recorded trip, after which they will be maintained in the office of the company permit holder for a period of no less than 120 days. All trip sheets shall be subject to the inspection of the police chief or his designee.

(b) As used in this subsection, the term "trip sheet" means a daily log of all passengers, the time, place of

²⁹⁷ Modified pursuant to City's request.

²⁹⁸ **Code 1989, § 13-155(3). Taxicab equipment.** We recommend striking this language as it is transitory in nature. *Change accepted by City.*

²⁹⁹ Modified pursuant to City's request.

³⁰⁰ **Code 1989, § 13-155(11). Taxicab equipment.** We recommend striking this language as it is transitory in nature. *Change accepted by City.*

entry and the destination of each passenger, the amount charged and an itemization of any personal property left in the vehicle for hire.

(Code 1989, § 13-156; Ord. No. 497, § I, 6-17-2002)

Sec. 48-30. Transferability.

Any vehicle permit issued in accordance with this article shall not be transferable.

(Code 1989, § 13-157; Ord. No. 497, § I, 6-17-2002)

Sec. 48-31. Denial, suspension and revocation of permit.

(a) An application for a permit or a permit issued under this article may be denied, suspended or revoked for due cause as defined in subsection (c) of this section ~~hereof~~.

(b) The municipal court shall furnish a permit holder a notice setting forth the time, place, and purpose of a hearing at which it intends to consider the revocation or suspension of a permit. After a hearing, if the municipal court determines due cause exists, it may suspend, revoke or place on probation for a maximum of 12 months, with or without conditions, the permit.

(c) A permit may be denied, suspended or revoked for any of the following reasons:

- (1) Where the applicant furnishes fraudulent or untruthful information or omits information requested in the application for a permit.
- (2) For failure to pay all fees, taxes, penalties or other charges imposed by the provisions of this article, and of this ~~City Code of Ordinances~~.
- (3) For failure to maintain all of the general qualifications applicable to the initial issuance of a permit.
- (4) For violation of any part of this article by the permit holder, his agents, partners, officers, employees or contractors.
- (5) Allowing the required insurance coverage to lapse shall result in the automatic suspension of the permit.
- (6) For unauthorized transfer or other misuse of the permit.

(d) An operator's permit may be suspended or revoked for having three or more moving violations in any 12-month period.

(e) Permit holders under this article are responsible for violations of this article by their vehicle operators whether such operators are direct employees or independent contractors.

(f) Permits issued under this article are not transferable.

(Code 1989, § 13-158; Ord. No. 497, § I, 6-17-2002; Ord. No. 523, § 6, 3-3-2003)

Sec. 48-32. Regulatory fee required.

A regulatory fee of \$300.00 shall be required annually for a company permit and the resident operator's permits for drivers operating under the auspices of a company permit. A regulatory fee of \$50.00 shall be required annually for a nonresident operator's permit.³⁰¹

(Code 1989, § 13-159; Ord. No. 497, § I, 6-17-2002; Ord. No. 523, § 7, 3-3-2003)

Sec. 48-33. Notification of new drivers.

It shall be the duty of a company permit holder to notify the director of public safety ~~chief of police~~ whenever a new driver is hired or terminated from employment. Failure to so notify can result in revocation of the permit.³⁰²

³⁰¹ **Code 1989, § 13-159. Regulatory fee required.** We recommend adding the generic language for purposes of internal consistency and for ease of modification. *City elected to keep fee provision as is.*

³⁰² *Modified pursuant to City's request.*

(Code 1989, § 13-160; Ord. No. 497, § I, 6-17-2002)

Sec. 48-34. Violations.

- (a) Repeated violations of traffic laws or ordinances, or of any ordinance provision regulating the conduct of taxicab drivers, shall be cause for revocation of said permit to operate in the city.
- (b) It is a violation and grounds for suspension or revocation of an operator permit for any operator to:
- (1) Commit more than three traffic infractions within any 12-month period;
 - (2) Be found guilty of a felony;
 - (3) Be guilty of reckless driving or driving or being in physical control of a vehicle while under the influence of alcohol or drugs;
 - (4) Fail to deliver to the city police department within 24 hours any property of value left in a vehicle;
 - (5) Allow a person to alight from the vehicle while it is in motion, or discharge a passenger at any place other than the curb or pavement edge;
 - (6) Allow a passenger to consume alcohol, intoxicating substances, or other controlled substances in the vehicle;
 - (7) Transport a passenger to a destination by a route that is not the safest and most direct, unless the passenger specifically authorizes such alternate or indirect route;
 - (8) Pick up any additional passengers without the express consent of the original passenger;
 - (9) Refuse to pick up as a passenger any person of proper deportment when the vehicle is available, or discriminate against any person because of race, religion, national origin, sex, marital status, age, or mental or sensory handicap;
 - (10) Activate the meter when the vehicle is not engaged or fail to activate the meter at the beginning of each trip, unless the trip is made under contract;
 - (11) Activate equipment indicating the vehicle is engaged when it is not, or fail to activate such equipment when the vehicle is engaged;
 - (12) Engage in any unfair or deceptive acts or practices.

(Code 1989, § 13-161; Ord. No. 497, § I, 6-17-2002; Ord. No. 523, § 8, 3-3-2003)

Sec. 48-35. Enforcement and penalty.

- (a) The police department and the code enforcement office shall enforce the regulations contained in this article.
- (b) Violations of the provisions of this article shall be punished according to the penalties described in section 1-8. ~~by the payment of fines up to one thousand dollars (\$1,000.00).~~ Each separate occurrence shall be deemed a separate offense.³⁰³
- (c) The violation of the provisions of this article by any person, corporation, partnership or other entity may be enjoined by instituting appropriate proceedings for injunction in the courts of competent jurisdiction in this state. Such actions may be maintained notwithstanding that other adequate remedies at law exist. Such actions may be instituted in the name of the city.
- (d) Violations of any provision of this article by any permit holder shall be due cause for revocation of any city permit or certificate, after notice and hearing before the city municipal court.

(Code 1989, § 13-162; Ord. No. 497, § I, 6-17-2002)

³⁰³ **Code 1989, § 13-162. Enforcement and penalty.** We recommend modifying the language of this provision for purposes of internal consistency with the general penalties clause in the General Provisions chapter. *Change accepted by City.*

Sec. 48-36. Miscellaneous.

Nothing in this article shall be deemed to prohibit the charging of a flat rate for trips to and from Hartsfield International Airport, provided that such flat rates are conspicuously posted on the taxicab or set forth on a rate card provided to the customer prior to the trip.

(Code 1989, § 13-163; Ord. No. 523, § 9, 3-3-2003)

~~**Editor's note**—Ord. No. 523, § 9, adopted March 3, 2003, amended the Code with the addition of a new section 13-63. In order to avoid the duplication of sections, the provisions of said ordinance have been included herein as section 13-163 at the discretion of the editor.~~

PROOFS



City Council Meeting STAFF REPORT

Submitting Department: Administration
Submitted By: James Drinkard
Meeting Date: May 7, 2018

I. AGENDA ITEM TITLE: CONSIDERATION: ITS MY TOWN MOBILE APP

II. RECOMMENDATION:

Staff recommends authorization of Staff to work with ITsimple to finalize contract details and implementation of a branded ItsMyTown mobile app as a pilot program and requests authorization of the Mayor to execute all necessary documents.

III. BUDGET IMPLICATIONS:

BUDGETED ITEM: NO

FISCAL IMPACT: YES

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT
FY OPRT. BUDGET: NO

TOTAL PROJECT COST:

PERIOD	COST STRUCTURE
SETUP / LAUNCH	\$1
YEAR 1	\$1 PER YEAR
YEAR 2	\$1 PER YEAR
YEAR 3	\$3,600 PER MONTH
YEAR 4	\$3,600 PER MONTH
SUBSEQUENT YEARS	25% DISCOUNT OFF OF LIST PRICE FOR CITIES OF THE SAME POPULATION SIZE

APPROPRIATIONS:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

EXTERNAL FUNDING SOURCES:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT

IV. REPORT IN BRIEF:

Mobile smart devices and mobile internet services are changing the way we do things and how we connect with people and organizations. Today, 80% of internet users own a smartphone and spend, on average, 69% of their media time on those devices. Over 50% of smartphone users grab their device immediately after waking up.

The City of Alpharetta has been ahead of these trends. Our website, which was launched nearly five years ago, was designed with a mobile-first mindset and featuring responsive design that provides a seamless experience across all devices. In fact, the design, organization, and functionality of our website, which was very unique at the time of launch, can now be seen reflected in many award-winning sites; both in the public and private sector. Plans are now underway to position the City's website to be optimized for and best leverage emerging trends in voice search technology in the mobile and home environments.

As we position the website to remain on the forefront of technology and consumer trends, however, the City must also recognize that mobile apps can play an important role in our online presence. In 2016, mobile apps accounted for 89% of

mobile media time. While the majority of this can likely be attributed to mobile gaming apps, 26% of consumers started mobile online research with a mobile app. For this reason, Staff has been exploring the potential for creating a mobile app to capture that segment of the mobile market that would prefer using an app over a mobile-first website.

There are two primary ways in which the City could secure an app for our purposes; creation of a custom app or subscription to a pre-built app that is branded for Alpharetta. Each has its advantages and disadvantages.

APP TYPE	ADVANTAGES	DISADVANTAGES
Custom Design	Provide exact services / features wanted	
	Better integration with existing systems	Longer time to market
	Unique design functionality	Higher upfront costs
	Typically lower long-term cost	Ongoing code maintenance
	More control	
Subscription or Pre-Existing		Less integration with existing systems
	Faster time to market	More manual day-to-day content management
	Lower upfront cost	Higher long-term costs
	Easier code maintenance	Less control

A local company, ITsimple, has created a multi-functional mobile app launched as ItsMyTown. The app is well-organized, has an attractive design and user interface, and offers many features that would be attractive to end users. While it is not currently designed to integrate with existing systems such as the content management system for our website, our City Works workorder management system, current online payment portal, or public financial dashboard, ITsimple has expressed willingness to explore such integration. The ItsMyTown app could, however, is already largely branded for use by the City of Alpharetta, includes considerable content, and could be quickly launched for use by the public.

As the ItsMyTown app is a new product, ITsimple has offered a proposal whereby the app would be made available to the City at almost no cost for the first two years. In its current configuration, the app would be setup for the City at a cost of \$1 and would be available for our use for an annual subscription price of \$1 for each of the first two years of subscription. If the subscription is continued for years three and four, the subscription price would increase to a maximum of \$3,600 per month (annual cost of \$43,200). For subsequent years, ITsimple will offer the City of Alpharetta a 25% discount off the list subscription price for cities of the same size in population as Alpharetta.

If City Council wishes to pursue a subscription-based model, Staff recommends pursuing a pilot program with ITsimple for an Alpharetta-branded ItsMyTown mobile app. The ideal contract would be for a period of two years with three optional one-year extensions. This would provide opportunity for proof of concept and measurement of app usage and value so that the City can determine if continuation of the relationship advances the City's goals and strategies.

V. ALTERNATIVES:

Staff could continue to research other subscription-based mobile apps or develop and release a Request for Proposals for development of a customized mobile app.

VI. ATTACHMENTS:

Proposal From ITSimple - Its My City Mobile App

May 2, 2018

Mr. Bob Regus, City Administrator

Mr. Tom Harris, Finance Director

CITY OF ALPHARETTA

2 Park Plaza

Alpharetta, GA 30009



Re: ITsMyTown City App Letter of Understanding

Dear Bob and Tom,

Thank you for your support in bringing the ITsimple offer to the City Council meeting for approval and authorization for the Mayor to enter into a contract with ITsimple LC.

ITsimple is proposing usage subscription for the ITsMyTown City Platform that includes a mobile city app and customer portal.

ITsMyTown City Platform

The Mobile App currently contains the following city content, user options:

- Essential City Places and Parks
- City Events and Activities
- News from the City
- 311 reporting
- City Directory
- User Notifications
- From the Mayor's Desk (To be extended to Councilman and City Administrator sections)

The Customer Portal contains the following City Staff user options:

- Secure Access to ITsMyTown Content Management System
- Multi Factor authentication system (User Login Credentials AND a unique Personal Mobile Code)
- Segregated access, based on City Department and staff user permissions and authorization
- For the City of Alpharetta, ITsimple offers unlimited number of users

ITsimple will provide full maintenance and support for the platform and the City Staff:

- Mobile - Continuous device and operating systems updates (IOS and Android)
- Portal - Ongoing maintenance
- All platform's supporting systems and Infrastructure

For the City of Alpharetta staff, ITsimple will provide free customer portal training as needed, either virtual or onsite anywhere at the Alpharetta city facilities.

ITsimple is offering setup and implementation for \$1, and a two year subscription for \$1 per year, against a contract and purchase order with full cooperation from the City in the following: a) promoting the mobile app on the City online resources (Website, Social Media) and marketing materials; b) at City public events and appearances; c) a timely implementation process, for city content ownership and management, and integrated 311 reporting services.

ITsimple will honor a reduced rate for the City of Alpharetta, for years 3 and 4, not exceeding \$3,600 per month. For subsequent years, ITsimple offers a 25% discount off list price for cities of the same size in population as Alpharetta.

We look forward to showcase our partnership with the City of Alpharetta, the Technology City of the South, as our hometown and the first city to take advantage of providing its residents, visitors and daily commuters with the ITsMyTown City App.

Better together - we are **Connecting City and Community!**

Sincerely,

Ron Freeman

Founder

ITsimple

Ron@ITsimple.io

408-718-1603, cell



City Council Meeting STAFF REPORT

Submitting Department: Finance

Submitted By: Thomas Harris

Meeting Date: May 7, 2018

I. AGENDA ITEM TITLE: RESOLUTION TO AMEND THE RETIREE HEALTH PLAN

II. RECOMMENDATION:

Please approve the Resolution amending the Retiree Health Plan to provide for a reimbursement benefit.

III. BUDGET IMPLICATIONS:

BUDGETED ITEM: YES

FISCAL IMPACT: YES

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT
FY OPRT. BUDGET: NO

TOTAL PROJECT COST:

THE CITY'S CONTRIBUTION TO THE TRUST OF 2% OF PAYROLL (APPROXIMATELY \$550K) WILL BEGIN IN FISCAL YEAR 2019. THE 2019 BUDGET ALSO INCLUDES TRANSFERS FROM EXCESS RESERVES IN OUR MEDICAL INSURANCE FUND TO THE TRUST (\$1.5 MILLION).

APPROPRIATIONS:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>

EXTERNAL FUNDING SOURCES:

<u>ACCOUNT TITLE/NUMBER</u>	<u>DOLLAR AMOUNT</u>

IV. REPORT IN BRIEF:

The City currently has a Retiree Health Plan and Trust for retiree health coverage to those who retire and choose to fully pay 100% of the premium costs. In an effort to match the retirement packages provided by our neighboring cities, the retiree health plan is being amended to provide for a health reimbursement benefit to be used by the retiree to offset his/her eligible medical expenses. This benefit will assist the City in attracting and retaining exceptional employees.

The City's contribution is discretionary but currently defined at 2% of payroll and is not tied to future investment returns nor health care costs. The retiree must have worked for the City 15 years and be 55 or older to receive a benefit. The benefit amount will be determined and adjusted from time to time by the Trustees (same as Pension Board), based on actuarial studies.

This benefit: will match retirement funding levels provided by surrounding cities; meets a need that all retirees face (health care costs); is tax free under the IRS Code; rewards long-term employees helping with retention; is the same for all wage earners; and as stated above, carries no risk to the City (market or healthcare trends).

V. ALTERNATIVES:

VI. ATTACHMENTS:

Retiree Health Plan Amendment (Reimbursement Benefit)

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA
TO AMEND THE CITY'S RETIREE HEALTH PLAN
TO PROVIDE A HEALTH REIMBURSEMENT BENEFIT**

WHEREAS, the City of Alpharetta (the "City") sponsors The City of Alpharetta Retiree Health Plan (the "Plan"); and

WHEREAS, the City desires to amend the Plan to provide for a certain reimbursement arrangement to eligible retirees as provided for in the attached Plan amendment (the "Reimbursement Benefit").

NOW, THEREFORE, IT IS HEREBY

RESOLVED, that, based on recommendations of the staff, the Mayor and Council have determined it is in the City's best interests to amend the Plan to include the Reimbursement Benefit in the Plan; and **IT IS**

FURTHER RESOLVED, that the Amendment to the Plan is hereby adopted and approved, substantially in the form attached hereto as Exhibit A; and **IT IS**

FURTHER RESOLVED, that the Mayor, the Trustees of the City of Alpharetta OPEB Trust Agreement (the "Trust"), and such other representatives of the City as may be appropriate are authorized and designated to execute all documents, letters, consents and other instruments necessary to effectuate the adoption of the Amendment to the Plan attached hereto as Exhibit A, and to otherwise integrate the provisions of such Amendment into the Plan's governing documents, as appropriate.

[Signature page follows]

SO RESOLVED, this ____ day of _____, 2018.

THE CITY OF ALPHARETTA

By: _____

COUNCILMEMBERS

Attest:

City Clerk

EXHIBIT A

[*See attached.*]

AMENDMENT TO THE CITY OF ALPHARETTA RETIREE HEALTH PLAN

This Amendment to the City of Alpharetta Retiree Health Plan (the “**Plan**”) is hereby effective immediately upon adoption (the “**Effective Date**”).

WHEREAS, the City of Alpharetta (the “**City**”) sponsors the Plan; and

WHEREAS, the City desires to amend the Plan pursuant to Section 9.1 of the Plan to provide for a certain reimbursement arrangement to eligible employees as provided for the attached Plan amendment.

NOW, THEREFORE, the City does hereby amend the Plan as of the Effective Date, as follows:

1. By deleting Section 1.2 of the Plan in its entirety and replacing it with the following new Section 1.2:

Section 1.2 Purpose and Intent. The purpose of the Plan is to enable retirees to obtain medical, vision and dental benefit coverage for themselves and their spouses and eligible dependents (the “**Health Benefit**”). In addition, the Plan provides certain eligible retirees with a retiree-only health reimbursement arrangement (the “**Reimbursement Benefit**”). The Plan is intended to meet all applicable requirements of the Code, as well as rulings and regulations promulgated thereunder.

2. By deleting Article II of the Plan in its entirety and replacing it with the following new Article II.

ARTICLE II. ELIGIBILITY AND PARTICIPATION

Section 2.1 Eligibility for Health Benefit. Each Retiree is eligible to participate in the Health Benefit upon Retirement from the Employer concurrently with termination of employment. Retirees must elect to participate in the Plan within 30 days of Retirement. The Health Benefit provided under the Plan for electing Retirees shall be those that were elected by the Retiree under the Health Plan at the time of the Retiree’s termination of employment; provided, however, that Dependents of a Retiree shall be eligible for Health Benefits under the Plan only if they have been covered under the Health Plan for at least ten years prior to the Retiree’s termination of employment, or if they gained coverage under the Health Plan due to a qualifying event under the Health Insurance Portability and Accountability Act of 1996 (“**HIPAA**”). Former Employees who do not elect to Retire immediately upon their termination of employment with the City are not eligible to participate in the Health Benefit.

Section 2.2 Initial Enrollment for Health Benefit. Within 30 days of becoming a Retiree, or such other time as prescribed by the Plan Administrator, each Retiree may elect to participate in the Health Benefit under the Plan (including participation for any of

his or her Dependents who are eligible for coverage under Section 2.1) by filing with the Plan Administrator a form evidencing such election and providing for the payment of the required Participant Contributions for the Health Benefit under the Health Plan, as described in Section 1.3(n), in the time, manner and form specified by the Plan Administrator.

Section 2.3 Termination of a Participant from Health Benefit. Notwithstanding the provisions of Sections 2.5 below, a Participant will cease being a Participant in the Health Benefit, and benefits under the Health Benefit shall cease, upon the earliest of the following events:

- (a) the first day as of which an individual no longer qualifies as a Dependent of the Participant under the Plan;
- (b) the first day of coverage for which any Participant Contribution has not been paid and received by the Employer;
- (c) the day as of which a Retiree elects, in writing, to discontinue his or her participation in the Health Benefit;
- (d) the day the City discontinues the Health Benefit or otherwise terminates the Plan; or
- (e) the date the Retiree attains age 65.

Section 2.4 Compliance with COBRA. This Plan is intended only for the purpose of providing benefits to Retirees and their eligible Dependents, and not for the benefit of current Employees. A Retiree must choose whether to elect coverage under the Plan, or to elect coverage under the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended (“**COBRA**”). A Retiree electing coverage under the Plan shall not be eligible to elect COBRA at a later date.

Notwithstanding the foregoing, COBRA will be provided as required by law. If a Participant and his or her spouse divorce or if a Dependent otherwise loses eligibility under the Plan, such former spouse or Dependent has the right to elect COBRA coverage. The Plan Administrator will notify each such former spouse and Dependent, if applicable, that continuation coverage under COBRA is available, and provide a more detailed explanation of COBRA rights and an application form. A copy of this information is also available upon request from the Plan Administrator.

In general, former spouses and Dependents will have 60 days to elect continued coverage from the later of the date they are notified of their COBRA eligibility or the date their eligibility to participate in the Plan ends. Such former spouses and Dependents will then have 45 days from the date they submit their application to make their first payment. Note that Plan participation and any required payments will be retroactive to the date participation under the Plan was terminated.

Section 2.5 Health Benefit Contributions. The City reserves the right to modify the Participant Contributions paid by the Retiree for the Health Benefit. The current Participant Cost is 100% of the active Employee premium cost for the Plan.

Section 2.6 Health Benefit Conversion Rights. A Participant who is covered under the Health Benefit for at least one month and whose coverage terminates or will terminate, as described in Section 2.3 above, may have the right to elect to purchase an individual health coverage policy under the terms of the Health Plan. This right may be exercised at the time coverage ceases or after coverage has ceased.

Section 2.7 Reimbursement Benefit. Eligibility, enrollment, and participation requirements for the Reimbursement Benefit shall be set forth in Appendix A.

3. By deleting Section 3.2 in its entirety and replacing it with the following new Section 3.2:

Section 3.2 Health Benefit. The Health Benefit will be paid solely in the form and amount specified in the Health Plan pursuant to the terms of the Health Plan document.

4. By adding the following new Section 3.3 to the Plan:

Section 3.3 Reimbursement Benefit, Funding and Benefits. The funding and benefits of the Reimbursement Benefit are set forth in Appendix A.

5. By removing reference to “ERISA,” including any specific references to Sections or provisions of ERISA, in the following Sections of the Plan: Section 1.3, Section 5.1, Section 5.2, and Section 6.4.

6. By adding the following new Appendix A to the Plan:

Appendix A **Retiree Health Reimbursement Arrangement**

1. Purpose and Effective Date. This Appendix A shall be effective as of the Effective Date. This Appendix A sets forth the eligibility, enrollment, funding and participation requirements for eligible retirees to obtain reimbursement for health insurance premiums, medical expenses pursuant to a retiree-only health reimbursement arrangement (the “**Reimbursement Benefit**”). The Plan is intended to meet all applicable requirements of the Code, as well as rulings and regulations promulgated thereunder. Capitalized terms not defined herein shall be defined in the Plan. Notwithstanding any other provision in this Plan or Appendix to the contrary, no benefits shall be paid under this Reimbursement Benefit until the two year anniversary of the first day of the City’s fiscal year immediately following the Effective Date.

2. Eligibility and Participation.

(a) Eligible Employees. An Employee (other than an Elected Member, as defined below) shall be eligible for and shall participate in the Reimbursement Benefit on or after the first month following the date the Employee:

- (i) has terminated from City employment;
- (ii) has attained age 55;
- (iii) was an active Employee on or after the Effective Date;
- (iv) has at least 15 years of Vesting Service under the Pension Plan (as defined therein), or if the Employee is not a participant in the Pension Plan, then Years of Service for vesting under the Savings Plan (as defined therein); and
- (v) has submitted an application for benefits on the form provided by the City.

Each Employee who meets these requirements shall be referred to herein as a **“Participant.”**

(b) Elected Members. Notwithstanding the foregoing, if the Employee is or ever was an elected member of the Governing Authority (as defined in the Pension Plan) (as used herein, **“Elected Member”**), then such Employee shall become a Participant under the Reimbursement Benefit on or after the first month following the date the Employee:

- (i) has terminated from City employment;
- (ii) has attained age 55;
- (iii) was an active Employee on or after the Effective Date;
- (iv) has at least 8 years of Vesting Service under the Pension Plan (as defined therein), or if the Elected Member is not a participant in the Pension Plan, then Years of Service for vesting under the Savings Plan (as defined therein), provided that only service as an Elected Member shall count towards service for this purpose; and
- (v) has submitted an application for benefits on the form provided by the City.

(c) Dependents. A Participant may also receive reimbursement under the Reimbursement Benefit for eligible expenses incurred by a spouse or Dependent. For purposes of the Reimbursement Benefit and as used in this Appendix A only, “dependent” means a dependent as defined in Code Section 105(b).

(d) Rehired Employees. If an Employee is rehired by the City, then the Employee shall continue to accrue service credit for purposes of the eligibility provisions set forth in

Section 2 of this Appendix A and the benefit provisions of Section 5 of this Appendix A, in accordance with the Vesting Service provisions of the Pension Plan, or if the Employee was not a participant in the Pension Plan at the time of his or her preceding separation, then the Years of Service for vesting provisions under the Savings Plan. If an Employee is rehired after becoming a Participant, then the benefits provided under Section 5 of this Appendix A to such Participant and his or her spouse and any Dependents shall be suspended until such Participant again terminates employment with the City.

3. Termination of Reimbursement Benefit. A Participant will no longer be eligible for the Reimbursement Benefit for expenses incurred after the first of the following to occur:

(a) with respect to expenses incurred by a spouse or Dependent of a Participant, the date such spouse or Dependent, as applicable, dies, or if sooner, the date such individual ceases to be a spouse or a Dependent;

(b) the date the Participant dies; and

(c) the date the Reimbursement Benefit is discontinued or the Plan is terminated.

4. Contributions. The City shall make discretionary contributions to the Trust to fund the Reimbursement Benefit. The City's initial contribution for the first fiscal year commencing after the Effective Date shall be 2% of all Employees' (including Elected Members') annual regular wages. Notwithstanding the foregoing, the City's actual contribution may be increased or decreased from time to time, as determined by the City in its sole discretion.

5. Reimbursement Benefit Amount.

(a) Monthly Amount. Participants shall be eligible to receive reimbursement for eligible expenses incurred up to a limit, which shall be determined on a monthly basis (the "**Monthly Amount**"). The Monthly Amount shall equal the following:

- (i) The sum of (1) the Participant's years of service not to exceed 25 (determined below) divided by 25, multiplied by the Maximum Monthly Amount for the applicable month (determined below) plus (2) any unused Monthly Amount from prior months.
- (ii) Notwithstanding the foregoing, if the Participant is eligible due to his or her service as an Elected Member, then the Monthly Amount shall be equal to the sum of (1) 75% of the Maximum Monthly Amount if the Participant has at least 12 years of service or 50% of the Maximum Monthly Amount if the Participant has at least 8 years of service (as determined below), plus (2) any unused Monthly Amount from prior months.

For this purpose, a Participant's "years of service" shall mean Vesting Service under the Pension Plan (as defined therein), or if such Participant was not a participant in the Pension Plan,

then “years of service” shall mean Years of Service for vesting under the Savings Plan (as defined therein). In addition, for purposes of determining “years of service” for an Elected Member, only years of service as an Elected Member shall count. Further, notwithstanding the foregoing, a Participant’s “years of service” shall only include up to 15 years of service prior to the Effective Date for Employees (not Elected Members), and up to 8 years of service prior to the Effective Date for Elected Members.

The Maximum Monthly Amount shall be determined and adjusted from time to time by the Trustees of the Trust in their sole discretion. The Monthly Amount applies to each Participant, spouse, and any other Dependent(s) of the Participant on an aggregate, not an individual, basis. If the Monthly Amount is not used, any remaining balance will be carried forward to the following month, without interest, until participation is terminated as set forth in Section 3, above.

(b) Eligible Expense Reimbursements. Only eligible expenses may be reimbursed under the Reimbursement Benefit. An “eligible expense” is an expense for the payment of medical expenses set forth under Section 213(d) of the Code, as allowed by law, incurred by the Participant or a spouse or Dependent of the Participant. Furthermore, to be an eligible expense, the expense:

- (i) must be “incurred” while the individual is a Participant; and
- (ii) must be “incurred” for or on behalf of the Participant.

For this purpose, an expense is “incurred” when the service that gives rise to the expense has been provided, not when the service is billed or paid.

(c) Submitting Expenses for Reimbursement. Participants must submit claims for reimbursement to the Claims Administrator via paper or web claim form that will be supplied within 1 year of the date such claim was incurred. The claim form will typically require:

- (i) the amount, date and nature of the expense,
- (ii) the name of the person or entity to which the expense was paid,
- (iii) a statement that the expense has not been reimbursed or is not reimbursable through any other source, and
- (iv) such other information as the Claims Administrator may require.

Participants shall also be required to submit copies of bills or receipts from the provider(s) to support all claims.

The Claims Administrator will reimburse claims from the Plan within a reasonable period of time, and in any event within forty-five (45) days, after its receipt of a Participant's timely, properly completed, and reimbursable (pursuant to the terms of this Plan) claim. Incomplete claims or claims not submitted on the supplied claim form shall be deemed not filed. **Claims not properly submitted within 1 year of the date on which such claims were incurred shall not be reimbursable under the Plan.**

(d) Payment of Reimbursement. Reimbursement up to the Monthly Amount shall be paid to Participants monthly, so long as such expenses are timely submitted in accordance with Section 5(c) of this Appendix A, until participation is terminated as set forth in Section 3, above.

All payments will be sent to the applicable Participant's last known address unless and until the Participant provides written notice of a change of address to the City. If any payment is returned to the Plan as a result of the failure of the Participant to provide a change of address, no further payments will be made unless and until the Participant provides written notice of the change of address to the City.

6. Coordination of Benefits. Article IV of the Plan shall not apply to the Reimbursement Benefit.

7. Applicability of Other Plan Provisions. Except as provided for or as modified herein, the remainder of the Plan provisions shall apply to the Reimbursement Benefit. The Reimbursement Benefit does not vest. The City has expressly reserved the ability to discontinue contributions or otherwise modify or terminate the Reimbursement Benefit at any time in its sole discretion.

Except as specifically provided herein, the Plan shall remain in full force and effect as prior to this Amendment.

[Signature Page Follows]

IN WITNESS WHEREOF, the City has caused this Amendment to be executed as of the Effective Date.

THE CITY OF ALPHARETTA

By: _____

Name: _____

Title: _____

Approved as of Form:

By: _____
City Attorney

11575253



City Council Meeting STAFF REPORT

Submitting Department: Finance

Submitted By:

Meeting Date: May 7, 2018

I. AGENDA ITEM TITLE: PRESENTATION AND DISCUSSION: RECOMMENDED FISCAL YEAR 2019 BUDGET (OPERATIONS / CAPITAL)

II. RECOMMENDATION:

The purpose of this presentation is to provide an overview of the Recommended Annual Operating and Capital Budget (the "FY 2019 Budget") and allow for a question and answer dialogue.

III. REPORT IN BRIEF:

The Fiscal Year 2019 Budget was distributed electronically to the City Council on April 30, 2018, and is available on the City's website.

Tom Harris, Finance Director, will be presenting an overview of the FY 2019 Budget.

IV. ALTERNATIVES:

V. ATTACHMENTS:

FY 2019 Mayors Recommended Budget (line-item excerpt)



EXCERPT

2 PARK PLAZA
ALPHARETTA, GA 30009
PHONE: 678.297.6000
WWW.ALPHARETTA.GA.US

April 30, 2018

To the City Council and Citizens of Alpharetta:

We are pleased to present our Annual Operating and Capital Budget (line-item budget detail) for Fiscal Year 2019 (the "Budget") of the City of Alpharetta, Georgia. Our recommendations are based on direction provided at the City Council Retreat as well as a thorough review of our current financial status, revenue trends, economic data, and our standard of providing top level service while maintaining our focus on keeping Alpharetta an affordable option for our citizens and stakeholders.

This budget is the culmination of years of financial stewardship by the City Council, City Administrator, city departments, and includes the following:

- ✓ Tax-burden reductions for our homeowners and business owners including:
 - Maintenance of the city's \$40,000 homestead exemption which saves our homeowners \$2.6 million annually. This savings equates to a 1.3 mill reduction for the average homeowner (see section entitled *Taxpayer Savings* for more information).
 - Maintenance of the city's millage rate at 5.750 mills (flat with FY 2018) including funding \$4.5 million from General Fund operations for recurring capital initiatives (e.g. milling and resurfacing of city streets; traffic equipment replacement; drainage maintenance; etc.).
- ✓ Focus on employee recruitment and retention through: (1) a reduction in group insurance premium costs to our employees via an increase in the HSA/HRA contribution made by the city to employees (increase in contribution varies between 25% to over 50%); (2) Addition of a new post-employment healthcare benefit to assist our employees in funding one of their primary cost drivers in retirement, healthcare. This benefit will require a minimum 15-year vesting (maximum benefit achieved at 25-

MAYOR PRO TEM
DONALD F. MITCHELL

COUNCIL MEMBERS
JASON BINDER
BEN BURNETT
DAN MERKEL

CITY ADMINISTRATOR
ROBERT J. REGUS

years¹) which will further assist in not only recruitment, but also retention of our most valuable assets, our employees.

- ✓ Forecasted funding totaling \$23 million for capital investment within our city (includes the \$4.5 million in recurring capital discussed above) and described in detail under the *Capital Initiatives* section of this report.
- ✓ Continuation of the same high service levels our citizenry, business owners, and stakeholders have to expect from our city.
- ✓ Expanded service levels within multiple departments are available for your review and described in detail under the *Operating Initiatives* section of this report.

BUDGET PROCESS AND OVERVIEW

The Fiscal Year 2019 Budget process was refined through an update of the city's financial condition which was presented during the City Council retreat (January 28-29, 2018). During this update, a financial plan was established which prioritized the use of available fund balance to most effectively position the city for financial success in the future. This information was also shared with the city's department directors during the budget review process.

As provided monthly to the City Council through the Financial Management Reports, the Finance Department has closely monitored our revenue and expenditure trends, indicating spending would continue to be closely managed for FY 2018 to ensure operations are funded at an acceptable level while also maximizing available funding for recurring capital initiatives (e.g. milling and resurfacing of city streets, stormwater maintenance, etc.). Accordingly, the Finance Department analyzed departmental spending needs and calculated target budgets for each department. City departments responded to the direction provided by the Finance Department and submitted base operating budgets (non-personnel) for each activity and program in line with current revenue estimates that cover the city's primary cost drivers (e.g. personnel compensation, healthcare, etc.).

The FY 2019 Budget is balanced for all funds and totals \$128 million with the breakdown by fund type as follows:

– General Fund:	\$ 72,188,199
– Special Revenue Funds:	12,729,700 (A)
– Debt Service Fund:	5,473,513
– Capital Project Funds:	21,480,065 (A)
– Solid Waste Fund:	4,017,954
– Risk Management Fund:	1,450,500
– Medical Insurance Fund:	8,670,457
– OPEB Trust Fund:	<u>2,155,000</u>
Total	\$128,165,388

(A) Amounts contained herein represent new appropriations for FY 2019. Unexpended FY 2018 appropriations for Council approved projects are re-appropriated annually pursuant to city policy.

¹ Credited years-of-service for current employees will count towards vesting (subject to a maximum of 15-years).

Several of the major points of the FY 2019 Budget are as follows:

- Property Taxes: The FY 2019 Budget is based on maintenance of the city's millage rate at 5.750 mills.

The property tax revenue estimates are net of the city's \$40,000 homestead exemption which saves our homeowners \$2.6 million annually (e.g. equates to a 1.3 mill reduction for the average homeowner). The city's homestead exemption is more than double the amounts offered from our companion cities and goes great lengths in keeping Alpharetta an affordable place to live and raise a family.

- Operating expenditures of the General Fund are up 4% over FY 2018. This figure includes the operating initiative funding for FY 2019². After adjusting for the operating initiative funding, **the base operational growth totals 3%**.
 - Management of personnel and compensation program to align with current market environment:
 - ✓ Staffing level at 443.5 full-time equivalents (down one position from FY 2018; reduction of a vacant Deputy Clerk II position within Municipal Court).
 - ✓ Continuation of a performance-based merit program of 3% on April 1, 2019, per authorized/funded position (estimated cost of \$250,000 citywide³) as well as the annualized financial impact of the Public Safety Department personnel reorganization that initiated in FY 2018 (estimated cost of \$50,000). The merit program is contingent upon a mid-year review of revenue trends to determine if sufficient funding is available. Research of national and local wage growth data indicates the 3% rate is a responsible average (i.e. not among the highest or the lowest).
 - ✓ Coverage of group insurance premiums including an increase in the HSA/HRA contribution made by the city to employees (increase in contribution varies between 25% to over 50%). However, premium growth is flat overall and less than the market growth for comparably sized entities due to city claims patterns that are trending less than the industry standard.
 - ✓ Addition of a new post-employment healthcare benefit to assist our employees in funding one of their primary cost drivers during retirement, healthcare. Forecasted costs for this benefit include a one-time transfer of available funding within the Medical Insurance Fund (\$1.5 million) and the inclusion of annual funding within departments approximating 2% of payroll (\$550,000 citywide). This benefit will require a minimum 15-year vesting

² Please refer to the Operating Initiatives section of this document for detailed descriptions).

³ This represents the financial impact in FY 2019 (i.e. April-June 2019).

(maximum benefit achieved at 25-years⁴) which will further assist in not only recruitment, but also retention of our most valuable assets, our employees.

- Targeted growth (2% or \$302,923) in departmental maintenance and operations budgets (General Fund).
- The departmental operating capital/lease budget primarily represents funding for the city's capital lease obligations (fire trucks, public works and community development software, etc.) coupled with minor maintenance capital needs. The capital lease for the Finance Department accounting software was fully paid during FY 2018 which is the primary cause of the decrease in funding requests for FY 2019.
- The Other Uses category includes the following: contingency (approximately 1% of the operating budget); Risk Management claims funding (this allocation represents funding for insurance premiums; funding for claims and administration/brokerage fees has been allocated to departments through the personnel services category); funding of debt service on the Gwinnett Technical College contribution (Alpharetta campus); and continuation of funding for the Friends of the Library (\$10,000).

Please refer to the *Budget Narrative* tab for a detailed narrative of the FY 2019 Budget, including a multi-year personnel listing by department.

BUDGET HEARINGS

As set forth under Georgia law and the City Code, citizen input is solicited during the process of adopting the budget through publicly advertised meetings as follows:

- April 30, 2018: Distributed the FY 2019 Mayor's Recommended Budget
- May 7, 2018: Council Meeting
Finance Department Presentation
FY 2019 Budget Work Session (operating and capital)
- May 21, 2018: Council Meeting
Finance Department Presentation
FY 2019 Budget Work Session (capital)
- June 4, 2018: Public Hearing and Council Meeting
- June 11, 2018: Public Hearing and Council Meeting
1st reading of Budget Ordinance
1st reading of Millage Rate Ordinance
E-911 Resolution
- June 18, 2018: Public Hearing and Council Meeting
2nd reading of Budget Ordinance
2nd reading of Millage Rate Ordinance

As of the date of this letter, the City has not received a 2018 Tax Digest from the Tax Commissioner of Fulton County. However, the County has committed to its cities to provide tax digest valuations by mid-May.

⁴ Credited years-of-service for current employees will count towards vesting (subject to a maximum of 15-years).

BUDGET ISSUES AND PRIORITIES

The FY 2019 Budget formalizes numerous key financial factors which have been themes for several years within the government:

- Bond ratings;
- Sustainability of existing services;
- Cost of government;
- Taxpayer savings;
- Debt service payments;
- Expansion of departmental service levels;
- Maintaining an effective capital improvement program;
- Proper use of fund balance; and
- Funding recurring capital from operating budget.

Bond Ratings

The city's AAA bond rating was reaffirmed by *Moody's* and *Standard & Poor's* ("S&P") during July 2016 in conjunction with the sale of \$51 million (par) of City of Alpharetta General Obligation Bonds, Series 2016, for improvements aimed at alleviating traffic congestion, expanding sidewalk connectivity, improving park amenities, extending the Big Creek Greenway north to connect with Forsyth County's Greenway, and securing parkland for future active and passive park systems.

The AAA rating represents the highest rating available to municipalities and translates to significant savings to our citizens and stakeholders through reduced borrowing costs. This rating demonstrates the strongest creditworthiness relative to other US municipal or tax-exempt issuers and reflects the city's current sound financial position as well as strong financial management practices guiding our ongoing decision making. These practices are supported by formal policies to guide budget and procurement practices, capital investment, and debt management. Other positive factors include a relatively strong economic base, moderate debt burden, and manageable capital needs. The FY 2019 Budget is mindful of these factors and the importance of maintaining the highest rating, not only for our citizens but also our bondholders. Alpharetta is one of only 221 (*Moody's*)/336 (*S&P*) cities in the United States to earn an AAA bond rating.

S&P raised the city's Financial Management Assessment score from "good" to "strong" based on the city's formalized long-term financial projections (operations and capital) during 2016. *Moody's* reaffirmed the city's AAA bond rating in March 2018 and noted: "*Alpharetta's credit position is superior, and its Aaa rating far surpasses the median rating of Aa3 for cities nationwide. Notable credit factors include a very strong wealth and income profile, an extensive tax base, a robust financial position and affordable debt and pension liabilities*".

Sustainability of Existing Services

The City Council, City Administration, and City Departments have displayed impressive financial stewardship over the years through an established philosophy of budgetary evaluation. This philosophy entails reviewing the needs of the city relative to a standard that services and associated costs should not be appropriated unless they are justified as strategic goals of the organization that serve to accomplish our guiding principles.

This philosophy is the foundation of our budget process as evidenced by the Finance Department's direction to departments that base operating budgets should be submitted in line with the city's revenue trends. City departments responded to the direction provided by the Finance Department and submitted base operating budgets (non-personnel) for each activity and program in-line with current revenue estimates that cover the city's primary cost drivers (e.g. personnel compensation and healthcare).

Cost of Government

The city has historically acknowledged the need to provide a taxation rate commensurate with the government's level of service. The FY 2019 Budget is based on maintenance of the city's millage rate at 5.750 mills. As of the date of this letter, the City has not received a 2019 Tax Digest from the Tax Commissioner of Fulton County. However, the County has committed to its cities to provide tax digest valuations by mid-May. FY 2020 taxroll valuations will be impacted by the floating homestead legislation (House Bill 712), assuming passage by the voters in November 2018, as it will rollback valuations on homesteaded properties (legislation includes a lengthy formula, but most properties will roll back to a

Fiscal Year	Operating Millage Levy	Debt Service Millage Levy	Total Millage Levy	% Increase (Decrease)
2019	4.770	0.980	5.750	0.0%
2018	4.720	1.030	5.750	0.0%
2017	4.620	1.130	5.750	0.0%
2016	5.000	0.750	5.750	0.0%
2015	4.950	0.800	5.750	0.0%
2014	4.870	0.880	5.750	0.0%
2013	4.820	0.930	5.750	0.0%
2012	4.215	1.535	5.750	0.0%
2011	4.215	1.535	5.750	0.0%
2010	4.215	1.535	5.750	0.0%
2009	4.215	1.535	5.750	-8.0%
2008	4.508	1.740	6.248	-5.3%
2007	4.150	2.450	6.600	-5.7%
2006	4.550	2.450	7.000	0.0%
2005	4.700	2.300	7.000	0.0%
2004	4.750	2.250	7.000	-3.2%
2003	4.900	2.330	7.230	-3.3%
2002	5.060	2.420	7.480	-5.1%
2001	4.930	2.950	7.880	0.0%
2000	5.170	2.710	7.880	

2016 base year valuation). However, HB 712 provides an inflationary adjustment factor that should help stabilize property tax revenue for the FY 2020 budget

The table above provides a historical snapshot of millage rate levies.

The portion of the millage rate funding debt service (Debt Service Fund) will decrease from 1.03 mills in FY 2018 to 0.98 mills in FY 2019. Estimated growth in the property tax digest, coupled with available cash in the Debt Service Fund, allows for a reduction in the millage rate dedicated for debt service. The FY 2019 Budget proposes to program the debt service millage reduction into the General Fund.

The portion of the millage rate funding operations and recurring capital investment (General Fund) will increase from 4.72 mills in FY 2018 to 4.77 mills in FY 2019. Property tax revenue estimates for FY 2019 total \$22.5 million (excluding motor vehicle taxes). Of this amount, \$4.5 million is included for a recurring capital program (e.g. milling and resurfacing of city streets; traffic equipment replacement; drainage maintenance; etc.). The capital funding will be transferred to the Capital Projects Fund and Stormwater Capital Fund to properly account for the capital improvement activities.

Taxpayer Savings

The FY 2019 millage rate, coupled with the city's substantial Homestead Exemption, goes great lengths in keeping Alpharetta an affordable place to live and also strategically positions us relative to neighboring areas. The city's homestead exemption totals \$40,000 and saves our homeowners over \$2.6 million annually (e.g. equates to a 1.3 mill reduction for the average homeowner). The city's homestead exemption is more than double the amounts offered from our companion cities.

Debt Service Payments

The city's primary method of funding large scale capital projects is through the issuance of bonds (e.g. general obligation bonds, Development Authority bonds, etc.). General obligation bonds have been issued to fund numerous large scale projects including public safety facilities, parks and recreation facilities, and transportation improvements that continue to define Alpharetta as a desirable community to work and live. The Alpharetta Development Authority, a component unit of the city that is focused on economic development within our borders, issued bonds in 2016 to fund construction of a new state-of-the-art Conference Center. These bonds are funded by a portion of the Hotel/Motel Tax.

Principal and interest payments for fiscal year 2019 are budgeted at \$6.7 million with the following forecast: 2020 - 2041⁵: \$7.2 million (annual average). These figures include city and Development Authority obligations.

⁵ Represents the final maturity of the Series 2016 Alpharetta Parks and Transportation Bonds issued in FY 2017.

Expansion of Departmental Service Levels (Operating Initiatives)

Operating initiative funding totals \$665,000 and is allocated as follows:

Funds Available for Operating Initiatives:

General Fund	\$ 538,000
E911 Fund	\$ 127,000
	\$ 665,000

Recommended Initiatives:	Operations Impact		
	Expenditures (net)	Revenue	Total (net)
Community Development	\$ 93,000	\$ -	\$ 93,000
Public Safety	\$ 74,946	\$ -	\$ 74,946
Recreation, Parks & Cultural Services	\$ 570,054	\$ 200,000	\$ 370,054
E911	\$ 127,000	\$ -	\$ 127,000
	\$ 865,000	\$ 200,000	\$ 665,000

Operating Initiative funding for FY 2019 has been programmed into a non-allocated account within the General Fund and the E-911 Fund pending City Council direction.

Operating Initiatives not recommended for funding total \$1,511,000 and have an associated capital requirement totaling \$412,000. Please refer to the *Operating Initiatives* section for a detailed listing of operating initiatives including descriptions.

Maintaining an Effective Capital Improvement Program (Capital Initiatives)

The FY 2019 Capital Plan includes funding of \$23 million for capital initiatives. As part of the capital planning process, departments submitted capital/one-time initiative funding requests totaling \$23.7 million. Recommended capital projects total \$16.5 million, with an additional \$6.7 million set aside for future capital initiatives, and is described in detail under the *Capital Initiatives* section of this report.

FY 2019 Capital Improvement Program Source and Use

	General Fund	Impact Fee Fund	E-911 Fund	Hotel/Motel Fund	T-SPLST Fund	Subtotal (3)	Other Sources (4)	Total
Sources:								
Available Fund Balance	\$ 6,100,065	\$ 565,000	\$ 73,500	\$ -	\$ -	\$ 6,738,565	\$ -	\$ 6,738,565
(1) Recurring Capital Program	2,825,000	-	-	-	-	2,825,000	-	2,825,000
(1) Recurring Stormwater Capital Program	1,675,000	-	-	-	-	1,675,000	-	1,675,000
Pay-as-you-go Capital Investment	-	45,000	-	451,412	8,160,000	8,656,412	-	8,656,412
(5) Available Fund Balance (Capital Fund)	2,750,000	-	-	-	-	2,750,000	-	2,750,000
(2) Other Sources	-	-	-	-	-	-	575,000	575,000
	\$13,350,065	\$ 610,000	\$ 73,500	\$451,412	\$ 8,160,000	\$22,644,977	\$ 575,000	\$23,219,977
Uses:								
(2) Capital/Grant-Matching	\$ 11,569,815	\$ 232,300	\$ 73,500	\$ 451,412	\$ 3,616,996	\$ 15,944,023	\$ 575,000	\$ 16,519,023
	\$11,569,815	\$ 232,300	\$ 73,500	\$451,412	\$ 3,616,996	\$15,944,023	\$ 575,000	\$16,519,023
Non-Allocated:								
Future Capital/Grant Initiatives	\$ 1,780,250	\$ 377,700	\$ -	\$ -	\$ 4,543,004	\$ 6,700,954	\$ -	\$ 6,700,954

- (1) Represents funding programmed within the General fund budget to cover recurring capital needs (e.g. milling & resurfacing of city roadways, fleet replacement, etc.). All Capital Initiative funding will be transferred and accounted for within the Capital Projects Fund, Stormwater Capital Fund, Impact Fee Fund, E-911 Fund, T-SPLST Capital Fund, Hotel/Motel Fund, and Operating Grant Fund.
- (2) Capital Fund, Hotel/Motel Fund, and Operating Grant Fund.
- (3) Represents capital appropriations included in the base FY 2019 Budget.
- (4) Represents capital appropriations that will be appropriated upon (1) receipt of the funds or (2) receipt of executed grant agreements or comparable documentation in accordance with the FY 2019 Budget Ordinance. Source includes LMIG Grant.
- (5) Represents the FY 2018 Non-Allocated balance within the Capital Project Fund.

Proper Use of Fund Balance

General Fund - Based on audited financial statements for the year ended June 30, 2017, the city's fund balance totaled \$28.5 million. Of this amount, approximately \$8.9 million was appropriated in the FY 2018 Budget for capital/one-time initiatives and \$13.5 million has been designated as an emergency account based on a conservative policy of 21% of total appropriations (i.e. roughly 2½ months of operating expenditures). It has been the city's policy to utilize the remaining fund balance above the emergency requirement for one-time capital expenditures. Available capital/one-time initiative funding resulting from FY 2017 operations totals \$6.1 million.

Funding Recurring Capital from Operating Budget

FY 2019 includes appropriations totaling \$4.5 million within the General Fund for recurring capital initiatives (e.g. milling and resurfacing of city streets; traffic equipment replacement; drainage maintenance; etc.). By programming the capital program into the operating budget, the city is announcing to its citizens and stakeholders that capital investment in our roads and infrastructure is a priority that should be funded with certainty as opposed to relying on fund balance which may or may not be accumulated.

In closing, this budget is committed to continuing our focus on providing effective and efficient savings to our citizens and stakeholders.

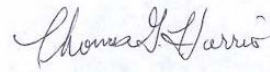
Respectfully Submitted,



Donald Mitchell
Mayor Pro Tem



Robert J. Regus
City Administrator



Thomas G. Harris
Finance Director

OPERATING INITIATIVE **REQUESTS**

City of Alpharetta FY 2019 Budget Operating Initiative Requests

Executive Summary

Funds Available for Operating Initiatives:

General Fund	\$ 538,000
E911 Fund	\$ 127,000
	<u>\$ 665,000</u>

Recommended Initiatives:	Operations Impact		
	Expenditures (net)	Revenue	Total (net)
Community Development	\$ 93,000	\$ -	\$ 93,000
Public Safety	\$ 74,946	\$ -	\$ 74,946
Recreation, Parks & Cultural Services	\$ 570,054	\$ 200,000	\$ 370,054
E911	\$ 127,000	\$ -	\$ 127,000
	<u>\$ 865,000</u>	<u>\$ 200,000</u>	<u>\$ 665,000</u>

Operating Initiative funding for FY 2019 has been programmed into a non-allocated account within the General Fund and the E-911 Fund pending City Council direction. Operating Initiatives not recommended for funding total \$1,511,000 and have an associated capital requirement totaling \$412,000.

RECOMMENDED OPERATING INITIATIVES

General Fund

Community Development

Permit Technician position (1.0 FTE) Net Budget Impact: \$46,500

- net cost of upgrading from the current temporary part-time position -

This request is for one (1) Permit Technician position with Community Development. Funding for a temporary part-time position was approved as part of the FY 2017 Mid-Year Budget and due to departmental workloads, staff is now requesting a permanent full-time position be added.

With the continued growth of commercial and residential building, the front office of the Building Safety Division is struggling to keep pace with the demands of the public and the level of service that is customary. The division averages over 300 walk in customers monthly in addition to being responsible for the data entry of over 110 building permits and 329 trade permits as well as the scanning of thousands of documents in order to maintain electronic documents and continue to move from paper files and filing cabinets. In addition, due to the implementation of the CityWorks software system, staff has found that the process systematically takes a lot more time.

It is no longer feasible for one part-time staff member to undertake and is at present time overwhelming.

This new position is to ensure the Building Safety Division can maintain the level of service to the citizens of Alpharetta that has provided over the years. At present, the part time position is assisting, but the respective Building Official and other staff members undertake much of these tasks during the rest of the time. Hiring this position full time will allow these employees to perform their core operational functions without distractions, improve productivity, perform daily tasks in an efficient, quick manner and maintain exemplary customer service.

Operational costs total \$75,000 (salary/benefits) with no additional operation budget impact as all the necessary equipment was acquired for the current temporary position. However, the current temporary position funding totals \$28,500 leaving a net budget impact of \$46,500 associated with approval of the Permit Technician position.

Administrative Assistant II position (1.0 FTE) Net Budget Impact: \$46,500

- net cost of upgrading from the current temporary part-time position -

This request is for one (1) Administrative Assistant II position with Community Development. Funding for a temporary part-time position was approved as part of the FY 2017 Mid-Year Budget and due to departmental workloads, staff is now requesting a permanent full-time position be added.

With the continued development, the front office of the Planning and Zoning Division is struggling to keep pace with the demands of the public and the level of service that is customary. With the implementation of the CityWorks software system, the front desk is responsible for all data entry upon submittals of zoning certifications, administrative variances, land disturbance permits for both residential and commercial, public hearing applications, design review board submittals, and final plats. This position assists the Zoning Administrator with time consuming file research needed to complete zoning certifications. Since tree permits are now issued solely online, the front desk staff is the main point of contact to assist those customers. These changes have increased the daily task workload significantly and is no longer feasible for one part-time staff member to undertake.

This new position is to ensure the Planning and Zoning Division maintains the level of service to the citizens of Alpharetta that has provided over the years. At present, the part-time position is assisting, but the respective managers and their staff undertake much of these tasks during the rest of the time. Hiring this position full time will allow these employees to perform their core operational functions without distractions, improve productivity and maintain exemplary customer service.

Operational costs total \$75,000 (salary/benefits) with no additional operation budget impact as all the necessary equipment was acquired for the current temporary position. However, the current temporary position funding totals \$28,500 leaving a net budget impact of \$46,500 associated with approval of the Administrative Assistant II position.

Public Safety

Taser Replacement Capital Lease (transfer to General Fund) \$48,946

This request is to transfer the annual capital lease payment for the Taser refresh from the DEA Fund to the General Fund. In September 2015, the City Council approved the replacement of 150 Taser electronic weapons through a capital lease program funded within the DEA Fund. However, since approval in 2015, revenue collection within the DEA Fund has slowed drastically with annual ongoing expenditures (three Police Officer positions and the Taser lease discussed above) being funded partially through reserves (\$375,000 balance as of January 2018), which is unsustainable. This request is for the General Fund to assume the Taser lease obligation with the goal of ensuring the health of the Fund to meet its annual obligation of funding the three Police Officers.

Tactical Patrol Officer Program \$12,000

This request is for approval and funding of the Tactical Patrol Officer Program. This program will focus on training in tactics and forced building entry and equipping the patrol officers to handle the first phase of rapidly developing and fluid tactical related incidents with the goal to keep officers and citizens safe during critical incidents. Operating costs total \$12,000 and include breaching equipment and ballistic shields (two sets of each).

Special Events Team Armor \$14,000

This is a request is for the purchase of 10 Tactical Helmets and 10 Tactical Vests with Steel plates for the Fire Departments Special Events Team (SET). This Team consist of 30 members who provide EMS standby at large events throughout the city. Usually the Team will staff large events with 10 members to provide Emergency services to the citizens and visitors of our city. Due to the increased safety issues that we are seeing worldwide with large events and how they are becoming targets for attacks. This purchase will allow the Department to better protect our SET members and increase safe response capabilities to care for our citizens in an active event.

Recreation, Parks & Cultural Services

Cultural Arts Center Operations Revenues: \$100,000; Expenditures: \$318,454

The request is to launch and support the New Cultural Arts Center that is scheduled to open Fall 2018. The initiative includes Art Programs (instructors, supplies, etc.), lectures and presentations, gallery events, advertising and facility. The funding request includes instructor fees (Fine Arts – drawing, painting, clay, fabric, etc.; Performing Arts – drama, film, music, dance/movement, etc.; Technology Arts – digital photo, photo shop, etc.; as well as writing, culinary, art history, etc.), artist lectures, art shows, utilities, etc. The performance of this event will be measured by the number of registrations for programs, number of attendees at lectures, number of volunteers recruited and number of community organizations involved. Any future impact will be based on the demand for more programs; instructors/supplies to cover the programs; staff to cover the center's hours; facility maintenance; and possible new programs that might require art/technology equipment not currently available at the center. Operational funding totals \$318,454 and includes temporary/seasonal labor (\$58,000) and general operating expenses as detailed above (\$260,454). Forecasted revenue generation from the classes/programs in year one totals \$100,000 leaving a net budget impact of \$218,454.

Cultural Arts Services

Revenues: \$25,000; Expenditures: \$141,600

This request is to launch and support the community through Cultural Services which includes fine arts, performing arts, technological arts; and historic preservation efforts through the history museum, historical markers, historic sites, etc. Community support will be through partnerships that enhance and infuse Alpharetta with culture alongside our new developments. The funding request includes support for the Alpharetta City Band, Alpharetta Community Chorus, Alpharetta Symphony Orchestra, Alpharetta Arts, etc. The performance of this will be measured by number of partnerships, number of public art opportunities, number of volunteers recruited, and number of preservation opportunities.

Any future impact will be based on the opportunities for local, regional or national partnerships. This also includes but not limited to sites, venues, and concepts for artistic expression and historic preservation. Operational funding totals \$141,600 including general operating expenses as detailed above. Forecasted revenue generation in year one totals \$25,000 leaving a net budget impact of \$116,600.

Expanded Pool Operations

Revenues: \$75,000; Expenditures: \$110,000

This request is to provide additional funding to support operations at the expanded pool facility (2 pools, larger pool deck, concession stand operations, etc.). Operational funding totals \$110,000 and includes additional seasonal salaries (lifeguard management, guards, coaches, concession stand staff and cashiers), professional services (Aquatic Examiner Service - determined to be a necessity for two years consecutively to maintain consistency in pool deck operations and training/evaluating staff), and general supplies (pool chemical increase due to the second pool). Forecasted revenue generation in year one totals \$75,000 leaving a net budget impact of \$35,000.

E-911 Fund

Public Safety

Emergency Services Network (NexGen 911)

Net Budget Impact: \$111,000

This project replaces the current 911 twisted pair – copper line 911 system infrastructure with a Fiber IP infrastructure that leverages VOIP technology and provides increased location services/routing capabilities while also providing the 911 Center a redundant capability that it currently does not have.

The PSAP Abandonment Device (PAD) is included in the service. This device will allow 911 calls to be re-routed to a pre-provisioned alternative destination and alternate routing plans are defined as part of the implementation process.

- 911 Calls to the PSAP through the ESInet on average reach the PSAP within 1 to 2 Seconds vs. the legacy 911 network where call set up and tear down can take 7 to 9 seconds.
- Text is delivered over the same AVPN (AT&T Virtual Private Network) service as voice, with the same prioritization as your 9-1-1 calls.
- Texts are monitored just like your voice traffic.
- Can apply alternative routing and over-flow rules to your texts.
- Redundant and diverse connections. Call paths are virtual. No more waiting for engineering, provisioning, and installation of 911 Trunks.

- Nationally geographically distributed and redundant network to provide automatic disaster recovery which helps ensure that PSAPs and their emergency responders can remain connected even during disasters.
- Helps protect the network from cyberattacks and other crippling menaces.

Costs for the NexGen services total \$242,500 annually with an additional one-time setup charge of \$7,000. However, the existing 911 twisted pair infrastructure costs \$138,500 annually leaving the net impact of this initiative at \$111,000 annually.

911 CALEA Accreditation Program

\$16,000

This request is for funding and approval for the Public Safety Department to pursue the CALEA Public Safety Communications Accreditation Program for the 911 Center (CALEA – The Commission on Accreditation for Law Enforcement). This provides a communications center, or the communications unit of a public safety agency, with a process to systemically review and internally assess its operations and procedures and to voluntarily demonstrate its commitment to excellence. CALEA Accreditation can limit a communications center's liability and risk exposure because it demonstrates that internationally recognized standards for public safety communications have been met, as verified by a team of independent outside CALEA-trained assessors. Operational costs total \$16,000 (\$12,000 of which represent one-time startup costs). Annual costs for FY 2020 forward will range between \$3,000 and \$4,000. Funding is being requested through the E-911 Fund.

OPERATING INITIATIVES NOT RECOMMENDED FOR FUNDING AT THIS TIME

Community Development

Code Enforcement Officer position (1.0 FTE) \$73,000 (operations); \$25,000 (capital)

This request is for one (1) Code Enforcement Officer position within Community Development. As the city's population increases, the need for an additional Code Enforcement Officer has also increased. The additional position would not only assist the Code Enforcement Division, but also the Development Services and Zoning Division. The new position will be responsible for all aspects of the Tree Removal permitting process, including inspections, and investigations. This position will be reviewing, alongside the Arborist, necessary replanting requirements and correlating inspections. This new position will also ensure: landscape compliance on new sites before Certificates of Occupancy's are issued and/or Code required 18-month inspections on commercial sites are conducted; and landscape compliance inspections are conducted on ongoing commercial projects to help ensure the initial landscaping is maintained per the Code. This new position will be the point position for the Zoning Division with the requirements of the "public notice" signage. They will install, alter and monitor all the required signs. The position will also work with businesses throughout the city for any code enforcement compliance issues including, but not limited to, investigating businesses for operating without a license and non-payment of renewals.

This new position is to help ensure the level of service for residents is above and beyond their expectations. This position will reduce the turnaround time for Tree Removal Permits and will allow current employees to better focus on residential quality of life issues in Code Enforcement. Approval of this position will allow the current employees to perform their core operational functions, improve productivity, perform daily tasks in an efficient manner and maintain exemplary customer service.

Operational costs total \$73,000 and includes \$70,000 for salary/benefits and \$3,000 for general operations (e.g. cell phone, iPad, desktop PC, uniforms, etc.). Capital costs total \$25,000 and include the acquisition of one (1) F-150 pickup truck. The capital request is a component of the FY 2019 Capital Budget Request.

Human Resources

Employee Development/Training Coordinator position (1.0 FTE) \$86,000

This request is for the addition of one (1) full-time-equivalent (FTE) position to the Human Resources Department to coordinate employee training, development, assessment, and performance management. This position would also assist with employee recruitment/retention as well as with disciplinary matters.

Due to increased regulatory and process mandates, Human Resources is experiencing increased time demands related to compliance issues that are resulting in an inability to support training and talent development. This has had a direct impact on the quality of employee performance; especially as it relates to leadership and management, written communications, and customer service. Further, increasing needs relative to employee recruitment as we experience higher turnover resulting from an aging workforce and increased competition from other employers is resulting in increasing delays in the hiring process as the workload continues to stretch and exceed current bandwidth of the Human Resources Department.

Operational costs total \$86,000 and includes \$83,000 for salary/benefits and \$3,000 for general operations (e.g. cell phone, iPad, desktop PC, etc.).

Employment Law Advisory/Consulting Services **\$15,000**

The field of employment law is highly specified and fast-changing. From time-to-time the city has need for employment law services beyond the primary practice areas provided by the City Attorney; especially with respect to issues related to the Americans With Disabilities Act (ADA), certain disciplinary actions, and advisement on changing and emerging mandates and legal precedent. Under this initiative, the city would establish an on-call relationship with a law firm specializing in employment law matters. The goal is to minimize the City's risk related to civil actions or federal/state penalties. The cost estimate is based upon our size as an employer, business sector, and the recent history of employment issues for which on-call legal services may have been useful. Future budget requests would be based upon the prior year's actual usage.

Information Technology

CityWorks IT Administrator position (1.0 FTE) **\$118,000**

This request is for one (1) CityWorks IT Administrator position within the Information Technology Department. As the Public Works, Community Development, and Recreation and Parks Departments continue to refine their operations around CityWorks, it has become apparent that a dedicated position is needed to properly support the system. A brief timeline and synopsis of needs and solutions can be found below:

CityWorks Implementation History:

- 2013 - Hiring of Azteca and Timmons Group for design, configuration and implementation with the focus on Public Works, Community Development, and Recreation and Parks.
- Four Years of existing staff supporting the implementation and use: both from IT and the other Departments.
- Implementation was highly customized to include data capture beyond the normal CityWorks standards. Particular efforts were made in the Community Development aspect (PLL) to help replicate or replace the previous implementation of Permits Plus.
- AMS and PLL was implemented simultaneously and the city was one of the very first sites for PLL use.

Core Issues with Existing System:

- Periodic Maintenance Releases – unique configurations are non-standard with the general release updates causing bugs and system anomalies.
- Frequency of expected updates from Azteca:
 - 2 to 3 Releases per year is a minimum level of implementation;
 - 3 to 6 Add-Ons/additional features and capabilities that are developed for CityWorks.
- Integrations – after performing upgrade, integrations with other systems (MUNIS/Firehouse/See-Click-Fix/ePlan) can cause failures/break and have to be re-developed with Timmons.

- Staff time from IT and other Departments is insufficient to properly address the above issues.

Solution for Addressing CityWorks Needs:

- CityWorks Account Manager recommends a full-time staff position to properly support the system.
 - Maintenance and release implementations/integrations;
 - Fully customize and streamline capabilities and features of CityWorks.
 - Redevelop integrations of APIs.
- Other implementation sites for CityWorks have on-site fulltime staff (ex: City of Augusta with 2 full time staff).

Recommendations for 2019 Budget to Address the CityWorks Support Needs:

- CityWorks dedicated full-time position based in the Information Technology Department to address the above identified needs:
 - Full-time dedicated focus on City of Alpharetta implementation and needs.
 - Institutional Knowledge.
 - Availability as needed for implementations – weekends, nights, etc.
 - Manage User Groups, Departmental Testing, Productivity Increase, Test Environment Developed.
- The alternative that is not recommended by staff includes the Contractor Option with Timmons Group (Quotes indicate \$200,000/Year Plus)

Operational costs for the new position total \$118,000 and includes \$115,000 for salary/benefits and \$3,000 for general operations (e.g. computer, cell phone, associated cellular service, operational budget allocation, etc.).

Patch Management Software

\$15,000

Patch Management is the process of repairing system vulnerabilities which are discovered after the infrastructure components have been released on the market. Due to the fact that the components which make up network infrastructure and information systems are not perfect when they are released on the market makes patch distribution all that much more important. Patch management is preventative and the number of vulnerabilities discovered over an extended period of time can seriously compromise the integrity and security of information. Cost estimate includes funding for the base software and licensing.

GIS Features

\$30,000

This request is for funding to update several features within GIS that are getting out of date. The features include: correcting building footprints; adding Recreation and Parks assets and Public Works assets, etc. These features are used by the GIS system, Public Safety and all departments using the CityWorks Work Order Management System. Cost estimate includes funding for the base software and licensing.

Public Safety

Police Officer positions (5.0 FTE)

\$450,000 (operations); \$300,000 (capital)

This request is for the addition of five (5) Police Officers who will form a Bike unit consisting of one (1) Lieutenant and four (4) Police Officers equipped with Ford F150 4x4 pickups and special purpose bicycles which will allow them to efficiently and

effectively patrol the City of Alpharetta as well as participate in community and special events.

With the city strongly advocating a live, work, and play environment that connects downtown to Avalon, the Alpha Loop, and other large scale projects it is imperative that the Public Safety Department meet these demands head on. Officers on bikes will be the most effective deterrent to criminal activity as well as having the extremely favorable response that is generated from officers on bikes out and about in the community. With the addition of a larger bike unit, the Public Safety Department will be making a proactive approach to this growth for police services. Whether it is on the Greenway, the Alpha Loop, City Center, Avalon or with our educational functions - these additional Bike Officers will allow us to have more face to face contact with our community which further supports the Department's mission of enhancing the quality of life for all who live, work, or play within the City of Alpharetta.

Operational costs total \$450,000 and includes \$390,000 for salary/benefits and \$60,000 for general operations (e.g. uniforms, ballistic vests, duty gear, weapons, portable radios, body cameras, etc.). Capital costs total \$300,000 for the acquisition of five (5) F-150 4x4s (including upfitting to public safety standards), specialty bicycles, vehicle cameras, etc. The capital request is a component of the FY 2019 Capital Budget Request.

Assistant Fire Marshal positions (2.0 FTE) \$189,000 (operations); \$87,000 (capital)

This request is for the addition of two (2) Assistant Fire Marshal positions to the Public Safety Department to assist the Fire Marshal's office in maintaining its existing level of service to the community. This is in addition to the new Assistant Fire Marshall position approved in the FY 2018 budget.

With the growth of commercial and multifamily residential construction, the Fire Marshal's office is struggling to keep pace with the demands of fire plan reviews and the annual business inspections. In 2017, the fire inspectors completed 100% of plan reviews in a 10-day turnaround period to stay consistent with Alpharetta's customer service expectation. However, this has caused the ISO requirement and State Fire Marshal recommendation of annual inspection compliance of 100% to drop to below 75%. The request for two (2) fire inspectors will help ensure that the fire marshal office is completing 100% annual inspections and meeting the 10-day turnaround for plan reviews. The fire inspectors also complete same day inspections for all construction site inspection to make sure there is no delay of progress for the constructions of Alpharetta.

Operational costs total \$189,000 and includes \$155,000 for salary/benefits and \$34,000 for general operations (e.g. cell phone, iPad, associated cellular service, uniforms, desktop PCs, desks, radios, etc.). Capital costs total \$87,000 and include the acquisition of two (2) pickup trucks with associated upfitting costs.

Firefighter/Paramedic positions (3.0 FTE) \$250,000

This request is for the addition of three (3) Firefighter/Paramedics to place in service a rapid response unit to handle all the non-emergency service/medical calls for service in Station 81's territory. From January 2017 through January 2018, Squad 81 was manned by paying personnel overtime. The Unit responded to a little over 10% (700+ calls) of the fire department's total call volume. This Unit reduced the costs associated with having a fire apparatus respond to non-emergency service calls. Currently there

are over one thousand assisted living beds in station 81's territory. Squad 81 was considered a rapid response unit that operated in a smaller vehicle which took less gas and maintenance to operate. It was easier to maneuver through Avalon and City Center allowing access to tight places quicker. The plan in the near future will be to do the same at station 83 once the Lakeview Pkwy Project is completed.

Operational costs total \$250,000 and includes \$228,000 for salary/benefits and \$22,000 for general operations (e.g. uniforms, duty gear, portable radios, etc.). There are no additional capital costs contemplated at this time as the crew will be utilizing equipment previously manned through overtime hours. Accordingly, there may be a decrease in overtime associated with this initiative but it is undeterminable at this time.

Public Works

Street Lights (electric service/relamping/replacement) \$200,000

Street lights along public roads are currently being paid for (electric service, relamping, and replacement) by the city as well as subdivisions (some subdivisions have a HOA and some do not). Over the last couple of years the Department of Public Works has been working with the Power companies to obtain data concerning which communities pay for which street lights within the city. Currently, three (3) electric companies maintain lights within the city: Cobb EMC; Sawnee Electric; and Georgia Power. Upon receiving all of their audited data, it has been determined the city pays for the majority of the street lights on public streets within the city. Approximately \$200,000 is paid for by others. The Department of Public Works is requesting dollars to go towards the city's electric bill to pay for all of the street lights within the city. Paying for all of the street lights on public streets will provide uniformity and clarity to the citizens. When new subdivisions are built that contain public streets, the city will also be absorbing this unknown future cost.

Traffic Control Center IT consultant(s) \$75,000

This request is for professional services to manage IT issues related to the Traffic Control Center (TCC). It is the city's Information Technology Department recommendation that consultants/vendors be found that can support and maintain the various systems in the TCC. This support will need to provide services related to the dedicated transportation server systems, A/V display, and camera systems for the transportation network, and the interconnectivity of these devices on the transportation network. Without technology support, Public Works does not have the knowledge or ability to trouble shoot why traffic control cameras are not functioning and diagnosis equipment for all of the traffic controllers are not operating properly.

Recreation and Parks

Part-time Security \$10,000

This request is for the provision, on a limited basis, of part-time/seasonal unarmed security (Security Ambassadors) at park facilities and recreation events. The Security Ambassadors will enforce park rental permits and User Agreements at ballfields, gyms and pavilions. A portion of these funds will be used to add 40 hours of uniformed police security for City Teen Basketball League play.



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CAPITAL INITIATIVE **REQUESTS**

City of Alpharetta FY 2019 Budget Capital Initiative Requests (Narrative)

Executive Summary

General Fund	
Recurring Capital Program	\$ 4,500,000
Available Fund Balance	6,100,065
Capital Project Fund (Fund Balance)	2,750,000
T-SPLOST Fund	8,160,000
Hotel/Motel Fund (facility money) ¹	451,412
Impact Fee Fund ²	610,000
E-911 Fund ³	73,500
LMIG Grant ⁴	575,000
Total Sources:	\$23,219,977
Recommended Capital Initiatives*:	
T-SPLOST Initiatives	\$ 3,616,996
Recurring Capital Initiatives	7,541,700
Recurring Stormwater/Drainage Initiatives	1,675,000
General Capital Initiatives	3,685,327
Total Uses:	\$16,519,023
Reserve for Future Capital/One-Time Investment:	\$ 1,780,250
T-SPLOST Reserve for Eligible Projects:	\$ 4,543,004
Impact Fees (Transportation):	\$ 377,700

* Capital initiatives not recommended for funding total \$7,164,700.

- ¹ Funding from the Hotel/Motel tax (available Facility Tax portion above the \$1.5 million debt service reserve established for the Convention Center Bonds) allocated towards the following projects: Downtown Parking/Wayfinding Signage (\$150,000); Equestrian Center Foundation Match (design/buildout of amenities; \$250,000) partial funding for Park System Wayfinding Signage (\$51,412 of total request of \$126,412).
- ² Funding pursuant to impact fee eligibility ratios for: parks projects (Park Master Plans for newly acquired park land); public safety projects (Furniture for the Public Safety Headquarters Expansion); and transportation (park plaza signalization upgrade).
- ³ Funding for replacement of the E911 Audio Recorder System (\$23,500) and allocable portion of the roof replacement over the E-911 Center (\$50,000).
- ⁴ Includes potential LMIG grant funding for milling and resurfacing initiatives (\$575,000) Grants/ contributions would be appropriated upon execution of binding agreements and/or receipt of the funds.

Priority 1: Imperative/ Urgent
Priority 2: Essential/ Needed
Priority 3: Important

T-SPLOST Initiatives

Public Works

McGinnis Ferry Road Capacity Improvements

\$2,400,000

Priority 1: This regional capacity enhancement project includes widening of McGinnis Ferry Road from 2-lanes to 4-lanes between Union Hill Road and Sargent Road. The project is jointly funded by GDOT, Forsyth County, Alpharetta and Johns Creek. McGinnis Ferry Road is a major east/ west corridor connecting I-85 with GA 400.

Funding sources to include local (TSPLOST), state and/or Federal Funds. Total project costs are estimated at \$36 million; Alpharetta's allocable costs are currently estimated at \$4 million. Existing funding includes: Series 2016 Parks and Transportation Bond (\$1.5 million); and \$100,000 within the Capital Project Fund. The remaining \$2.4 million is being requested herein through TSPLOST funds.

Morris Road Operational Improvements (Construction)

\$500,000

Priority 1: This operational project along Morris Road will provide the appropriate auxiliary lanes to accommodate the heavy traffic flow from both Old Milton Parkway and Webb Bridge Road. Project will also provide pedestrian and bicycle accommodations.

Original project estimates totaled \$2.7 million and were funded as part of the 2017 mid-year budget (design) and 2018 capital budget (construction). However, revised cost estimates total \$3.2 million requiring an additional \$500,000 in appropriations to maintain the scope. The additional funding is to cover cost overruns in the design and right-of-way acquisition phases. Both phases had been estimated at \$100,000 each. Design costs (including project management) have totaled \$276,714 and right-of-way is now estimated at \$489,000 based on the preparation of a data book. The construction estimate for the project is currently at \$2,400,000, below the original estimate of \$2,500,000.

Bethany Rd at Mid-Broadwell Rd Intersection Imp.

\$716,996

Priority 1: Intersection operational improvements potentially incorporating roundabouts at the intersection of Bethany Road and Mid Broadwell Road. The City has received numerous complaints regarding left turns onto Mid Broadwell Road from motorists traveling south on Bethany Road and from residents of the Pindell Glen Subdivision trying to leave their subdivision. Residents have complained about the speed of vehicles on Mid Broadwell road and have requested a reduction of the speed limit or the installation of a traffic signal or four-way stop. As these options do not meet warrants, a roundabout is proposed to reduce speeds in the area and assist in left-turn movements. Given the proximity of this intersection with the intersection of Bethany Road and Mayfield Road, both projects will be pursued together to ensure proper functionality.

Design was funded as part of the FY 2017 capital budget (TSPLOST). Right-of-way was fully funded and construction partially funded as part of the FY 2018 capital budget (TSPLOST). The requested funds represent the remainder of the construction cost.

Recurring Capital Initiatives

Community Development

Recurring Fleet Replacement (F-150s; Qty: 2)

\$50,000

Priority 1: FY 2019 request is for the replacement of one 2004 Ford F-150 and one 2007 Ford F-150 (Unit CD2111 has 53,787 miles, and Unit CD4299 has 86,330 miles) for the Building Safety and Code Enforcement divisions. These vehicles warrant replacement based on age and maintenance/repair costs.

Public Works

Recurring Traffic Signal System Maintenance

\$100,000

Priority 1: This request is for the continual maintenance and repair of vehicle detectors (sensors that tell the traffic signal a car is waiting) and traffic signal communications throughout the city. Vehicle detectors are required to be repaired and/or replaced in order to maintain traffic signal responsiveness. Traffic signal communications enable the intersections to work together and smooth traffic flow. The annual funding request also allows for the replacement of loops removed during the milling and resurfacing projects.

Recurring Milling and Resurfacing

\$2,500,000

Priority 1: This request is for the on-going maintenance of milling and resurfacing of city streets. Resurfacing of city streets increases the life expectancy of the roads. Without resurfacing, roadways will deteriorate and be more costly to repair. It is anticipated that this project will be augmented through an LMIG grant (additional \$575,000 that will be appropriated upon grant submission/approval).

The city maintains a road rating database similar to that of the Georgia Department of Transportation. In using this approach, each road receives a rating from 1 to 100, with lower scores representing a greater need for maintenance. **Funding to be provided through the following sources: Recurring Capital (\$1,925,000); LMIG Grant (\$575,000).**

Recurring Park Facilities Pavement Preservation

\$250,000

Priority 1: This request is for the on-going maintenance of pavement within the city's park facilities. Preservation of the roads, drives, and parking lots increases their life expectancy. Without preservation, these pavements will deteriorate and be more costly to repair.

For FY 2019, preservation of the back parking lot and associated drives for the Wills Park Equestrian Center. The work will involve the application of a high density mineral bond and the milling and resurfacing of select problem areas. This funding will be reserved pending completion of the Master Plan for Wills Park and the Equestrian Center.

Recurring Traffic Control Equipment

\$100,000

Priority 1: This request is for equipment necessary for maintaining traffic control throughout the City. This includes traffic signal communications, traffic monitoring, and temporary traffic control measures. Traffic signal communications enable the intersections to work together and smooth traffic flow. Traffic signal monitoring includes equipment necessary to maintain the Traffic Control Center. Temporary traffic control equipment includes devices used to detour or delineate traffic flow, examples include: cones, delineators and barricades.

Recurring Traffic Responsive System Maintenance **\$50,000**

Priority 3: This request provides funds to maintain upgraded signal equipment and fiber communication hardware purchased and installed by the Georgia Department of Transportation (GDOT; see below for explanation).

Stage 1: GDOT upgraded 123 out of 126 traffic signals with a new software (called MaxTime), at no cost to the City, which was completed in January 2018. Equipment cost borne by GDOT was approximately \$145,000. Only 3 fire station signals are left which will be upgraded in the current year.

Stage 2: New timing plans will be developed and implemented at 114 signals on major corridors at approximately \$550,000 cost to GDOT and no cost to the City. In order to perform this part, each intersection will be visited by contractors (Kimley-Horn and/or Arcadis) to collect updated counts, evaluate existing infrastructure, develop and test new timing plans, and also provide recommendations for safety improvements.

Stage 3: Developing thresholds, installation, and testing of Traffic Responsive (TR) timing plans at 114 signals on major corridors with an estimated cost of \$100,000 to GDOT and at no cost to the City.

Recurring Traffic Striping and Signage **\$180,000**

Priority 1: This request is for purchase of equipment and material needed for the repair/replacement of traffic striping and signage throughout the City. Repair/replacement of striping consists of the refresh of existing striping due to normal wear and the restriping of roadways after milling and resurfacing. Repair/replacement of traffic signage consists of replacement of existing signage due to normal wear as well as damage. This request also includes equipment/materials needed for fabrication the city's signage (performed in-house).

Recurring Traffic Calming/Intersection Safety Improvements **\$35,000**

Priority 1: This request is for the identification, design, and implementation of safety improvements in neighborhoods and at high crash rate intersections. Additionally, funds will enable staff to implement necessary traffic calming measures within the city. Projects will consist of roadway striping, signage, channelization, and minor widening to mitigate existing safety deficiencies. Program will enhance public health and safety for users of the city's transportation system.

Recurring Bridge Maintenance **\$175,000**

Priority 1: This request is for the continual performance of required repairs and maintenance measures identified by Georgia Department of Transportation (GDOT) inspectors during their biennial inspections of city owned bridges. Tasks include: the removal of corrosion and repainting of bridge supports; remediation of erosion issues; installation/extension of concrete encasements around piles; cleaning and sealing deck joints; and replacement of failed wing walls. Failure to address these items can lead to further deterioration of bridge conditions. FY 2019: Work items to be based on 2017 GDOT Inspections once report is received.

Recurring Traffic Signal Pole Painting and Maintenance **\$25,000**

Priority 2: This request funds the continued paint maintenance of the city's traffic signal mast arms and pedestrian signals. Painting will coincide with the expected 7-10 year

lifespan of the current signal pole painting plus miscellaneous general maintenance and touchups.

Recurring Tree Planting and Landscape Improvements **\$100,000**

Priority 1: This request is for tree pruning, tree removal, tree planting, and landscape improvements within city right-of-ways. The city's aging tree canopy within right-of-way areas requires pruning and removal to address issues such as pedestrian and vehicular safety, conflicts with street lights, signal head clearance, and intersection sightline clearance. The FY 2019 request also includes funding for tree planting and other landscape improvements. Proposed areas of improvement include sections of Westside Parkway and Mansell Road. The projects will include the planting of trees, shrubs and groundcovers. Planting of trees along Rucker Road will come from the City's Tree Bank Fund.

Recurring Sidewalk Maintenance and Repair **\$200,000**

Priority 1: This request is for the continual maintenance and repair of the city's sidewalk inventory. Over the last 10 years, the city has expended in excess of \$5,000,000 on sidewalk projects. During that same period of time, the city's sidewalk inventory has also been increased through larger roadway and streetscape projects, through private development, and through annexation. The Public Works Department has prepared a prioritized list of sidewalks needing repair. Currently this list identifies over 3,500 panels of sidewalk totaling in excess of 17,000 linear feet in need of repair. For FY 2019, work will include the repair of the sidewalk along heavily traveled areas around the City which are too large for in-house Public Works Crews to accomplish. One such area is along Old Milton Parkway between Wills Road and Roswell Street.

Recurring Fleet Replacement (F-150 Truck) **\$36,000**

Priority 1: This request is for the recurring replacement of trucks within the Public Works fleet. These replacements are based on age and/or maintenance/repair costs. These vehicles are expected to last in excess of 10 years and/or 130,000 miles. This request is for the replacement of one 1998 F-150 4x4 (Unit #77 with 88,403 miles) within the Public Works fleet. This vehicle warrants replacement based on age.

Recurring Fleet Replacement (Admin Vehicle) **\$32,500**

Priority 1: This request is for the recurring replacement of administrative vehicles within the Public Works fleet. These replacements are based on age and/or maintenance/repair costs. These vehicles are expected to last in excess of 10 years and/or 130,000 miles. This request is for the replacement of a 2002 Crown Victoria (Unit #296 with 67,762 miles) within the Public Works fleet. This vehicle warrants replacement based on age.

Recurring Fleet Replacement (F-250 Crew Cab Service Truck) **\$61,000**

Priority 2: This request is for the recurring replacement of F-250 trucks within the Public Works fleet. The F-250 replacements are based on age and/or maintenance/repair costs. These vehicles are expected to last in excess of 130,000 miles. This request is for the replacement of a 2006 F250 Crew Cab 4x4 with Service Bed (unit #501 with 118,231 miles) within the Public Works fleet. This vehicle warrants replacement based on age and repair history. The vehicle has been out of service recently due to multiple issues including fuel system, turbo, etc.

Recurring Fleet Replacement (F-750 Box Dump Truck) \$115,000

Priority 1: This request is for the replacement of one 1994 F-800 Crew Cab Sand/Salt Spreader (Unit #104). This truck has 20,874 miles and is in need of replacement due to rust and corrosion on the chassis and suspension. The salt used with this vehicle has caused severe damage to the undercarriage which cannot be repaired. Staff recommends replacing this vehicle with a box dump truck that has a removable spreader insert. Currently the 1994 F-800 has a permanently mounted spreader unit.

Recurring Facility Renovations (Fire Stations) \$125,000

Priority 1: This Request is for the renovation of bathrooms, kitchens, and bunk rooms. In addition, the facilities are in need of replacing flooring, lighting, appliances, adding large ceiling fans, improving the bay doors, etc., at each of the six Fire Stations within the city. Several Fire Stations are greater than 20 years old with minimal improvements throughout the years. These facilities are in use 24-hours a day and 365 days a year; they receive more use than an average home and need to be on a fixed cycle of replacing appliances to minimize disruption to the individuals utilizing the facilities. FY 2019 funding is targeted at renovating the kitchen and bathroom at Fire Station 84.

Recurring Facility Renovations (CID Offices) \$70,000

Priority 1: This request is for renovations to the CID area which is located on the second floor of the detention facility. Work will include upgraded lighting, new carpet/vct flooring, and painting of the interior of the area. This area is showing wear and tear as the interior buildout is over 20 years old.

Recurring Facility Renovations (PW Headquarters) \$40,000

Priority 1: This request is for renovations at the Public Works Facility. This work will include bathroom renovations, painting in various locations, new carpet/vct as needed, exterior metal repairs, and wall repairs in the bay area. The restrooms are used heavily and are in need of remodeling. The carpet/vct shows wear and tear and walls need repainting. Funding for these improvements will be requested over a period of several years. FY 2019 funding will go toward renovating the bathrooms in the building, replacing flooring in the facility, and replacing insulation and lighting in the bay.

Recurring Gym Restoration \$35,000

Priority 2: This request is for repair and maintenance of interior ceilings, walls, beams, and duct work in various gym facilities. This work will include painting of duct work, metal beams, and walls in the gym areas. It will also include repairs to ceiling insulations and painting of the ceilings as well. FY 2019 funding is for repair and maintenance of gym(s) at the Community Center.

Recurring City Center Maintenance \$50,000

Priority 1: This request is for on-going interior maintenance like painting walls and trim. In addition, repairs to the custom stained moldings throughout the main floor require hiring professionals. Funds in this account shall also go towards replacing cabinetry and countertops throughout the building (phased approach) that are not holding up to the day to day use at City Hall. FY 2019 funding will be to start a program painting all of the walls and trim work. The trim will be more frequent than the walls. In addition, due to the wear and tear of the cabinets and countertops, we will allocate dollars every year to phase in replacement of the cabinets and upgrade the countertops to a solid surface material.

Information Technology

Recurring Technology Replacement (all city departments) \$300,000

Priority 1: This request is to provide for the annual replacement of technology for all city departments. As in prior-years, funding for technology replacement is placed in one capital project account to allow for more efficient management (as opposed to being spread across multiple departments based on an estimate of replacement needs which may or may not equate to the actual need during the fiscal year). The city currently has 455 computers in operation (265 desktops; 190 laptops). The main component of the FY 2019 request includes funding for the replacement of approximately 125 PCs, 57 cellular phones, 83 iPhones, 42 iPads, and wireless access points throughout city facilities (although actual replacement will be driven by equipment condition).

The current city standards for technology replacement (based on funding availability) are as follows: servers (5-6 years); SANS – Storage (5-6 years); desktop PCs (4 years); laptop PCs (3 years); iPad tablets (2 years); iPhones (2 years); large scale multi-function printers (MFPs) (5-7 years); small scale MFPs (5 years); small printers (3-5 years); desktop UPS (electrical service backup) (3 years); Network UPS (closets) (4 years); Wireless Access Points [WAPs] (5 years); network routers/switched/firewalls (5 years); telephony gateways (5-6 years). Larger replacement initiatives are not included in this appropriation (e.g. CISCO network devices).

Recurring Data Center Server Replacement \$210,000

Priority 2: This request is for server replacement equipment for the Data Center located at Public Works Headquarters. The equipment to be replaced provides server support for all City systems for the Data Center located at PW. This will provide greater reliability, reduced annual costs, and greater efficiency and capability for the use of system applications for the city. The existing servers have reached end-of-life.

Public Safety

Recurring Fleet Replacement (Qty: 25) \$1,008,000

Priority 1: This request is for the forecasted annual replacement of police and fire sedans, light trucks and motorcycles. The replacement need is driven by the mileage and mechanical condition of the vehicles. Emergency response vehicles are expected to last in excess of 110,000 miles; administrative vehicles are generally run somewhat longer.

This forecasted need is based on mileage, age, and condition of vehicles. Replacement goal is to smooth the fleet replacement to 20-25 vehicles annually based on a 110,000 mileage threshold.

Replacement vehicles to be purchased in FY 2019 include: 15 SUVs for Patrol; 2 SUVs for the K9 unit; 2 F150s for the Community Services unit; 1 motorcycle; and 5 SUVs for the Admin team.

Replacement Traffic Preemption System \$150,000

Priority 2: The request is to fund the replacement of the Opticom System which is the equipment that links emergency vehicles (in Alpharetta's case, fire trucks) with traffic signal control boxes. This system allows approaching Fire apparatus to change the traffic signals allowing them to move traffic that is in front of them, or approaching intersections, safely away from the direction the vehicle is traveling. The current system is line-of-sight based with a transmitter in fire trucks hitting a receiver on traffic signal

mast arms which triggers a green light for the approaching fire truck. This system is beyond end-of-life and no longer effective.

The proposed replacement is a GPS-based system with several advantages: (a) The GPS link can be programmed for distances well beyond line of sight, allowing a green light to drain traffic well ahead of the approaching emergency vehicle. This speeds response times and improves traffic safety for all motorists. (b) The Signal changes are guided by turn signals on the fire truck so that fewer traffic lights are affected unnecessarily. (c) Again, because the new system is not line-of-sight the receiving antennae can be moved from mast arms to control boxes, reducing damage and lowering maintenance costs. (d) The system is programmable for distances and features, allowing better customization for Alpharetta. This system is for outfitting twelve (12) Fire apparatus and fifty (50) intersections which have been identified for this project.

FY 2019 funding request totals \$150,000 and includes the following: (a) \$60,000 to install equipment on apparatus (12 trucks * \$5,000 per truck); and (b) \$90,000 to purchase and install the Applied Information Traffic Preemption equipment at 29 intersections. Includes 5-year warranty, training, installation, connectivity, software, and service agreement. The 21 remaining intersections will be requested as part of the FY 2020 capital budget (est. cost of \$70,000).

Recurring Public Safety Equipment (replacement) \$144,700

Priority 1: This request is for scheduled replacement of equipment that is essential for the safety of firefighters and police officers which has expired, failed inspection, is uneconomical to repair or otherwise must be taken out of service.

The FY 2019 request includes: furniture and bedding at fire stations (\$9,000); Ice Maker at 2 fire stations (\$4,000); Fire tools and equipment (\$6,000); new firefighter turn-out gear that meets NFPA 10 year service life (\$100,000); replacement of 3 ballistic SWAT shields (\$7,500); door jamb spreader for entry by the SWAT team (\$2,000); replace worn interior items and exterior of the Fire Safety Education house (\$9,500); Update the exterior of the Crisis Negotiations bus (\$6,700).

Recurring PS Facility Roof Restoration/Replacement \$240,000
(General Fund; E-911 Fund)

Priority 1: Roof replacement of PS Headquarters (Final Phase; \$100,000), roof restoration of the Evidence Building (\$40,000), wall restoration at Fire Stations 1-4 (\$100,000).

- Public Safety HQ-Phase 3 (6,200 sq. ft. Roof Restoration 30YR Garland Warranty): This is the last phase of roof restoration following Phase 1 & 2 and is the same scope. This option gives the City a 30-year leak free warranty. Funding is split between E-911 (\$50,000) and general Fund Balance (\$50,000).
- Public Safety-Evidence Building Roof Restoration (5,800 sq. ft. Roof Restoration 10YR Garland Warranty): The evidence building is the only roof at this location with a non-ballasted, smooth EPDM (rubber) surface at the Public Safety facilities. Coupled with the fact that it is not leaking, it is a great candidate for roof restoration, which will provide a 10-year warranty at a much lower cost than a roof replacement, and may have a service life up to 15 years.
- Fire Stations #1-4 (38,500 sq.ft. Wall Restoration 10YR Garland Material Warranty): Stations 1-4 consist of brick, split faced block, and some EIFS. All of these stations

are prime candidates for wall restoration due to mold and mildew growth. By sealing these walls, it will prevent further water absorption and beautify the exterior.

Funding is allocated between general Fund Balance (\$190,000) and E-911 Fund (\$50,000).

Replacement PS Headquarters Furniture \$105,000

Priority 1: This request is for funding to (1) replace old and worn-out furniture in existing offices and (2) purchase new furniture for the Public Safety Headquarters expansion (office spaces and lobby). This includes: desks, tables, chairs, shelving, etc. for the conference room \$15,000 (\$10,000 for table and chairs, \$5,000 for wall cabinets and credenza); \$18,000 for Traffic Unit (10 workstations for the officers, 2 desks for Lieutenants, and new chairs); \$4,500 for Police Captains (two new workstations); \$18,000 for Police Lieutenants (10 desks and file cabinets); \$25,000 for desks, chairs and workstations for records and new lobby area; \$21,000 for the Public Affairs Office (desks, chairs, conference table, whiteboard, televisions); and \$3,500 for Professional Standards/IA workstation, chairs, file cabinet and shelving. **Funding is provided through Impact Fees (\$40,000 based on allowable impact fee funding allocations) and Fund Balance (\$65,000).**

Replacement 911 Audio Recorder System \$23,500 (E911 Fund)

Priority 1: This request is to remove and replace the current 911 telephone recorder system with new hardware. Currently, the 911 recorder is in excess of 5-years old and is nearing end of life. The current configuration has failed on multiple occasions resulting in the inability to reproduce 911 emergency calls and meet Open Records requests. FY 2019 impact includes extended warranty service for years 2 - 5. Year one is provided in the base price. Also included is remote motoring for critical failure and system integrity. Operational cost include routine maintenance, software upgrades, virus protection, and remote monitoring.

Recreation, Parks & Cultural Services

Recurring Athletic Scoreboards (maintenance/replacement) \$20,000

Priority 2: The city owns and maintains thirty-one athletic and equestrian scoreboards. Staff has developed a plan for systematic replacement of scoreboards. The replacement cost is estimated at \$20,000 for a wireless scoreboard (includes shipping, installation, and stamped engineering drawings). Maintenance/refurbishment of scoreboards is estimated at an additional \$1,000 to \$2,000 annually. FY 2019 request is for the replacement of the (4) Baseball Scoreboards at Webb Bridge Park. Scoreboard replacement may vary from what's included herein if it is in the Director's opinion that a higher priority replacement is needed (e.g. due to mechanical malfunction) or if additional funds are available.

Recurring Park Equipment Replacement \$36,000

Priority 2: This request is for the replacement of three John Deer Gators (model years: 1999, 2005, and 2006) and one 2007 Bobcat Utility Vehicle. The 1999 John Deere Gator and the Bobcat Utility Vehicle assists staff with the maintenance of the Greenway. The 2005 and 2006 John Deer Gators are for the maintenance of North Park.

Recurring Synthetic Turf Field Replacement (North Park) \$550,000

Priority 1: This request is for the replacement of North Park synthetic turf field 1 which was installed in 2005. Synthetic turf fields have an average life of 10-years. This field

does not incur the same usage rate as the Webb Bridge soccer field which is why it has had a longer life expectancy.

Recurring Park Repairs/Improvements \$100,000

Priority 1: This request would cover types of ground maintenance repairs such as asphalt trail repairs, concrete repair and parking lot striping, etc. at parks and along the greenway. FY 2018 funding would be utilized for repairs to the walking trail at Wills Park, boardwalk replacement for the Greenway (approximately 25 sections), concrete repair along numerous walkways, etc.

Recurring Fleet Replacement (F150 Truck) \$28,000

Priority 1: Replacement criteria is as follows: 1) when the department director determines it is no longer cost effective to retain the vehicle; 2) when either mileage or age reaches or exceeds 10-years of service or 125,000 miles; and 3) motorized equipment damaged in accidents shall be inspected by the Safety/Risk Administrator to determine feasibility of repairs as compared to replacement cost. This request is for the replacement of a 2003 Ford F250 (Unit RP-3288 with 82,770 miles) with a Ford F150 4x4 vehicle. Replacement is warranted based on age.

Recurring Playground Equipment (repair/replacement) \$100,000

Priority 1: This request is for the replacement of playground equipment at the Wacky World Playground (built in 1997). Wacky World is a 20 year old pressure treated wood structure. Although the 6-inch round posts are structurally sound, most of the wood platforms, bridges, hand rails, as well as some of the play equipment are showing signs of wear and weather degradation. Staff is constantly making repairs. Playgrounds-by-Leathers conducted an inspection last fall and provided their findings and recommendations on the repairs and forms the basis for this cost estimate. Leathers was the playground company that supplied the playground and equipment and was onsite when the playground was built.

Recurring Parks Facility Roof Repair/Replacement/Wall Restoration \$137,000

Priority 1: This request is for the roof repair/rehab/replacement at multiple Parks and Recreation facilities.

Wall restoration at Wills Park Recreation Center gym (\$46,000), roof repairs/maintenance/painting at the Equestrian Center (\$73,000), and replacement of the shingled roof at the Baseball Concession/Restroom building at Webb Bridge Park (\$18,000).

Wills Park Restoration Center Gym Wall Restoration (12,500 sq.ft.; 10-yr warranty)

The interior wall of the recreation center gym is covered with efflorescence. This is from previous water intrusion which has stained the walls and is unsightly. Scope includes: applying primer on north wall; removing and replacing joint sealants; repairing all wall cracks; and applying two (2) coats of an elastomeric acrylic product (Tuff Coat).

Wills Park Equestrian Center Covered Arena Roof Repair (68,000 sq.ft.)

This roof is made from trapezoid standing seam metal panels. The field of the roof is in good shape, but like all thru fastened metal roofs, the overlap seams, fasteners, and ridge need attention. The skylights have broken down and although

there are no holes, the fiberglass that was used to make the skylights has broken down and is turning black. Scope includes: pressure washing entire roof area; removing all old fasteners (thousands); installing new fasteners and sealant; treating and repairing all rust areas and applying primer and top coats; cleaning and sealing the skylights to stop further degradation. This funding will be reserved pending completion of the Master Plan for Wills Park and the Equestrian Center.

Webb Bridge Park Baseball Restroom/Concessions Roof Replacement (2,000 sq.ft.; 30-yr warranty)

This shingled roof has reached its end of life and needs replacement. Scope includes full tear-off of existing shingles; replacement of wood as necessary; and installation of architectural-grade shingles.

Recurring Tennis Courts Resurfacing \$60,000

Priority 1: This request is for the repair/resurface/recoat of tennis courts with a fabric crack repair system. FY 2019 funding is for resurfacing 7 tennis courts at North Park (last resurfaced in FY 2012). Due to cracking on the courts, this repair will be more in-depth than a general resurfacing as the courts will need to be milled to allow for repair of the cracks before finishing with a resurfacing.

Recurring Stormwater/Drainage Initiatives

Public Works

Recurring Stormwater Pipes/Structure Repair/Maintenance \$1,325,000

Priority 1: This request is for stormwater pipe and structure maintenance, repair, and replacement. This category includes unclogging pipes and structures filled with sediment and debris, repairing pipes by relining, contractual repairs to stormwater structures, and pipe replacement projects. The contractual pipe unclogging and structure repair will be throughout the city based on inspection results. The following project locations have been identified for pipe repair or replacement in FY 2019: Lantern Ridge; and Meadow Drive.

Recurring Stormwater Drainage Maintenance \$150,000

Priority 1: This request is for the continual maintenance and small drainage maintenance work within the city including: (1) small repairs such as grouting, paved inverts, and replacing tops; (2) annual maintenance of the city's stormceptor units, oil/water separators, and city-owned detention ponds (as required by the Georgia Environmental Protection Division); and (3) Water Quality lab testing (as required by the Georgia Environmental Protection Division).

Recurring Stormwater Inspections \$100,000

Priority 1: The National Pollutant Discharge Elimination System (NPDES) Stormwater Permit requires Alpharetta to complete a number of inspections to protect our stormwater system. These inspections include site visits to private industrial facilities, private carwash and auto body repair shops, city ponds and stormwater management facilities, private ponds and stormwater management facilities, and city maintained storm structures and pipes. These inspections help us identify maintenance repair work, help us prioritize our crews and CIP lists, and help us recognize private violations of the stormwater ordinance. This project includes hiring a private consultant to complete the inspections so that city staff can focus their efforts toward planning, maintenance, and enforcement activities.

Recurring Stormwater Design/Studies

\$100,000

Priority 1: This request funds various drainage, flood, and watershed studies that are required by state and federal regulations. Watershed studies identify capital projects to improve water quality in impaired streams. Additional studies include dam breach analysis, bacterial source testing, emergency planning and estimating damage, GIS maintenance, inventory updates, stream delisting, etc. These studies also identify future capital improvement projects or provide specific information that can be used by the city to meet regulatory compliance or further our service to our citizenry. FY 2019 funding will be used to complete the design of a stream restoration project that will help to protect the integrity of our greenway trail. The specific project selected will be chosen from those identified as the highest priority in the ongoing FY 2018 Big Creek Erosion Study. Such work may consists of removing debris from specific locations, reestablishing a vegetated bank via landscape or gabion walls, and/or removing sediment at specific locations.

General Capital Initiatives

City Administration

Downtown Beautification Grant

\$50,000

Priority 2: This request is for seed funding for the Downtown Beautification grant program which is used to incentivize downtown building renovations and improvements (including façade improvements). This small city investment has resulted in numerous private renovation projects in downtown over the past 15 years.

Economic Development Toolbox

\$125,000

Priority 1: The City of Alpharetta provides local incentives through its economic development toolbox and facilitated by our team of experienced economic development professionals. New or growing businesses that demonstrate a serious economic impact through job creation and capital investment qualify for these programs. The programs funded in this request include the Alpharetta360 Video Marketing Fund which has been influential in marketing the city as a business destination and has been directly responsible for the location of new businesses to the city. To date we have had more than 10,000 unique views on our A360 website and have added in a marketing boosting strategy that has significantly increased our viewership. A new tool-kit item will be created with this funding called the Start-Up Relocation Grant which is aimed at attracting out-of-state technology start-ups to relocate and grow in the city. We will target 5 mid-stage FinTech and MedTech/HealthIT based tech start-up companies for the pilot program of this tool-kit item. Relocated start-up companies will be placed in the Alpharetta Innovation Center to help fuel our innovative community and attract more venture capital investment.

Alpharetta Technology Commission Operational Funding

\$83,336

Priority 1: This request is to provide operational funding for the Alpharetta Technology Commission (ATC) including funding for the ATC Director pursuant to terms set forth in the MOU between the ATC and the Development Authority of Alpharetta. The Director performs the day-to-day tasks and responsibilities necessary for the delivery of operational management services. The MOU terminates in February 2019 which represents 8 months of activity in FY 2019 totaling \$83,336 (\$10,417 monthly).

Community Development

Downtown Parking and Wayfinding Signage **\$150,000 (Hotel/Motel Fund)**

Priority 1: This project is intended to develop and implement a comprehensive parking sign package for Downtown Alpharetta. Major components include monument signage at city parking lots, wayfinding signage directing the traveling public to city lots, and time restriction parking signage. Decorative sign poles and bases will be identified. In addition, a signature logo will be proposed in order to coordinate the entire downtown parking infrastructure. The proposed design guidelines will be presented to the downtown business association and approved by the Design Review Board. Deliverables from this project will include the following:

- Downtown Parking Sign design Guidelines;
- Installation of monument signage at the two City Surface lots (Old Roswell lot, Roswell/Marietta lot);
- Wayfinding signage throughout Downtown (Main Street, Academy Street, Roswell Street, Milton Avenue); and
- Time restricted signage for Milton Avenue (2 hour limit/15 min limit).

Funding is provided through Hotel/Motel Taxes (facility portion).

Design Services

\$80,000

Priority 2: This request is to provide funding for various studies and professional services that arise each year from Council and/or Department initiatives. Such services may include revisions to Comprehensive Plans, Small Area Plans, project designs such as plazas, landscape architecture, hosting a series of public input sessions, conceptual design standards, etc. These types of studies and professional services are essential and will assist in forecasting the current market environment, recommend standards that will assist in policy decisions, improve project completion timelines and functionality to maintain the high level of performance by City Staff that our citizens and business owners are accustomed to.

Public Works

Park Plaza Signalization Upgrade

\$300,000

Priority 1: This request is for upgrading the traffic signal at the intersection of Park Plaza and Academy Street. The existing signal was constructed as part of the old Haynes Bridge Road Extension. With the realignment of Haynes Bridge Road and the development of City Center, the existing poles and signal heads are no longer appropriately oriented to serve this intersection. This project will replace the existing poles, mast arms, signal heads, and provide a new pedestrian crossing of Academy Street. **Funding is provided through Impact Fees (\$72,300 based on allowable impact fee funding allocations) and Fund Balance (\$227,700).**

Streetlighting Conversion/New Installations

\$50,000

Priority 1: This request is annual funding for (1) the conversion of Georgia Power's High Pressure Sodium Lights to LED and (2) adding additional lighting along public roads that do not have sufficient lighting (or no lighting at all). This initiative will be funded over many years and is a companion to the Operating Initiative pertaining to transferring all street lights located on public streets to be paid for by the City of Alpharetta. This initiative will increase the safety of citizens who use our streets and sidewalks on a daily basis.

AlphaLoop (City Trail)

\$1,000,000

Priority 1: This request is to provide construction funding for the AlphaLoop City Trail. AlphaLoop is envisioned as a multi-use trail and park system intended to connect City Center, Avalon, and the Northwinds Area together via paved pedestrian pathways.

Phase A runs from Old Milton Parkway to Westside Parkway and Phase B runs from Westside Parkway to Kimball Bridge Road. Phase C covers the intersections and crossings (e.g. Old Milton Parkway, Westside Parkway, Northwinds Parkway, Kimball Bridge Road, etc.). Phases A & B are further broken down into two tiers: Tier 1 covers the trail and Tier 2 covers pocket parks/plazas.

Construction estimates for Phase A (tiers 1 and 2) total \$4.5 million. The FY 2018 budget includes available funding of \$1.5 million. This request is for an additional \$1 million bringing total funding for construction to \$2.5 million. These funds will be utilized to leverage private investment as proof of a solid financial commitment has been made by the city. Unfunded construction obligations for Phase A will be part of future funding requests.

Construction estimates for Phase B (tiers 1 and 2) and Phase C total \$5 million and would be part of a future funding request.

City Center (Phase 2) Utilities

\$26,079

Priority 1: This request is to allocate remaining funds for Alpharetta's obligations under the terms of agreement with MMS Alpharetta LLC for Phase 2 of City Center (private development position). Unfunded obligation includes:

- Assist in funding costs associated with moving AT&T utilities in right-of-way. City costs total \$224,716 which is to be funded over 4 annual payments that started in FY 2018. The FY 2019 payment of \$56,179 is being reduced by available funds in the City Center Utility account of \$30,100 leaving an unfunded balance of \$26,079 (FY 2019 Request). The final two payments will be requested as part of the FY 2020 and 2021 capital budgets.

Public Safety HQ Parking Lot Expansion (Design)

\$20,000

Priority 1: Due to the increased number of individuals accessing the Public Safety Headquarters, additional parking needs are desired. Requested funds will go towards obtaining topographic and utility surveys to design the expanded parking lot. Public Works will design the parking lot expansion utilizing in-house staff. Construction cost will be determined once the design is complete.

Downtown Enhancements

\$35,000

Priority 1: This request is for the design, installation, and repair of streetscape/aesthetic enhancements on city property throughout the downtown area. Improvements consist of new trash receptacles, kiosks, benches, arbors, and landscape enhancements to city owned property.

Design Services

\$115,000

Priority 1: This request is for various design services associated with minor projects unable to be completed by city staff. Such services include structural designs and or evaluations, sub-surface geotechnical investigations, miscellaneous right-of-way/easement research. Utilizing experts in various fields enables city staff to make the

appropriate decisions related to resolving construction issues. Additionally, the information gathered by the design professionals allows staff to properly design or address issues in the field.

Information Technology

Application and Desktop Virtualization (Phase 2)

\$150,000

Priority 2: This request is for the deployment of desktop services and associated technology for the City for local, remote, and mobile platforms. This will provide greater reliability, and greater efficiency and capability for the use of system applications for the City and provide core functionality. This equipment is scheduled to be replaced every 5-6 years (normal maintenance life) in order to provide for both reliable and efficient service. The Application and Desktop Virtualization initiative will provide greater reliability, possible reduced annual costs, and enhanced system applications security. Through the virtualization of the desktop, each user's profile and desktop are stored centrally in the data center to be available for use from any pc or remote system given the appropriate security measures. This technology is rapidly becoming the standard deployment for organizations as they move more applications and capability to the "Cloud" and seek to provide more reliable and efficient service. The initial test system has been deployed a several City Departments with key personnel for evaluation.

This request will also lead to the deployment of virtual application technology. The ability to manage city software applications from a central platform rather than deploying the system to every desktop will save significant amounts of time needed to "touch" each desktop and/or deploy the systems individually over the network. This way, each user accesses the software they need using the latest updates and tested systems. This will provide greater reliability, reduced annual costs for desktop support, and greater security with respect to the city's software applications. This initiative should lead to decreased costs in annual desktop system replacements (reduces need for certain computer components such as a hard drives and a fully configured PC). Phase II (FY 2019) will finalize the Public Safety rollout that began in FY 2017.

Phase III (FYs 2020-2021) will expand the virtual deployment across various Departments (based on need and ability to reduce hardware costs) to include desktops as well as the Mirage and Horizon benefits listed above. Desktops will emulate the experience end users have with traditional Windows OS and applications on their existing systems. Overtime, this will defray costs for refreshing PC systems with less expensive form factors (e.g. thin clients, terminals, mobile devices, etc.). This will also have an effect of reducing the need for multiple devices per user (tablets, desktops, laptops, and smartphones).

Public Safety

PS Jail Camera System (replacement/expansion)

\$75,000

Priority 1: This request for replacement/expansion of the Jail's camera system. Specifically, this project replaces the existing sixteen (16) coax cameras with IP cameras while also expanding the system to include an additional nine (9) IP cameras (25 total cameras). The current camera system in-use was purchased off the shelf and uses low resolution cameras and an outdated recording system and is past its useful life cycle. This system improvement will increase and improve jail employee and inmate safety through enhanced camera resolution, by adding additional camera coverage, and reducing instances of camera system downtime. This system will tie in with the current Avigilon system in use by the city and will reduce the time needed to comply with open

records requests and/or investigations with its improved data copying capability. Funding includes miscellaneous hardware and licensing to support the cameras.

PS Turn-out Gear Washers (Qty: 4)

\$25,000

Priority 1: This request is for one "turn-out gear" washer for fire stations 82, 84, 85 and 86. Currently the fire department has only two washers – stations 81 and 83. These are heavy duty washing machines designed to handle the load of washing firefighter "turn-out gear". The load capacity is only one set of turn out gear per load. This is currently very time consuming when 10-12 firefighters must wash their gear. With the increased exposure of cancer causing agents and off-gassing carcinogens it has created the need to better protect personnel of the fire department that wear their turn out gear during firefighting. The additional washers will be able to launder more turnout gear and at a faster rate. Funding includes costs for installation.

Recreation, Parks & Cultural Services

Design Services

\$50,000

Priority 2: This request is to provide funding for various studies and professional services that arise each year from Council and/or Department initiatives. Such services may include revisions to Recreation Master Plans, construction plans for recreation amenities including pavilions, gazebos, etc. These types of studies and professional services are essential and will assist in forecasting the current market environment, recommend standards that will assist in policy decisions, improve project completion timelines and functionality to maintain the high level of services our customers are accustomed to.

Park Master Plans for newly acquired Park Land

\$120,000 (Impact Fee Fund)

Priority 3: This request is for the development of master plans and studies as recommended in the Recreation and Parks Master Plan 2025. Specific Master Plans to be conducted with this funding include newly acquired properties from the 2016 Bond Issue including: Old Rucker Road; Kimball Bridge Road; Milton Avenue; Mid Broadwell Road; and Mayfield Road. **Funding is provided through Impact Fees.**

Pocket Park Development

\$250,000

Priority 1: Design/development of downtown pocket parks such as the one on Milton Avenue. Currently there are several small pocket parks in downtown Alpharetta. These parks need to be planned for connectivity and curb appeal. Included in these areas are Old Milton Park (where the fountain and Christmas tree are); areas at the corner of Old Roswell and Roswell Street; the corner of Old Canton and Canton; the parking area where Food Truck Alley is held; and other small city-owned areas in downtown.

Equestrian Center Foundation Match (design/buildout of amenities) \$250,000 (Hotel/Motel Fund)

Priority 1: This funding will serve as a match towards Equestrian Center Foundation fundraising, up to the \$250,000 appropriation requested herein, to be used for the design and renovation/buildout of the Equestrian Center.

The FY 2018 budget includes funding for a Master Plan update to Wills Park and the Equestrian Center which will guide the design phase of this request. Residual match funding after design will be used towards the buildout of the Equestrian Center in accordance with the Master Plan and corresponding design elements. **Funding is provided through Hotel/Motel Taxes (facility portion).**

Heritage Park (preliminary design/planning, Heritage Site declaration) \$250,000

Priority 1: This request is to provide funds for the design and study of the area referred to as "Heritage Park" located at the corner of Old Milton Parkway and Georgia 400. Funds would be utilized to obtain a historical site designation, Geo-technical data, and necessary permits. This site is considered to be the oldest settlement in the City of Alpharetta. There is a City Council condition that requires the donation of land to occur no later than the issuance of a land disturbance permit on the office property. The property is presently under review for a land disturbance permit (April 2018).

Park System Wayfinding Signage

\$126,412

Priority 1: This project is the beginning of the implementation of the park system wayfinding and signage plan that is being developed in FY 2017. The purpose of the signage plan is to bring uniformity to the numerous signs in our entire park system. The plan will define a specific sign style that will become our "brand" and help park patrons easily identify Alpharetta parks. The plan will also recommend locations for signs to help visitors locate various amenities in the parks, such as fields, playgrounds, tennis courts, restrooms, etc. Signs within parks will be evaluated and prioritized for replacement. Staff will systematically replace signs using the new guidelines outlined in the plan. Entrance upgrades were listed for all parks in the Master Plan and part of the upgrade includes signage. **Funding is provided through Fund Balance (\$75,000) and Hotel/Motel Taxes (facility portion; \$51,412).**

Alpharetta Public Arts Initiative

\$85,000

Priority 1: Arts Alpharetta is a nonprofit organization dedicated to bringing quality arts to Alpharetta. At the request of staff, Arts Alpharetta formed a steering committee to look at introducing outdoor public art to the exciting new Thompson Street Greenway trail. Arts Alpharetta feels that by lining the trail with unique, high quality temporary installations, residents and visitors like will be enticed to use and explore the trail. The working title for this project is Phase Two – *Outdoor Art Gallery* loan project. Phase One is the *Instruments of Inspiration* permanent installations currently approved by the City Council in December 2016.

Briefly, the works would be on loan from the artists for a 9-month period tentatively March through November 2019. This would become an annual event where new and returning artists would be selected each year. The artists would receive a loan-fee, half paid at installation and half at the end of the loan period.

Several communities around Alpharetta have a similar program but what is unique about this initiative is that the Thompson Street Greenway allows us to select and prep the sites while the trail is being built. Further the steering committee feels that we do not merely want to replicate what others communities have done but rather we strive to elevate the project to the highest possible quality art and experience.

This initiative provides funding for the loan of an estimated 12 art installations including installation, marketing, events, juror stipends, with funding (if available) for the purchase of art pieces for permanent display in Alpharetta.

Thompson Street Trail Sculpture

\$44,000

Priority 1: This request is for the purchase of a sculpture at the entrance to the Thompson Street Trail. Costs are estimated at \$44,000 and include artists' fees, juror fees, and installation. This request is being presented from Arts Alpharetta. Thompson Street Park will become one of the favorite stops along the Inner Alpha Loop. The need for an iconic

piece of artwork cannot be understated. Arts Alpharetta will use the same process that it has used for *Instruments of Inspiration* and for *Miscellany* to select the artwork.

Midwick Wall Mural

\$82,500

Priority 1: This request is for a mural at Midwick Wall. Costs are estimated at \$82,500 and include artists' fees, design fees, juror fees, wall preparation, and installation. This wall is along the inner Alpha Loop between City Hall and Avalon. This piece of artwork will help soften a large retaining wall that faces Academy Park. The spot for the mural and the conditions surrounding its selection has been vetted by the City of Alpharetta in cooperation with Academy Park and the developer.

The Stories Project

\$25,000

Priority 2: This project entails video recording the stories and oral history of our citizens and their memories of the Alpharetta Experience. This project will continue into the future and involve the recordings of a number of citizens each year as seniors are willing to express their emotions, memories and recollections of the Alpharetta they have known. As time progresses, the videos will be compiled so they can be used as an online story of our past and its respected citizens who have helped to shape our city. This documentation will also be used within the History Center as an oral history of Alpharetta's development over time. We are hoping to record 50 citizens within the next year.

Downtown Holiday Decorations (expansion)

\$88,000

Priority 1: This request is for additional Holiday Decorating Displays for the Downtown which includes the following: "RGB" Tree-of-Lights, with preprogrammed effects, approx. 58'-60'; (12) 30" manzanita snow balls; (12) 24" manzanita snow balls; (6) 7.5 3D deer (matches existing stars); one cluster of three slim-topiary style Christmas trees (sizes = 12'/10'/8') enhanced with manzanita type branches (nestled together to accent small park near promenade). This will be an addition to the current displays we highlighted in 2017. Capital costs total \$88,000 for purchase of the holiday décor described above. Operational costs are estimated \$15,000 annually for the installation, takedown, and storage and is included in the Recreation, Parks & Cultural Services Department operating budget. The performance of these decorations will be measured by the number of attendees, number of sponsors, number of volunteers recruited, and the number of community organizations involved in the Christmas Tree Lighting.

General Government

Matching Funds for City Grants

\$30,000

Priority 2: This request is to provide available funding to serve as matching funds for grant opportunities as they arise throughout the year. Operating grants, such as the Bulletproof Vest Partnership Program, typically require matching funds in order to carry out the required grant activities. This funding will allow the City of Alpharetta to pursue a multitude of grant opportunities.

CAPITAL INITIATIVES NOT RECOMMENDED FOR FUNDING AT THIS TIME

City Administration

Citywide Economic Development Analysis and Strategic Plan \$75,000

Priority 1: The last Economic Development Strategy and strategic plan was done in 2011-2012. The relevant life of such a study is 3-5 years and continually needs updating as the economy and environment is constantly changing. Given the amount of development we have had in the last 5 years, a new outside evaluation of the health of the Alpharetta economy, strategic vision and priority of development, and evaluation of current initiatives and business inventory is needed. The scope of the entire economic engine in Alpharetta is too large to be internally evaluated and is best evaluated periodically by an outside agency. The request is to hire an outside economic development consulting agency to perform an economic outlook, economic evaluation of business and industry health within Alpharetta and recommendations for strategic planning initiatives to forward the mission and objectives of the economic development department for the next 3-5 years.

Community Development

Parking Management – Meters/Old Roswell Lot Gate Arm \$115,000 (expense); \$18,200 (revenue)

Priority 1: This projects consists of installing approximately 70 parking meters along Main Street and Milton Avenue. Maintenance fees assumed wireless meter management and wireless sensor management. User fees (revenues) are based on very nominal usage: assuming \$0.50 per hour during weekdays (8am-5pm) and each meter averaging 2 hours use per day (\$1.00*260 days *70), Actual revenues have a much higher potential.

Project also includes installing a gate arm and ticket machine at the Old Roswell Lot. Implementation and funding would be based on revenues from the meter program. Old Roswell Lot will be time restricted to 3 hours, for no costs, or \$1.00 per hour if more than 3 hours. Gate arm and ticket facility will decrease manpower effort required to enforce parking time limits and provide an opportunity for parking for those willing to pay a daily fee.

2019 Operating Initiative – New Fleet for Code Enf. Officer position (Qty: 1) \$25,000

Priority 2: This initiative constitutes the capital component (new fleet and associated upfitting costs) of the new Code Enforcement Officer position requested in FY 2019 (Operating Initiative). Capital costs total \$25,000 and include the acquisition of one (1) F-150 pickup truck. Please refer to the Operating Initiatives section of this document for a detailed write-up of position duties and justification.

Public Works

Pedestrian Safety Study \$125,000

Priority 1: This request is for the identification, design, and collaboration of safety improvements along collector/arterial streets and the downtown area where high speeds are occurring and there is an increase of pedestrian traffic. The funds associated with this project are to assist the Department in hiring consultants to examine our downtown, as well as several intersections outside the downtown area, and develop options for improving pedestrian safety.

Major Intersection Improvements

\$300,000

Priority 2: This request would allow the City to quickly address major intersection improvement projects, such as adding turn lanes at major intersections. Projects will be selected based on their effect on traffic flow and safety.

The requested design funds is for the design of a left-turn lane from Kimball Bridge Road to Park Brooke Drive. The City has received a number of requests over recent years to provide this improvement. The requested construction funding for FY 2019 is for the construction of dual left turn lanes from south-bound Haynes Bridge Road to east-bound North Point Drive.

Davis Dr Extension to Westside Parkway

\$500,000

Priority 1: This project would construct the extension of Davis Drive from its current cul-de-sac at The Cooler and Pappadeaux to Westside Parkway at Sanctuary Parkway. The constructed road segment would be a two lane road with bicycle lanes and 6' sidewalks. Also included in the project scope is modifying the existing four lane configuration of Davis Drive to a two lane configuration with a center turn lane and bicycle lanes. The new roadway section would be approximately 1,400 linear feet in length. Design for this project was funded in FY 2014. Transportation impact fees can offset a portion of these costs. City and the North Fulton Community Improvement District are working together to fund completion of the project.

Connector Road (NP Pkwy to Edison Dr.; Design)

\$150,000

Priority 2: This project would create a new two-lane roadway with sidewalks connecting North Point Parkway and Edison Drive. Proposed roadway would utilize the existing curb cut for the AT&T property on the east side of North Point Parkway at Dryden Road. Proposed roadway would be approximately 900 linear feet in length. FY 2019 funding request is for design. ROW and construction costs are estimated at \$930,000 and would be part of future funding requests.

Pedestrian/Safety Improvements at Marietta Street and SR9

\$175,000

Priority 1: This request is for the construction of pedestrian enhancements and safety improvements at the intersection of SR 9 and Marietta Street. A proposed pedestrian enhancement at this intersection will assist pedestrians in crossing SR 9 by removing conflicting side-street straight and left-turn movements.

Hembree Road Turn Lanes (Design; ROW)

\$150,000

Priority 1: This request is for the design and construction of various turn lanes along Hembree Road from Maxwell Road to Old Roswell Road. The project length would be approximately 2,000 linear feet. During the morning peak hours, Hembree Road is congested with vehicles attempting to make left turns into various properties. These vehicles are creating congestion through the intersection of Maxwell Rd. and Hembree Rd. as well as creating undue delays at the intersection of Westside Parkway and Hembree Rd. Installing turn lanes at various intersections will alleviate congestion along this corridor. Construction costs are estimated at \$600,000 and would be part of a future funding request.

Marjean Way Extension (Design)

\$500,000

Priority 2: This request is for the design of the extension of Marjean Way from its current terminus at Orchid Lane north to Milton Avenue. The roadway extension will include brick sidewalks on both sides of the road to match the roadway section approved as part

of the Windsong Townhomes development. Also included in the project scope will be the design of a regional stormwater facility designed to accommodate any future redevelopment of the adjacent upstream properties (currently occupied by the Masonic Lodge and Krogh Cabinetry) and the city-owned property at 90/92 Milton Avenue. The stormwater facility will be designed in such a manner to provide an attractive amenity to the area. In addition, the design shall include amenities associated with the future park. Construction costs are estimated at \$3 million and would be part of future funding requests.

Wills Road Widening (Design; Milton Ave. to Old Milton Parkway) \$200,000

Priority 1: The City has received complaints of traffic backups that occur at the intersection of Mid Broadwell Road and Wills Road. The downtown area of Milton Avenue near Roswell Street/Canton Street is becoming more congested. Providing connectivity to the multi-lane of Old Milton Parkway from Wills Road may serve as a reliever route for traffic not wishing to go through downtown. An additional southbound lane on Wills Road from Mid Broadwell will provide a free flow right off of Mid Broadwaell Road and allow connection to Old Milton Pkwy thus giving drivers an option around downtown. ROW and Construction costs are estimated at \$650,000 and would be part of a future funding request.

Waters Road Traffic Calming (Design) \$350,000

Priority 1: The city has received numerous complaints from citizens living along Waters Road regarding the volume of traffic and speed of vehicles. Several options and locations were evaluated and it has been determined that roundabouts at the intersections of Waters Road and Centennial Drive and Waters Road and Waters Mill Drive would be the most feasible method for addressing these concerns. Design funds are being requested for FY 2019. It is anticipated that right-of-way will be needed from property owners and will be acquired after completion of the design documents in FY 2020. ROW and Construction costs are estimated at \$2.4 million and would be part of a future funding request.

Douglas Road Traffic Calming Improvements (Option 1) \$500,000

Priority 1: This request is for the design and implementation of safety improvements along Douglas Road. Citizens of Waters Road have expressed concerns of individuals driving at excessive speeds. The topography of Douglas Road does not make it any easier to slow drivers. Requests have been submitted for roundabouts, sidewalks on both sides of the street, chicanes, and improved landscape areas. This funding request is to remove the right turn lanes along the corridor. Removal of the right turn lanes and replacing the areas with landscaping will provide drivers a tunnel affect and force drivers to slow their speed and become more aware of their surroundings. Another option would be roundabouts which are included in a separate capital request.

Douglas Road Traffic Calming Improvements (Option 2; Design) \$150,000

Priority 1: The City has received numerous complaints from citizens living along Douglas Road regarding the volume of traffic and speed of vehicles. Several options and locations were evaluated along Douglas Road. Intersection improvements at Douglas Road/Clubhouse Drive and Douglas Road/Newport Bay Passage are being considered. A roundabout is being proposed at Douglas Road/Clubhouse Drive to address the intersections volume as well as a traffic calming. Traffic calming measures for the Newport Bay Passage intersection would include a lane diet and sight distance improvements. Design funds are being requested for FY 2019. It is anticipated that right-

of-way will be needed from property owners and will be acquired after completion of the design documents in FY 2020. ROW and Construction costs are estimated at \$1.7 million and would be part of a future funding request. Another option includes smaller scale traffic calming measures including removal of right-turn lanes and are included in a separate capital request.

Flashing Yellow Signals

\$60,000

Priority 1: This request is to upgrade 36 signalized intersections within the city to the flashing yellow arrow standard. This signal change introduces a flashing yellow arrow during the permissive left turn phase of the signal operation. The Federal Highway Administration had demonstrated that this new application has helped reduce left turn crashes, causes less driver confusion on the decision to turn, and provides additional traffic management flexibility. Implementing the new federal standard for permissive phasing also provides consistency with neighboring jurisdictions. Currently SR 120 has 2 flashing yellow intersections and GDOT has plans to continue upgrades to the rest of the corridor.

The city's upgrade will be done over a 4-year period starting with the arterial streets, then moving to collector and local streets. The following is a list of intersections to be done in FY 2019: North Point Parkway at Rockmill Road; North Point Pkwy at Kimball Bridge Road; Haynes Bridge Road at Westside Pkwy; Haynes Bridge Road at Lakeview/Northwinds Pkwy; Haynes Bridge Road at Ga Lane; North Point Parkway at Mansell Crossing South; North Point Parkway at Mansell Crossing Middle; North Point Parkway at Mansell Crossing North; North Point Parkway at Ga Lane; and North Point Parkway at North Point Drive. Estimated cost for the project is \$240,000 and would be allocated over the four-year period beginning in FY 2019.

Citywide Sign Inventory

\$120,000

Priority 3: This request is for a citywide sign inventory. The City does not currently have an inventory of our right-of-way signage which hinders our ability to adequately maintain these assets. With this inventory the management, location, and condition of signage will be tracked. This inventory will provide data collection, post processing, and a geodatabase that will integrate with the city's asset management system (CityWorks) and the city's GIS. Each year, Public Works performs over 250 work orders associated with street signage and the work orders are reactionary based on complaints. The inventory system will enable Public Works to identify when signage was installed and develop a pro-active replacement program for when signage exceeds its useful life (e.g. degradation of reflectivity).

Waters Road Sidewalk Improvements

\$750,000

Priority 1: This funding request is for the installation of sidewalks on both sides of the street to improve pedestrian connectivity. Pedestrians would only need to cross Waters Road at signalized intersections: Kimball Bridge Road; and Jones Bridge Road. Citizens of Waters Road have expressed concerns of individuals driving at excessive speeds. The topography of Waters Road does not make it any easier to slow drivers. Requests have been submitted for roundabouts, sidewalks on both sides of the street, chicanes, and improved landscape areas.

Douglas Rd Drainage and Erosion Control Improvements

\$200,000

Priority 1: This request is for the reconstruction of approximately 915 linear feet of existing sidewalk along the west side of Douglas Road between Newport Bay Passage

and the bridge over Caney Creek. Along this stretch of Douglas Road there is no curb and gutter between the road and the existing sidewalk. When it rains, runoff from the road runs across and along the sidewalk making it unusable for pedestrians. This is also causing erosion problems in the area. This project will reconstruct the sidewalk, install curb and gutter, install storm drainage structures and pipes, and address the erosion issues.

City Center Parking Deck Lighting

\$50,000

Priority 1: This request is for installation of additional lighting in the City Center parking deck. When the Private development tied onto the city's parking deck, a significant amount of ambient lighting was lost. Though the lights are on all the time, several areas of the deck remain dark causing patrons to feel unsafe.

Public Safety Headquarters Façade (Design)

\$200,000

Priority 1: The current Public Safety Headquarters building was originally designed on the basis of facing Kimball Bridge Road. However, upon the completion of Westside Parkway and the addition of AVALON, the front of the building is in the open more and is in need of aesthetic treatments. The funding of this CIP request will go towards designing a retrofit to the existing facade and developing a cost estimate for complementation for a subsequent CIP request.

Restroom Renovations (Wacky World/Wills Park)

\$150,000

Priority 2: This request is for the interior remodeling of the existing restroom facility adjacent to the Wacky World Playground. The building is showing its age and needs upgrades to enhance the use of the building as well as the overall appearance for the citizens. The project will entail removing everything within the current facility and replacing all of the current items with brand new items of similar materials in the restroom facilities at Brooke Street Park and the City Hall Parking Deck.

Concession Building Renovation (North Park fields 1-4; Design)

\$150,000

Priority 1: This request is for design of a new restroom/concession building at North Park Fields 1-4. The building is showing its age and needs replacement instead of an upgrade to enhance the use of the building as well as the overall appearance for the citizens. Construction costs are estimated at \$1.5 million and would be part of a future capital funding request.

Public Safety

Community Center Generator (new)

\$200,000

Priority 2: The Alpharetta Community Center is targeted to serve as an emergency shelter. However, the American Red Cross and Salvation Army require emergency shelters that serve the public to have emergency generators servicing the facility. The Community Center does not currently have generators. This projects includes the purchase and installation of a new 400kw Natural Gas Generator.

Fire Station Camera System

\$38,000

Priority 2: This request is to install seven (7) IP cameras at Fire Stations for parking lot security. This was a City Council initiated request in 2017 after several Fire Stations were the scene of multiple entering autos, causing the loss of personal and department property as well as damage to our Firefighter's personal vehicles. There are currently no security cameras at any of the Fire Stations to deter criminals or provide any useful information in the event a crime or significant incident arises. This initiative provides for a local recording server and licensing to support camera recording and interfaces. The

proposal is to install two (2) "IP" cameras at Fire Station 81, and one (1) "IP" camera each at Fire Stations 82 through 86. The installation includes the needed local storage and interfaces needed to connect to the city's existing security camera infrastructure.

SWAT Medic Take-Home Vehicles (Qty: 4) \$160,000

Priority 3: This request is for the purchase of four (4) emergency vehicles to be issued to SWAT medics to enhance their deployment speed and safely secure their equipment. SWAT medics are Advanced Emergency Medical Technicians (AEMT) and GA POST Law Enforcement certified firefighters who are integral members of SWAT. A properly outfitted vehicle would provide the SWAT medics with secure storage for the highly sensitive weapons and equipment they are entrusted with.

This request would provide each SWAT medic with an unmarked Ford Explorer SUV (Admin Package; \$29,000); emergency lights and equipment (\$5,000); SWAT Trunk Vault (\$2,500); Rifle\Shotgun rack (\$500); and radio (\$3,000) for a cost per vehicle of \$40,000. There are currently four assigned SWAT medics making the initial cost \$160,000. The anticipated future costs would include the addition of two (2) vehicles and equipment (year 2 and 3) to be issued to new medics bringing a total of six SWAT medics (two per fire shift). There is normal maintenance costs associated with vehicles. Current policy regarding assigned City vehicles would be followed.

2019 Operating Initiative--Fleet/Equip. for Police Officer positions (Qty:5) \$300,000

Priority 1: This initiative constitutes the capital component (new fleet/associated upfitting costs and equipment) of the five (5) new Police Officer positions requested in FY 2019 (Operating Initiative). The five (5) new Police Officer positions would form a Bike unit consisting of one (1) Lieutenant and four (4) Police Officers equipped with Ford F150 4x4 pickups and special purpose bicycles which will allow them to efficiently and effectively patrol the City of Alpharetta as well as participate in community and special events. Capital costs total \$300,000 for the acquisition of five (5) F-150 4x4s (including upfitting to public safety standards), specialty bicycles, vehicle cameras, etc. Please refer to the Operating Initiatives section of this document for a detailed write-up of position duties and justification.

2019 Operating Initiative--Fleet for Asst. Fire Marshall position (Qty:2) \$87,000

Priority 1: This initiative constitutes the capital component (new fleet/associated upfitting costs) of the two (2) new Assistant Fire Marshall positions requested in FY 2019 (Operating Initiative). The two (2) Assistant Fire Marshal positions will assist the Fire Marshal's office in maintaining its existing level of service to the community. This is in addition to the new Assistant Fire Marshall position approved in the FY 2018 budget. Capital costs total \$87,000 and include the acquisition of two (2) pickup trucks with associated upfitting costs. Please refer to the Operating Initiatives section of this document for a detailed write-up of position duties and justification.

3D Laser Scanner \$90,700

Priority 1: This request is for a 3D laser scanner and software with equipment which will replace the out of service and outdated Total Station equipment previously used during crash investigations by the Traffic Unit. The laser scanner captures a 3D representation of any scene, exactly how it was at the time. It can create 2D and 3D scene diagrams and animations, perform crash and crime scene analysis, and creates courtroom presentations. This system can also be used for crime scene investigations, arson investigations, training, pre-planning, and a wide array of other uses by several units

within Public Safety. This request includes: 3D Laser Scanner (\$47,000); Set up (\$8,300); 3D software (\$13,900); Equipment (\$8,500; notebook, stands, tripods, battery); and 3-year maintenance and warranty on equipment and software (\$13,000).

Patrol Rifle System

\$130,000

Priority 2: This request is for the purchase of 65 rifle platforms at \$2,000 each and will allow the Department to issue the same type of rifle platform (make and model rifle, optics, light system and sling) to Officers. Currently, due to the limited number of Department owned rifles and the number of Officers, the Department allows Officers to the option of carrying an approved rifle that is personally owned or carrying one of the limited number of rifles the Department owns. The Department has issued 36 rifles to Uniformed Patrol Officers and has 4 unassigned and available to Uniform Patrol. Currently, 22 Officers carry their own Department approved personal rifles due to their preference in optics, light systems and sling systems which are not supplied by the Department. With the new standardized rifle platform the carry of personal rifles will no longer be needed and the current policy of authorizing the practice will be modified. The estimated number of rifles takes into consideration the 36 issued to Officers, the 22 personal rifles currently being carried and the 4 currently unassigned but available and 3 spares - for a total of 65 new standardized rifle platforms. All rifles will be from the same manufacturer with the same optics, light and sling systems.

Recreation, Parks & Cultural Services

Wills Park Drainage Improvements (main parking lot)

\$350,000

Priority 1: This project is located in the forested area between the main parking lot for Wills Park Pool and the stream that runs east to west through the park. Currently the area receives runoff from the parking lot, the baseball fields, and a large portion of this side of the park. High volume and velocity storm flows have carved a large gully through the wooded area impacting mature trees, threatening the walking path, and creating a dangerous hazard condition for Frisbee golfers. The FY 2017 Capital Budget included funding for the design of a solution to repair the inflow pipes and stabilize the channel. The corrugated metal inflow pipes have deteriorated and the headwalls structures have fallen off the pipes. This project will add two junction boxes and replace approximately 150 linear feet of the most downstream pipe. The gully will be re-shaped using a regenerative stormwater conveyance system including rock step pools and stone weirs to cascade the water gently downslope into the stream. This will reduce erosion and stabilize the area near the walking path and the Frisbee golf course. Additionally, a new pedestrian safe bridge will be added for the Frisbee golf course allowing players to safely reach the pin. Some large sweetgums will be removed for safety during construction. This project addresses measure 1 in the watershed improvement plan. FY 2017 Capital Budget included funding for design. FY 2019 request is for construction of the underlying improvements.

Wills Park Stream Restoration #1

\$700,000

Priority 1: There are three reaches of stream in Wills Park that would benefit from stream restoration and/or buffer enhancement; reaches A, B, and C. In stream restoration it is generally best practice to work from upstream to downstream. This project was identified in the Foe Killer Creek Watershed Improvement Plan as project #13a and is named Reach A. Reach A is highly incised due to storm runoff. The channel should be raised and reconnected with the floodplain to reduce erosion. This project will be done in conjunction with donations and volunteers from the Alpharetta Rotary. The design money is to be used for the required state permitting. The construction money will be

used for the heavier construction beyond the ability of volunteers. Approximately 800 linear feet of stream restoration is planned.

Big Creek Stream Bank Restoration

\$50,000

Priority 1: This project will work in conjunction with a Stormwater Study of Big Creek erosion funded in FY 2018. The Study will create a template design for minor maintenance that can be used for small repairs. It will further identify areas of unique concern that require individual design, state permitting, and extensive restoration construction. Routine maintenance is expected in FYs 2019-2022 and individual designs and construction projects are anticipated in FYs 2022-2028.

New Fleet – Parks Department Managers (Qty: 2)

\$64,000

Priority 1: The Recreation, Parks & Cultural Services Department has undergone a significant change in Department Leadership and the physical location of Department Managers. With the addition of two divisions, the need to accommodate the Management Team with the appropriate transportation will be vital to their success.

Ford Explorer - Staff is requesting a Ford Explorer (addition to the fleet) for Managers of Recreation Services, Cultural Affairs and Community Services Divisions; the managers will work out of City Hall so they will have easy access to share this vehicle.

Ford F150 4x4 Supercab – Staff is requesting a Ford F150 4X4 Supercab Truck (addition to the fleet) that truck will be assigned to the Park Services Manager. The plan is to provide every staff person deemed Essential Personnel in Park Services a 4X4 truck. The Park Services Manager's current truck will be assigned to staff to meet the essential needs of the daily operations that is highlighted in the following justifications:

- a) The Recreation, Parks & Cultural Services Dept. has undergone tremendous growth over the past five years. In FY 2016, the department was given the oversight, and additional support, for the Special Events Division. Even though monies and resources were added for staff and program implementation, no additional funds were added for Park Services support, equipment or fleet.
- b) Another significant addition to the Department is the opening of the new Art Center which coincides with the launch of the new Cultural Affairs division. This facility will require janitorial support of the current Facility Technician Team. The intention is utilize current staff to accommodate the needs of the four Recreation Centers and Art Facility. This additional truck will be used by the technicians to meet this additional responsibility.
- c) (c) Two new parks were added in FY 2018 (Brookside Property and Avalon Fitness Park), totaling approximately 35 acres that are currently being maintained by Parks Staff. FY 2019 will add a minimum of two more properties, Thompson Street Linear Park and Encore Park, which will require more vehicles to properly meet the current maintenance standard.



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BUDGET NARRATIVE

City of Alpharetta FY 2019 Budget Narrative

Budget Rollup: All Funds

The FY 2019 Budget is balanced for all funds and totals \$128 million with the breakdown by fund type as follows:

• General Fund:	\$ 72,188,199
• Special Revenue Funds:	12,729,700 (1)
• Debt Service Fund:	5,473,513
• Capital Project Funds:	21,480,065 (1)
• Solid Waste Fund:	4,017,954
• Risk Management Fund:	1,450,500
• Medical Insurance Fund:	8,670,457
• OPEB Trust Fund:	<u>2,155,000</u>
Total	\$128,165,388

(1) Amounts contained herein represent new appropriations for FY 2019. Unexpended FY 2018 appropriations for Council approved projects are re-appropriated annually pursuant to city policy.

General Fund

Revenues: FY 2019 General Fund operating revenues are forecasted to grow by 2.8%, or \$1.8 million, compared to Amended FY 2018. The following table compares major revenue categories within the General Fund:

	FY 2018 AMENDED BUDGET	FY 2019 RECOMMENDED BUDGET	\$ Variance	% Variance
Revenues:				
Property Taxes:				
Current Year	\$ 21,160,000	\$ 22,480,000	\$ 1,320,000	6.2%
Motor Vehicle	180,000	115,000	(65,000)	-36.1%
Motor Vehicle Title Tax Fee	775,000	900,000	125,000	16.1%
Prior Year/Delinquent	239,000	237,000	(2,000)	-0.8%
Local Option Sales Tax	15,200,000	15,650,000	450,000	3.0%
Other Taxes:				
Franchise Fees	6,640,000	6,200,000	(440,000)	-6.6%
Insurance Premium Tax	3,693,320	3,900,000	206,680	5.6%
Alcohol Beverage Excise Tax	2,100,000	2,200,000	100,000	4.8%
Other Taxes	2,339,500	2,429,500	90,000	3.8%
Licenses & Permits	2,722,050	2,704,250	(17,800)	-0.7%
Intergovernmental	435,000	460,000	25,000	5.7%
Charges for Services	3,492,408	3,509,150	16,742	0.5%
Fines & Forfeitures	2,209,250	1,987,500	(221,750)	-10.0%
Interest	75,000	150,000	75,000	100.0%
Other Revenues	292,258	296,984	4,726	1.6%
Other Financing Sources:				
Interfund Transfer (Hotel/Motel Fund)	2,718,750	2,868,750	150,000	5.5%
Total Operating Revenues	\$ 64,271,536	\$ 66,088,134	\$ 1,816,598	2.8%
Fund Balance Carryforward	8,860,286	6,100,065		
Total Revenues	\$ 73,131,822	\$ 72,188,199		

The following section provides brief narratives on major variances within the revenue categories detailed in the table above.

- Property Taxes: The FY 2019 Budget is based on maintenance of the city's millage rate at 5.750 mills. Property tax digest growth (existing values) is estimated at 5% equating to \$4.8 billion plus a forecast of new construction valuation of \$56 million (based on building permit data). The FY 2019 taxroll will be based on market valuations and the County has committed to its cities to provide tax digest valuations by mid-May. FY 2020 taxroll valuations will be impacted by the floating homestead legislation (House Bill 712), assuming passage by the voters in November 2018, as it will rollback valuations on homesteaded properties (legislation includes a lengthy formula, but most properties will roll back to a 2016 base year valuation).

However, HB 712 provides an inflationary adjustment factor that should help stabilize property tax revenue for the FY 2020 budget.

- The portion of the millage rate funding debt service (Debt Service Fund) will decrease from 1.03 mills in FY 2018 to 0.98 mills in FY 2019. Estimated growth in the property tax digest, coupled with available cash in the Debt Service Fund, allows for a reduction in the millage rate dedicated for debt service. The FY 2019 Budget proposes to program the debt service millage reduction into the General Fund.
- The portion of the millage rate funding operations and recurring capital investment (General Fund) will increase from 4.72 mills in FY 2018 to 4.77 mills in FY 2019. Property tax revenue estimates for FY 2019 total \$22.5 million (excluding motor vehicle taxes). Of this amount, \$4.5 million is included for a recurring capital program (e.g. milling and resurfacing of city streets; traffic equipment replacement; drainage maintenance; etc.). The capital funding will be transferred to the Capital Projects Fund and Stormwater Capital Fund to properly account for the capital improvement activities.

The property tax revenue estimates are net of the city's \$40,000 homestead exemption which saves our homeowners \$2.6 million annually (e.g. equates to a 1.3 mill reduction for the average homeowner). The city's homestead exemption is more than double the amounts offered from our companion cities and goes great lengths in keeping Alpharetta an affordable place to live and raise a family.

- Motor vehicle taxes are experiencing declines due to House Bill 386 which phased out motor vehicle taxes on all vehicles titled on or after March 1, 2013. The city is still receiving motor vehicle taxes on vehicles titled before March 1, 2013 until the vehicle is sold/transferred. The city is forecasting motor vehicle revenues to be fully phased-out over the period ending in FY 2022. HB 386 created a Motor Vehicle Title Fee that is intended to partially offset the reduction in motor vehicle taxes. An increase of 16% is forecasted for FY 2019 for motor vehicle title fees from a budget-to-budget standpoint. However, actual collections are estimated at \$850,000 in FY 2018 which equates to a revised growth rate of 6%. The main driver for the variances is a revision in the title fee revenue sharing formula (State/Counties/Cities) that increased the local share during 2017 from 41% to 46%.
- Local Option Sales Taxes ("LOST"): Growth of 3% is forecasted for FY 2019 and is based on year-to-date growth in FY 2018. Market indicators highlight continued growth in the economy but that has not translated into increased spending on taxable goods/services over the last several years.
- Franchise Fees: Reduction of -7% is forecasted for FY 2019 from a budget-to-budget standpoint. Franchise Fee revenue is sensitive to fluctuations in usage (e.g. cool summer significantly lessens the need for air conditioning and associated energy usage). As such, budgetary practice is to be

- conservative with forecasting these collections so as to insulate the operating budget from the associated short-term collection fluctuations inherent in this revenue source. Collections from GA Power, the largest contributor of this revenue source (62% of total franchise fees), totaled \$3.9 million in FY 2018 and represents a -\$230,169 decrease over the prior year (\$4.1 million was collected in FY 2017) due primarily to relatively milder seasons (e.g. cooler summer and warmer winter) and continued investment in green technology (e.g. LED lighting) that reduced energy usage needs.
- Insurance Premium Taxes: Growth of 6% is forecasted for FY 2019 from a budget-to-budget standpoint. However, actual collections during FY 2018 totaled \$3.8 million which equates to a revised growth rate of 2%.
 - Alcohol Beverage Excise Taxes: Growth of 5% is forecasted for FY 2019 from a budget-to-budget standpoint. However, actual collections are estimated at \$2.2 million for FY 2018 which is flat compared to the FY 2019 forecast.
 - The Other Taxes category includes collections for Intangibles Taxes (-12% reduction to \$550,000), Real Estate Transfer Taxes (-22% reduction to \$300,000), Business and Occupational Taxes (12% growth to \$1.2 million), Financial Institution Taxes (42% growth to \$425,000), etc.
 - Licenses & Permits: A slight reduction of -1% is forecasted for FY 2019 based on current collection patterns and permit activity. Actual collections are estimated at \$3.3 million in FY 2018 which is greater than the FY 2019 budget. License and Permit revenue is cyclical and sensitive to fluctuations in the market (e.g. construction market, employment market, etc.). As such, budgetary practice is to be conservative with forecasting these collections so as to insulate the operating budget from the associated short-term collection fluctuations inherent in this revenue source. The largest revenue source is Building Permit Fees (\$1.6 million forecast for FY 2019; \$2.2 million conservatively estimated for FY 2018).
 - Fines and Forfeitures: Reduction of -10% is forecasted for FY 2019 from a budget-to-budget standpoint. However, actual collections are estimated at \$1.8 million in FY 2018 which equates to a revised growth rate of 10%. The primary driver of this variance is a significant reduction in court fine revenue (actual collections are down -25% fiscal year-to-date through February 2018) which is driven through a reduction in the corresponding citations. As the Public Safety Department is able to fill vacancies, traffic patrol activities will return to their normal scope; the FY 2019 Budget reflects an increased level of enforcement activity.

Expenditures: The following table compares departmental appropriations within the General Fund (please refer to the departmental summaries included herein for detailed budgetary analysis).

	FY 2018 AMENDED BUDGET	FY 2019 RECOMMENDED BUDGET	\$ Variance	% Variance
Expenditures (by Department):				
Mayor and Council	\$ 364,488	\$ 364,389	\$ (99)	0.0%
City Administration	2,266,016	2,209,084	(56,932)	-2.5%
Legal Services	665,000	690,000	25,000	3.8%
Community Development	2,857,116	3,069,560	212,444	7.4%
Public Works	8,377,022	8,621,264	244,242	2.9%
Finance	3,347,009	3,366,136	19,127	0.6%
Public Safety	27,260,508	28,344,825	1,084,317	4.0%
Human Resources	415,782	430,846	15,064	3.6%
Municipal Court	1,126,546	1,096,466	(30,080)	-2.7%
Recreation, Parks & Cultural Services	9,101,275	9,459,251	357,976	3.9%
Information Technology	1,681,857	1,742,223	60,366	3.6%
Non-Departmental:				
Contingency	650,000	670,000	20,000	3.1%
Insurance Premiums (Risk Fund)	665,000	689,500	24,500	3.7%
Gwinnett Tech Contribution (Debt Svc)	286,840	286,590	(250)	-0.1%
Reserve for Operating Initiatives	-	538,000	538,000	100.0%
Donations/Contributions	45,000	10,000	(35,000)	-77.8%
Total Operating Expenditures	\$ 59,109,459	\$ 61,588,134	\$ 2,478,675	4.2%
Interfund Transfer:				
Capital Project Fund	12,747,363	8,895,065		
Operating Grant Fund	20,000	30,000		
Stormwater Capital Fund	1,255,000	1,675,000		
Total Expenditures	\$ 73,131,822	\$ 72,188,199		

The following table compares expenditure category appropriations within the General Fund.

	FY 2018 AMENDED BUDGET	FY 2019 RECOMMENDED BUDGET	\$ Variance	% Variance
Expenditures (by Category):				
Personnel Services:				
Salaries	\$ 26,968,197	\$ 27,860,346	\$ 892,149	3.3%
Group Insurance	8,002,164	7,999,100	(3,064)	0.0%
Pension (Defined Benefit)	2,500,954	2,599,935	98,981	4.0%
Pension (401A)	1,688,463	1,795,305	106,842	6.3%
Post Employment Healthcare Benefit	-	550,000	550,000	100.0%
Miscellaneous Benefits	2,844,228	2,959,443	115,215	4.1%
<i>subtotal</i>	\$ 42,004,006	\$ 43,764,129	\$ 1,760,123	4.2%
Maintenance and Operations:				
Professional Services	\$ 2,758,796	\$ 2,667,122	\$ (91,674)	-3.3%
Repair/Maintenance	1,549,408	1,673,050	123,642	8.0%
Maintenance Contracts	2,174,992	2,360,305	185,313	8.5%
Professional Services (IT)	1,450,777	1,437,923	(12,854)	-0.9%
General Supplies	1,014,810	1,084,810	70,000	6.9%
Utilities	2,604,475	2,614,525	10,050	0.4%
Fuel	449,524	441,650	(7,874)	-1.8%
Legal Services	665,000	690,000	25,000	3.8%
Miscellaneous	1,937,663	1,938,983	1,320	0.1%
<i>subtotal</i>	\$ 14,605,445	\$ 14,908,368	\$ 302,923	2.1%
Capital/Lease:				
Fire Truck/Cardiac Monitor Leases	\$ 578,669	\$ 579,604	\$ 935	0.2%
Tyler ERP Lease	110,904	-	(110,904)	-100.0%
Work Order Software Lease	76,622	76,943	321	0.4%
Miscellaneous	86,973	65,000	(21,973)	-25.3%
<i>subtotal</i>	\$ 853,168	\$ 721,547	\$ (131,621)	-15.4%
Other Uses:				
Contingency	\$ 650,000	\$ 670,000	\$ 20,000	3.1%
Insurance Premiums (Risk Fund)	665,000	689,500	24,500	3.7%
Gwinnett Tech Contribution (Debt Svc)	286,840	286,590	(250)	-0.1%
Reserve for Operating Initiatives	-	538,000	538,000	-
Donations/Contributions	45,000	10,000	(35,000)	-77.8%
<i>subtotal</i>	\$ 1,646,840	\$ 2,194,090	\$ 547,250	33.2%
Total Operating Expenditures	\$ 59,109,459	\$ 61,588,134	\$ 2,478,675	4.2%
Interfund Transfer:				
Capital Project Fund	12,747,363	8,895,065		
Operating Grant Fund	20,000	30,000		
Stormwater Capital Fund	1,255,000	1,675,000		
Total Expenditures	\$ 73,131,822	\$ 72,188,199		

Meeting the Internal Needs of Operating Departments

Several of the major points of the FY 2019 Budget are as follows:

- Operating expenditures of the General Fund are up 4% over FY 2018. This figure includes the operating initiative funding for FY 2019¹. After adjusting for the operating initiative funding, **the base operational growth totals 3%.**
- Management of personnel and compensation program to align with current market environment:
 - Staffing level at 443.5 full-time equivalents (down one position from FY 2018; reduction of a vacant Deputy Clerk II position within Municipal Court).
 - Continuation of a performance-based merit program of 3% on April 1, 2019, per authorized/funded position (estimated cost of \$250,000 citywide²) as well as the annualized financial impact of the Public Safety Department personnel reorganization that initiated in FY 2018 (estimated cost of \$50,000). This merit program is contingent upon a mid-year review of revenue trends to determine if sufficient funding is available. Research of national and local wage growth data indicates the 3% rate is a responsible average (i.e. not among the highest or the lowest).
 - Coverage of group insurance premiums including an increase in the HSA/HRA contribution made by the city to employees (increase in contribution varies between 25% to over 50%). However, premium growth is flat overall and less than the market growth for comparably sized entities due to city claims patterns that are trending less than the industry standard.
 - Addition of a new post-employment healthcare benefit to assist our employees in funding one of their primary cost drivers during retirement, healthcare. Forecasted costs for this benefit include a one-time transfer of available funding within the Medical Insurance Fund (\$1.5 million) and the inclusion of annual funding within departments approximating 2% of payroll (\$550,000 citywide). This benefit will require a minimum 15-year vesting (maximum benefit achieved at 25-years³) which will further assist in not only recruitment, but also retention of our most valuable assets, our employees.

¹ Please refer to the Operating Initiatives section of this document for detailed descriptions).

² This represents the financial impact in FY 2019 (i.e. April-June 2019).

³ Credited years-of-service for current employees will count towards vesting (subject to a maximum of 15-years).

The following table provides a comparison of personnel counts by fiscal year.

	Actual FY 2015	Actual FY 2016	Actual FY 2017	Actual FY 2018	Actual FY 2019	Variance
Detail by Department:						
General Fund						
Mayor & City Council	7.0	7.0	7.0	7.0	7.0	-
City Administration	14.0	11.0	10.0	10.0	10.0	-
Community Development	22.0	23.0	26.0	26.0	26.0	-
Public Works	55.0	55.0	52.0	52.0	52.0	-
Finance	21.5	21.5	21.5	21.5	21.5	-
Public Safety	217.5	218.5	219.0	221.0	221.0	-
Human Resources	2.0	2.0	2.0	2.0	2.0	-
Municipal Court	9.0	9.0	9.0	9.0	8.0	(1.0)
Recreation and Parks	48.0	51.0	51.0	51.0	51.0	-
Information Technology	11.0	11.0	11.0	11.0	11.0	-
subtotal	407.0	409.0	408.5	410.5	409.5	(1.0)
E-911 Fund (Special Revenue Fund)						
Public Safety	25.0	25.0	29.0	29.0	29.0	-
Information Technology	1.0	1.0	1.0	1.0	1.0	-
subtotal	26.0	26.0	30.0	30.0	30.0	-
DEA Fund (Special Revenue Fund)						
Public Safety	3.0	3.0	3.0	3.0	3.0	-
Solid Waste Fund (Enterprise Fund)						
Finance	1.0	1.0	1.0	1.0	1.0	-
Full-Time-Equivalent (FTE) Positions	437.0	439.0	442.5	444.5	443.5	(1.0)

- Targeted growth (2% or \$302,923) in departmental maintenance and operations budgets (General Fund) that is primarily attributable to the following:
 - Increase in maintenance contract costs of \$185,313 due primarily to the following:
 - Public Works - increase in maintenance contract costs due primarily to cost growth under the ROW landscape maintenance contract, Fulton County Animal Control contract, HVAC and pest control contracts for the Recreation, Parks & Cultural Services Department, janitorial contract costs for City Center, etc.
 - Public Safety - increase in maintenance contract costs due primarily to additional janitorial costs for the expanded Public Safety Headquarters coupled with software licensing fees associated with the TimeKeeping software procured during FY 2018.
 - Municipal Court - increase in maintenance contract costs due primarily to the Court Management Software initiative approved in FY 2018. Specifically: year 1 (FY 2018) included funds for fingerprint scanner equipment which does not continue into FY 2019; and year 2 (FY 2019) includes software licensing fees for the eCourts court management software (year 1 costs were covered by the Judicial Council's Administrative Office). Additional increases are associated with

Janitorial Services which are now needed as a result of the Recreation, Parks, and Cultural Services Department reorganization that resulted in them vacating the Crabapple Government Center and reallocating their staff that used to provide onsite janitorial services. The City will use its private janitorial service provider moving forward to clean the Courts facility.

- Recreation, Parks & Cultural Services - increase in maintenance contract costs due primarily to an increase in copier consumables (toner, etc.), expansion of the Zagster Bike Share program (City Center and Thompson Street locations) approved in FY 2018, and increases in janitorial maintenance costs. The Recreation, Parks & Cultural Services departmental reorganization resulted in the reallocation of active cleaning/maintenance personnel from the Crabapple Government Center. The City will use its private janitorial service provider moving forward to clean the remaining portions of the Crabapple facility used for parks activities (North Fulton Senior Services area and the Recreation Classroom area).
- Increase in repair and maintenance costs of \$123,642 due primarily to the following:
 - Public Works - Increase in facility repair and maintenance costs due to anticipated facility maintenance needs in FY 2019 including HVAC, flooring, painting, etc.).
 - Recreation, Parks & Cultural Services - Increase in grounds repair and maintenance costs based on park beautification efforts including increased focus on landscape maintenance (clearing out underbrush, tree pruning, tree removal, etc.).
- Increase in general supplies costs of \$70,000 due primarily to the following:
 - City Administration - Increase in general supplies costs based on historical and year-to-date expenditure trends including increased funding for meetings (materials, refreshments, etc.), promotional materials, and new funding to cover Alcohol Applicant signage (to be repaid through the Alcohol Beverage Permit Fee), etc.
 - Public Safety - Increase in general supplies costs based primarily on an increase in estimated spending on ammunition.
 - Recreation, Parks & Cultural Services - Increase in general supplies costs due to multiple factors including an increase in program activity and associated supplies (e.g. uniforms), increased activity at the Equestrian Center and a corresponding increase in shavings needs, and general growth in supply needs.
- Decrease in professional services costs of -\$91,674 due primarily to the following: (City Administration) - Decrease in professional services costs due primarily to the elimination of municipal election related funding (FY 2018 was an election year). The election set for November 2018 is a

countywide general election and will not result in additional costs for Alpharetta.

- The departmental operating capital/lease budget primarily represents funding for the city's capital lease obligations (fire trucks, public works and community development software, etc.) coupled with minor maintenance capital needs. The capital lease for the Finance Department accounting software was fully paid during FY 2018 which is the primary cause of the decrease in funding requests for FY 2019.
- The Other Uses category includes the following: contingency (approximately 1% of the operating budget); Risk Management claims funding (this allocation represents funding for insurance premiums; funding for claims and administration/brokerage fees has been allocated to departments through the personnel services category); funding of debt service on the Gwinnett Technical College contribution (Alpharetta campus); and continuation of funding for the Friends of the Library (\$10,000).

The departmental base budgets are discussed below and detailed further under the respective departmental tab of this document.

Mayor and City Council

The Fiscal Year 2019 Budget for Mayor and City Council totals \$364,389 and is flat with the FY 2018 budget.

The Personnel Services category increased 1%, or \$3,753, due primarily to costs associated with the implementation of a post-employment healthcare benefit (new for FY 2019).

The Maintenance and Operations category decreased -7%, or -\$3,852, due primarily to a reduction in anticipated needs for general professional/consulting services (e.g. minor studies, etc.). The annual discretionary expense appropriation will remain at \$5,000 for Council Members and \$9,000 for the Mayor.

Base level personnel totals 7.0 full-time-equivalents ("FTE") and represent the following:

	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	Variance
Mayor	1.0	1.0	1.0	1.0	1.0	-
Councilperson Post 1	1.0	1.0	1.0	1.0	1.0	-
Councilperson Post 2	1.0	1.0	1.0	1.0	1.0	-
Councilperson Post 3	1.0	1.0	1.0	1.0	1.0	-
Councilperson Post 4	1.0	1.0	1.0	1.0	1.0	-
Councilperson Post 5	1.0	1.0	1.0	1.0	1.0	-
Councilperson Post 6	1.0	1.0	1.0	1.0	1.0	-
	7.0	7.0	7.0	7.0	7.0	-

City Administration

The FY 2019 Budget for City Administration totals \$2,209,084 and represents a decrease of -3%, or -\$56,932, compared to FY 2018.

The Personnel Services category increased 3%, or \$47,712, due primarily to wage increases associated with the 3% performance-based merit program scheduled for April 1, 2019 (contingent upon a mid-year review of revenue trends) and implementation of a post-employment healthcare benefit (new for FY 2019).

Base level personnel total 10 FTEs and represent the following:

	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	Variance
Assistant City Administrator	1.0	1.0	1.0	1.0	1.0	-
Assistant City Clerk	1.0	1.0	1.0	1.0	1.0	-
City Administrator	1.0	1.0	1.0	1.0	1.0	-
City Clerk	1.0	1.0	1.0	1.0	1.0	-
Economic Development Director	1.0	1.0	1.0	1.0	1.0	-
Economic Development Manager	1.0	1.0	1.0	1.0	1.0	-
Executive Office Coordinator	1.0	1.0	1.0	1.0	1.0	-
Grants Administrator	1.0	1.0	-	-	-	-
Internal Auditor	1.0	1.0	1.0	1.0	1.0	-
Records Manager	1.0	1.0	1.0	1.0	1.0	-
Special Events Coordinator (1FT;2PT)*	2.0	-	-	-	-	-
Special Events Manager*	1.0	-	-	-	-	-
Web Administrator	1.0	1.0	1.0	1.0	1.0	-
	14.0	11.0	10.0	10.0	10.0	-

* The Special Events Division was transferred to the Recreation and Parks Department in FY 2016.

The Maintenance and Operations category decreased -14%, or -\$104,644, due primarily to the following activity:

- Increase in advertising costs of \$24,935 due to multiple sponsorship/advertising initiatives within the Economic Development Division (e.g. Metro Atlanta Chamber of Commerce).
- Increase in general supplies costs of \$19,150 based on historical and year-to-date expenditure trends including increased funding for meetings (materials, refreshments, etc.), promotional materials, and new funding to cover Alcohol Applicant signage (to be repaid through the Alcohol Beverage Permit Fee), etc.
- Decrease in professional services costs of -\$125,255 due primarily to the elimination of municipal election related funding (FY 2018 was an election year). The election set for November 2018 is a countywide general election and will not result in additional costs for Alpharetta.
- Decrease in facility maintenance costs of -\$17,973 due to one-time funding in FY 2018 for equipment within the History Room (City Hall).
- Decrease in facility maintenance costs of -\$8,600 due to one-time funding in FY 2018 for the purchase of audio/visual equipment for the City Council Chambers.

Community Development Department

The FY 2019 Budget for Community Development totals \$3,069,560 and represents an increase of 7%, or \$212,444 compared to FY 2018.

The Personnel Services category increased 8%, or \$205,839, due primarily to: wage increases associated with the 3% performance-based merit program scheduled for April 1, 2019 (contingent upon a mid-year review of revenue trends); increases in group insurance premiums; annualized impact of staff turnover (and varying insurance plan signups); and implementation of a post-employment healthcare benefit (new for FY 2019).

Base level personnel total 26.0 FTEs and represent the following:

	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	Variance
Administrative Assistant II*	1.0	1.0	1.0	1.0	-	(1.0)
Arborist	1.0	1.0	1.0	1.0	1.0	-
Boards Assistant	1.0	1.0	1.0	-	-	-
Building Inspector	4.0	5.0	5.0	4.0	4.0	-
Building Inspector Manager*	-	-	-	-	1.0	1.0
Building Official	1.0	1.0	1.0	1.0	1.0	-
Building Plans Examiner	2.0	2.0	2.0	2.0	2.0	-
Code Enforcement Manager	-	-	1.0	1.0	1.0	-
Code Enforcement Officer	4.0	3.0	3.0	3.0	3.0	-
Director of Community Development	1.0	1.0	1.0	1.0	1.0	-
Deputy Director of Community Development	1.0	-	-	-	-	-
Development Services Engineer (Stormwater)	1.0	1.0	1.0	1.0	1.0	-
GIS Specialist/Planner	1.0	1.0	1.0	1.0	1.0	-
Inspectors	-	-	3.0	3.0	3.0	-
Office Manager*	-	-	-	-	1.0	1.0
Planning and Zoning Coordinator	-	-	-	1.0	1.0	-
Permit Technician	1.0	1.0	1.0	1.0	1.0	-
Project Administrator	-	-	1.0	1.0	1.0	-
Senior Building Inspector*	-	-	-	1.0	-	(1.0)
Senior Engineer (Transportation)	1.0	1.0	1.0	1.0	1.0	-
Senior Planner	-	1.0	1.0	1.0	1.0	-
Specialized Assistant - Permits Plus	1.0	1.0	-	-	-	-
Zoning Administrator	1.0	1.0	1.0	1.0	1.0	-
Zoning Enforcement Officer	-	1.0	-	-	-	-
	22.0	23.0	26.0	26.0	26.0	-

* Position reclassifications occurred during FY 2018.

The Maintenance and Operations category increased 2%, or \$6,605, due primarily to the following activity:

- Increase in maintenance contract costs of \$5,000 due primarily to licensing fees associated with the Traffic Optimization software implemented in 2018.
- Increase in travel/training costs of \$2,000 due primarily to a continued focus on training and certification.
- Increase in printing and binding costs of \$1,500 due primarily to increased printing activity (e.g. Fire Prevention educational materials).
- Increase in advertising costs of \$1,500 resulting from growth in development activity and associated notice requirements.

- Decrease in professional services (IT) of -\$4,295 due primarily to a streamlining of software services and software/hardware maintenance services citywide as well as reduced costs for Microsoft licensing.

Public Works Department

The FY 2019 Budget for Public Works totals \$8,621,264 and represents an increase of 3%, or \$244,242, compared to FY 2018.

The Personnel Services category increased 3%, or \$158,575, due primarily to wage increases associated with the 3.0% performance-based merit program scheduled for April 1, 2019 (contingent upon a mid-year review of revenue trends) and implementation of a post-employment healthcare benefit (new for FY 2019).

Base level personnel total 52.0 FTEs and represent the following:

	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	Variance
Administrative Assistant II	2.0	2.0	1.0	1.0	1.0	-
Administrative Office Coordinator*	-	-	1.0	1.0	-	(1.0)
Assistant Construction Manager	-	-	-	1.0	1.0	-
Civil Engineer	1.0	2.0	2.0	2.0	2.0	-
Construction Manager	1.0	1.0	1.0	1.0	1.0	-
Deputy Director of Public Works	1.0	1.0	1.0	1.0	1.0	-
Director of Public Works	1.0	1.0	1.0	1.0	1.0	-
Engineering Technician	7.0	4.0	4.0	6.0	6.0	-
Environmental Program Coordinator	1.0	1.0	1.0	1.0	1.0	-
Fleet Coordinator	1.0	1.0	1.0	1.0	1.0	-
Inspector**	3.0	3.0	-	-	-	-
Project Administrator	1.0	1.0	1.0	1.0	1.0	-
Public Works Crew Leader	7.0	7.0	8.0	8.0	8.0	-
Public Works Supervisor	3.0	3.0	3.0	4.0	4.0	-
Public Works Technician I	11.0	11.0	11.0	6.0	6.0	-
Public Works Technician II	9.0	8.0	7.0	10.0	10.0	-
Senior Engineer	3.0	2.0	2.0	2.0	2.0	-
Senior Engineering Technician	1.0	1.0	1.0	-	-	-
Senior Inspector	1.0	1.0	1.0	1.0	1.0	-
Senior Water Resources Analyst	1.0	1.0	1.0	1.0	1.0	-
Support Services Manager*	-	-	-	-	1.0	1.0
Traffic Operations Manager	-	1.0	1.0	1.0	1.0	-
Traffic Signal Engineer	-	1.0	1.0	1.0	1.0	-
Urban Forestry Program Manager	-	1.0	1.0	1.0	1.0	-
Utility Locator	-	1.0	1.0	-	-	-
	55.0	55.0	52.0	52.0	52.0	-

* Position reclassifications occurred during FY 2018.

The Maintenance and Operations category increased 2%, or \$85,346, due primarily to the following activity:

- Increase in maintenance contract costs of \$76,174 due primarily to cost growth under the ROW landscape maintenance contract, Fulton County Animal Control contract, HVAC and pest control contracts for the Recreation and Parks Department, janitorial contract costs for City Center, etc.
- Increase in facility repair and maintenance costs of \$26,800 due to anticipated facility maintenance needs in FY 2019 including HVAC, flooring, painting, etc.).

- Decrease in utility and fuel costs of -\$15,300 based on historical and year-to-date expenditure trends.

The Capital/Lease category includes funding for the CityWorks work-order management software lease.

Finance Department

The FY 2019 Budget for Finance totals \$3,366,136 and represents an increase of 1%, or \$19,127, compared to FY 2018.

The Personnel Services category increased 5%, or \$108,241, due primarily to wage increases associated with the 3% performance-based merit program scheduled for April 1, 2019 (contingent upon a mid-year review of revenue trends) and implementation of a post-employment healthcare benefit (new for FY 2019).

Base level personnel total 21.5 FTEs and represent the following:

	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	Variance
Accountant (3FT; 1PT)	3.5	3.5	3.5	3.5	3.5	-
Accounting & Operations Manager	1.0	1.0	1.0	1.0	1.0	-
Accounts Payable Technician	1.0	1.0	1.0	1.0	1.0	-
Billing/Collections Rep.	-	1.0	1.0	1.0	1.0	-
Benefits Manager	1.0	1.0	1.0	1.0	1.0	-
Benefits Coordinator	1.0	1.0	1.0	1.0	1.0	-
Billing Coordinator	1.0	1.0	1.0	1.0	1.0	-
Budget & Procurement Manager	1.0	1.0	1.0	1.0	1.0	-
Cash Management Officer	1.0	-	-	-	-	-
Cash Management Coordinator	-	1.0	1.0	1.0	1.0	-
Chief Accountant	1.0	1.0	1.0	1.0	1.0	-
Customer Account Coordinator	1.0	-	-	-	-	-
Customer Account Representative	1.0	1.0	1.0	1.0	1.0	-
Director of Finance	1.0	1.0	1.0	1.0	1.0	-
Office Manager	1.0	1.0	1.0	1.0	1.0	-
Payroll Coordinator	1.0	1.0	1.0	1.0	1.0	-
Safety/Risk Administrator	1.0	1.0	1.0	1.0	1.0	-
Senior Budget & Procurement Analyst	3.0	3.0	3.0	3.0	3.0	-
Treasury Services Manager	1.0	1.0	1.0	1.0	1.0	-
	21.5	21.5	21.5	21.5	21.5	-

The Maintenance and Operations category increased 3%, or \$21,790, due primarily to the following activity:

- Increase in professional fees of \$10,325 due primarily to increases in actuarial, asset management, and external auditing fees.
- Increase in maintenance contracts of \$9,250 due to licensing fees associated with the Socrata CIP dashboard software solution implemented during FY 2017 and Whitebirch financial management solution implemented in FY 2018.
- Increase in professional services (IT) of \$6,315 due to multiple factors including growth in adobe product fees, Tyler Munis disaster recovery service fees, etc.

The Capital/Lease category does not include funding in FY 2019 as the capital lease for the Tyler ERP software was fully-paid in FY 2018.

Public Safety Department

The FY 2019 Budget for Public Safety totals \$28,344,825 and represents an increase of 4%, or \$1,084,317, compared to FY 2018.

The Personnel Services category increased 5%, or \$1,067,853, due primarily to wage increases associated with the 3% performance-based merit program scheduled for April 1, 2019 (contingent upon a mid-year review of revenue trends), increases in overtime expense, implementation of a post-employment healthcare benefit (new for FY 2019), as well as the annualized financial impact of the Public Safety Department personnel reorganization that initiated in FY 2018 (estimated cost of \$50,000).

Base level personnel total 221 FTEs and represent the following:

	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	Variance
Sworn Police Officers						
Director of Public Safety	1.0	1.0	1.0	1.0	1.0	-
Captain*	6.0	7.0	7.0	6.0	4.0	(2.0)
Lieutenant	16.0	16.0	15.0	15.0	15.0	-
Division Chief*	1.0	-	-	-	1.0	1.0
Field Training Officer*	10.0	10.0	10.0	10.0	9.0	(1.0)
Officer*	69.0	69.0	70.0	71.0	67.0	(4.0)
Sergeants*	-	-	-	-	6.0	6.0
Police Operations Major	-	-	-	1.0	1.0	-
Police Support Operations Major*	-	-	-	-	1.0	1.0
Public Information Officer*	1.0	1.0	1.0	1.0	-	(1.0)
Public Safety Budget/Finance Administrator	1.0	1.0	1.0	1.0	1.0	-
	105.0	105.0	105.0	106.0	106.0	-
Certified Firefighters						
Deputy Director of Public Safety	1.0	1.0	1.0	1.0	1.0	-
Battalion Chief*	3.0	3.0	3.0	2.0	3.0	1.0
Division Chief*	1.0	1.0	1.0	1.0	-	(1.0)
Captain*	24.0	23.0	23.0	23.0	22.0	(1.0)
Chief Public Affairs Officer*	-	-	-	-	1.0	1.0
Accreditation/Emer. Mgmt. Coord. (Captain)	1.0	1.0	1.0	1.0	1.0	-
Training/Emergency Medical Svcs Coord.	1.0	1.0	1.0	1.0	1.0	-
Fire Apparatus Engineer*	22.0	22.0	22.0	22.0	24.0	2.0
Firefighter/Paramedic	20.0	20.0	20.0	20.0	20.0	-
Firefighter II*	19.0	21.0	21.0	21.0	19.0	(2.0)
Fire Logistics Officer	1.0	1.0	1.0	1.0	1.0	-
Fire Marshal (Battalion Chief)	1.0	1.0	1.0	1.0	1.0	-
Fire Operations Chief	-	-	-	1.0	1.0	-
Deputy Fire Marshal	1.0	1.0	1.0	1.0	1.0	-
Assistant Fire Marshal (3FT; 1PT)	2.5	2.5	2.5	3.5	3.5	-
	97.5	98.5	98.5	99.5	99.5	-

	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	Variance
Civilian Positions						
Administrative Assistant II	2.0	2.0	2.0	2.0	2.0	-
Criminal Intelligence Analyst	1.0	1.0	1.0	1.0	1.0	-
Data Entry Clerk (1PT)	0.5	0.5	-	-	-	-
Evidence Technician	1.0	-	-	-	-	-
Evidence Custodian	-	1.0	1.0	1.0	1.0	-
Fingerprint Technician	0.5	0.5	1.0	1.0	1.0	-
Parking Enforcement Officer (2PT 2018; 1FT 2019)	-	1.0	1.0	1.0	1.0	-
Public Safety Volunteer Manager	1.0	-	-	-	-	-
Records Clerk	4.0	4.0	4.5	4.5	4.5	-
Records Supervisor	1.0	1.0	1.0	1.0	1.0	-
School Crossing Guard (8PT)	4.0	4.0	4.0	4.0	4.0	-
	15.0	15.0	15.5	15.5	15.5	-
	217.5	218.5	219.0	221.0	221.0	-

* Position reclassifications occurred during FY 2018.

Additional personnel changes will occur through attrition in accordance with the departmental reorganization approved during FY 2018.

The Maintenance and Operations category increased 1%, or \$15,529, due primarily to the following activity:

- Increase in utility costs of \$26,100 based primarily on additional utility costs for the expanded Public Safety Headquarters.
- Increase in maintenance contract costs of \$25,262 based primarily on additional janitorial costs for the expanded Public Safety Headquarters coupled with software licensing fees associated with the TimeKeeping software installed during FY 2018.
- Increase in general supplies costs of \$20,424 based primarily on an increase in estimated spending on ammunition.
- Decrease in professional services (IT) of -\$28,121 due primarily to a streamlining of software services and software/hardware maintenance services citywide as well as reduced costs for Microsoft licensing.
- Decrease in professional service costs of -\$20,200 based on historical and year-to-date expenditure trends for GBI fingerprint checks.
- Decrease in employee uniform costs of -\$14,700 based on staff forecast of uniform needs for FY 2019.

The Capital/Lease category includes funding for fire truck leases and heart monitors and is flat compared to FY 2018.

Human Resources

The FY 2019 Budget for Human Resources totals \$430,846 and represents an increase of 4%, or \$15,064, compared to FY 2018.

The Personnel Services category increased 4%, or \$9,607, due primarily to wage increases associated with the 3% performance-based merit program scheduled for April 1, 2019 (contingent upon a mid-year review of revenue trends) and implementation of a post-employment healthcare benefit (new for FY 2019).

Base level personnel total 2.0 FTEs and represent the following:

	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	Variance
Administrative Assistant II	1.0	1.0	1.0	1.0	1.0	-
Human Resources Manager	1.0	1.0	1.0	1.0	1.0	-
	2.0	2.0	2.0	2.0	2.0	-

Assistant City Administrator (acting HR Director) is funded within the City Administration budget.

The Maintenance and Operations category increased 3.4%, or \$5,457, due primarily to an increase in professional services costs of \$6,000 based on year-to-date and historical expenditure trends for pre-employment evaluations, psychological evaluations, employment physicals, etc.

Municipal Court

The FY 2019 Budget for Municipal Court totals \$1,096,466 and represents a decrease of -3%, or -\$30,080, compared to FY 2018.

The Personnel Services category decreased -6%, or -\$46,863, due primarily to: wage increases associated with the 3% performance-based merit program scheduled for April 1, 2019 (contingent upon a mid-year review of revenue trends); implementation of a post-employment healthcare benefit (new for FY 2019); all of which is fully offset through the elimination of the vacant Deputy Clerk II position (-1.0 FTE).

Base level personnel total 8.0 FTEs and represent the following:

	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	Variance
Court Clerk/Director of Court Services	1.0	1.0	1.0	1.0	1.0	-
Deputy Clerk I	1.0	1.0	1.0	1.0	1.0	-
Deputy Clerk II	5.0	5.0	5.0	5.0	4.0	(1.0)
Deputy Clerk III	1.0	1.0	1.0	1.0	1.0	-
Judge	1.0	1.0	1.0	1.0	1.0	-
	9.0	9.0	9.0	9.0	8.0	(1.0)

The Maintenance and Operations category increased 4%, or \$16,783, due primarily to the following activity:

- Increase in maintenance contract costs of \$16,900 and corresponding decrease in small equipment costs of -\$20,000 due primarily to the Court Management Software initiative approved in FY 2018. Specifically: year 1 (FY 2018) included funds for fingerprint scanner equipment which does not continue into FY 2019; and year 2 (FY 2019) includes software licensing fees for the eCourts court management software (year 1 costs were covered by the

Judicial Council's Administrative Office). Additional increases totaling \$17,400 are associated with Janitorial Services which are now needed as a result of the Recreation, Parks, and Cultural Services Department reorganization that resulted in them vacating the Crabapple Government Center and reallocating their staff that used to provide onsite janitorial services. The City will use its private janitorial service provider moving forward to clean the Courts facility.

- Increase in professional services costs of \$5,000 based on historical and year-to-date expenditure trends for bank fees, court appointed attorney fees, translator fees, etc.

Recreation, Parks & Cultural Services Department

The FY 2019 Budget for Recreation and Parks totals \$9,459,251 and represents an increase of 4%, or \$357,976, compared to FY 2018.

The Personnel Services category increased 3%, or \$152,006, due primarily to: wage increases associated with the 3% performance-based merit program scheduled for April 1, 2019 (contingent upon a mid-year review of revenue trends); anticipated growth in seasonal salaries to remain competitive in the employment market; and implementation of a post-employment healthcare benefit (new for FY 2019).

Authorized personnel total 51.0 FTEs and represent the following:

	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	Variance
Administrative Assistant I*	2.0	2.0	2.0	5.0	4.0	(1.0)
Administrative Assistant II	1.0	1.0	1.0	1.0	1.0	-
Arts Coordinator	1.0	1.0	1.0	-	-	-
Community Services Manager*	-	-	-	-	1.0	1.0
Cultural Arts Supervisor	-	-	-	1.0	1.0	-
Cultural Services Manager*	-	-	-	-	1.0	1.0
Customer Service Representative	3.0	3.0	3.0	-	-	-
Deputy Director of Recreation/Parks*	1.0	1.0	1.0	1.0	-	(1.0)
Director of Recreation/Parks	1.0	1.0	1.0	1.0	1.0	-
Equestrian Center Manager*	1.0	1.0	1.0	1.0	-	(1.0)
Facility Technician	4.0	4.0	4.0	4.0	4.0	-
Marketing/Accreditation Coordinator	1.0	1.0	1.0	1.0	1.0	-
Office Manager	1.0	1.0	1.0	1.0	1.0	-
Park Services Manager	1.0	1.0	1.0	1.0	1.0	-
Parks Maintenance Technician	8.0	-	-	-	-	-
Parks Maintenance Technician I*	5.0	13.0	13.0	13.0	12.0	(1.0)
Parks Maintenance Technician II	5.0	5.0	5.0	5.0	5.0	-
Parks Supervisor II*	4.0	4.0	4.0	4.0	3.0	(1.0)
Program Coordinator	-	-	-	-	-	-
Projects Manager*	-	-	-	-	1.0	1.0
Recreation Coordinator*	5.0	5.0	5.0	5.0	6.0	1.0
Recreation Services Manager*	-	-	-	-	1.0	1.0
Recreation Supervisor II*	4.0	4.0	4.0	4.0	3.0	(1.0)
Special Events Coordinator (2FT;2PT)*	-	2.0	2.0	2.0	3.0	1.0
Special Events Manager*	-	1.0	1.0	1.0	-	(1.0)
Wills Park Manager*	-	-	-	-	1.0	1.0
	48.0	51.0	51.0	51.0	51.0	-

* Position reclassifications occurred during FY 2018.

The Maintenance and Operations category increased 5%, or \$209,970, due primarily to the following activity:

- Increase in grounds repair and maintenance costs of \$99,942 based on park beautification efforts including increased focus on landscape maintenance (clearing out underbrush, tree pruning, tree removal, etc.).
- Increase in professional services costs of \$40,456 due primarily to funding for a Pickleball program within the Adult Activity Center as well as additional funding for installation/removal/storage of Downtown holiday decorations.
- Increase in general supplies costs of \$34,276 due to multiple factors including an increase in program activity and associated supplies (e.g. uniforms), increased activity at the Equestrian Center and a corresponding increase in shavings needs, and general growth in supply needs.
- Increase in maintenance contract costs of \$34,935 due primarily to an increase in copier consumables (toner, etc.), expansion of the Zagster Bike Share program (City Center and Thompson Street locations) approved in FY 2018, and increases in janitorial maintenance costs. The Recreation, Parks & Cultural Services departmental reorganization resulted in the reallocation of active cleaning/maintenance personnel from the Crabapple Government Center. The City will use its private janitorial service provider moving forward to clean the remaining portions of the Crabapple facility used for parks activities (North Fulton Senior Services area and the Recreation Classroom area).

The Capital/Other category includes funding for general repair/replacement capital and equipment needs at the Equestrian Center, Wills Park Recreation Center, Webb Bridge Park, North Park, Rock Mill Park, etc.

Information Technology Department

The FY 2019 Budget for Information Technology totals \$1,742,223 and represents an increase of 4%, or \$60,366, compared to FY 2018.

The Personnel Services category increased 4%, or \$53,400, due primarily to wage increases associated with the 3.0% performance-based merit program scheduled for April 1, 2019 (contingent upon a mid-year review of revenue trends) and implementation of a post-employment healthcare benefit (new for FY 2019). Authorized personnel total 11.0 FTEs and represent the following:

	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	Variance
Director	1.0	1.0	1.0	1.0	1.0	-
Database Administrator	1.0	1.0	-	-	-	-
GIS Manager	1.0	1.0	1.0	1.0	1.0	-
IT Manager	1.0	3.0	4.0	4.0	4.0	-
IT Systems Administrator	1.0	-	-	-	-	-
Network Administrator	-	2.0	2.0	2.0	2.0	-
Network Analyst I	1.0	1.0	1.0	-	-	-
Network Analyst II	1.0	-	-	1.0	1.0	-
Network Manager	1.0	-	-	-	-	-
Systems Analyst II	2.0	2.0	2.0	2.0	2.0	-
Systems Manager	1.0	-	-	-	-	-
	11.0	11.0	11.0	11.0	11.0	-

The Maintenance & Operations category increased 5%, or \$6,966, due primarily to the following activity:

- Increase in professional services (IT) costs of \$14,966 based primarily on the IT Department assuming management control of the audio/visual equipment in City Council Chambers and implementing hardware and software maintenance contracts to ensure the services (e.g. streaming) meets industry standards for uptime and functionality.
- Decrease in professional services costs of -\$5,000 based on historical expenditure trends and forecasted needs for contractual labor in FY 2019.

Emergency-911 Fund

The FY 2019 Budget for the E-911 Fund totals \$4,152,193 and represents a decrease of -24%, or -\$1,295,613, compared to FY 2018. The main driver of this variance is the non-allocated reserve (i.e. available fund balance) and capital initiatives (E911 Expansion, VOIP upgrade, etc.) budgeted in FY 2018⁴. After adjusting for the non-allocated reserve, the true operational budget growth is flat with FY 2018.

The Personnel Services category increased 3%, or \$76,754, due primarily to wage increases associated with the 3% performance based merit program scheduled for April 1, 2019 (contingent upon a mid-year review of revenue trends), increases in overtime expense, and implementation of a post-employment healthcare benefit (new for FY 2019). Authorized personnel total 30.0 FTEs.

	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	Variance
Communications Officer	14.0	13.0	17.0	17.0	17.0	-
Communications Shift Supervisor	5.0	5.0	5.0	4.0	4.0	-
Communications Quality Assurance Officer*	-	-	-	-	1.0	1.0
Division Chief	1.0	1.0	1.0	1.0	1.0	-
Section Chief - Communications Training*	1.0	1.0	1.0	1.0	1.0	-
Sr. Communications Officer*	4.0	5.0	5.0	5.0	4.0	(1.0)
911 Operations Manager	-	-	-	1.0	1.0	-
IT Systems Administrator	1.0	-	-	-	-	-
Network Analyst II	-	1.0	1.0	1.0	1.0	-
	26.0	26.0	30.0	30.0	30.0	-

* Position reclassifications occurred during FY 2018.

The Maintenance and Operations category decreased -14%, or -\$203,160, due primarily to the following activity:

- Decrease in maintenance contract costs of -\$105,516 due primarily to non-recurring Radio System appropriations in FY 2018.
- Decrease in communications of -\$85,000 based reduced cost estimates for E-911 Cost Recovery charges.

⁴ Annually after the year-end accrual period (i.e. September), the city carries-forward available fund balance and places in a Non-Allocated Reserve account. The purpose is to provide elected officials, city staff, citizens, and stakeholders with a transparent view of the funding available for future initiatives. The carry-forward for FY 2019 will occur subsequent to adoption of the budget.

The Capital and Other categories include \$83,882 to cover lease payments associated with the financing of replacement mobile radios, \$127,500 in non-allocated (reserve) to cover operating initiatives⁵ (\$111,000 net costs for implementation of the NexGen 911 Emergency Services Network and \$16,000 for the 911 CALEA Accreditation Program), and \$73,500 in capital initiatives⁶ (\$23,500 for a replacement 911 Audio Recorder System and the allocable costs for roof replacement at Public Safety Headquarters (\$50,000).

Impact Fee Fund

The FY 2019 Budget totals \$610,000.

This fund accounts for fees assessed upon development activity. These fees are collected to pay for system improvements (recreation/parks, streets, and public safety) as detailed within the city's impact fee ordinance. Impact Fees (non-allocated reserve balances from prior year collections) are being allocated to specific system improvements as follows:

- System Improvements⁷
 - Parks (Master Plans for newly acquired parkland: \$120,000)
 - Roads (Park Plaza Signalization: \$72,300; Non-Allocated: \$377,700)
 - Public Safety (Headquarters Expansion Furniture: \$40,000)

Drug Enforcement Agency Fund

This fund accounts for revenues received from the enforcement of drug laws and the confiscation of property from drug offender arrests that can be used by public safety to aid in drug enforcement activity. Funds cannot be used to supplant the Public Safety Department's normal operational budget.

The FY 2019 Budget for the DEA Fund totals \$287,507 and represents a decrease of -83%, or -\$1,403,926, compared to FY 2018. The main driver of this variance is the non-allocated reserve (i.e. available fund balance) budgeted in FY 2018⁸.

The Personnel Services category increased 19%, or \$46,748, due primarily to wage increases associated with the 3% performance-based merit program schedules for April 1, 2019 (contingent upon a mid-year review of revenue trends), increases in group insurance premiums coupled with the effect of staff turnover (i.e. varying incumbent insurance coverage elections - e.g. family vs. single, etc.), and implementation of a post-employment healthcare benefit (new for FY 2019).

⁵ Please refer to the Operating Initiatives section tab of this document for detailed descriptions of the initiatives.

⁶ Please refer to the Capital Initiatives tab of this document for detailed descriptions of the initiatives.

⁷ Please refer to the Capital Initiatives tab of this document for detailed descriptions of the initiatives.

⁸ Annually after the year-end accrual period (i.e. September), the city carries-forward available fund balance and places in a Non-Allocated Reserve account. The purpose is to provide elected officials, city staff, citizens, and stakeholders with a transparent view of the funding available for future initiatives. A portion of this Non-Allocated Reserve was used to fund the Public Safety Headquarters Expansion project, SWAT equipment, Body Camera initiative, etc. The carry-forward for FY 2019 will occur subsequent to adoption of the budget.

Included in this Fund is funding for the three police officer positions that were displaced with the creation of the Special Investigations Unit approved in FY 2014.

Authorized personnel total 3 FTEs.

	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	Variance
Officer	3.0	3.0	3.0	3.0	3.0	-
	3.0	3.0	3.0	3.0	3.0	-

Capital/Lease expenses decreased due to the reallocation of the Taser lease funding to the General Fund for FY 2019 (Operating Request⁹).

Hotel/Motel Fund

The FY 2019 Budget totals \$7,650,000.

This fund accounts for occupancy tax collections from area hotels and motels for the purpose of promoting conventions, tourism, and trade shows, while providing funds to facilitate economic vitality in downtown areas. The city levies a hotel/motel occupancy tax of 8% on total rental charges. The resulting revenue is distributed as follows: City of Alpharetta (37.5%); Alpharetta Convention & Visitor's Bureau (43.75%); and Tourism Product Development (18.75%). The Tourism Product Development portion of the revenue is dedicated to funding debt service on the Conference Center bonds with residual monies recommended to fund allowable capital initiatives (\$150,000 for Downtown Parking/Wayfinding Signage; \$250,000 for the Equestrian Center Foundation Match; and \$51,412 for Park System Wayfinding Signage)¹⁰ and/or allocated to allowable facility related investment.

The FY 2019 budget includes funding within the Hotel/Motel Fund to cover debt service on the bonds issued to fund construction of the Convention Center. The debt service is fully funded through the hotel/motel tax.

Hotel/Motel Tax collections are forecasted to grow to \$7.7 million (FY 2018 collections are estimated at \$7.4 million) due primarily to an increase in business spending on travel and training.

Debt Service Fund

The FY 2019 Budget totals \$5,473,513 and includes funding for: the payment of principal and interest on general long-term debt (\$5,468,513) and associated administrative fees (\$5,000).

⁹ Please refer to the Operating Initiatives section tab of this document for detailed descriptions of the initiatives.

¹⁰ Please refer to the Capital Initiatives tab of this document for detailed descriptions of the initiatives. This funding is in addition to the \$1.5 million of surplus hotel/motel taxes earmarked for a debt service reserve on the Conference Center bonds. This reserve is fully funded through the Conference Center portion of the tax.

Solid Waste Fund

The FY 2019 Budget for the Solid Waste Fund totals \$4,017,954 and represents a decrease of -1%, or -\$32,298, compared to FY 2018. The main driver of this variance is the non-allocated reserve (i.e. available fund balance) budgeted in FY 2018¹¹. After adjusting for the non-allocated reserve, the operational budget is close to 9% representing the annualized impact of the glass recycling route approved in FY 2018 in addition to inflationary increases in the private waste hauler contract.

The Personnel Services category increased 3%, or \$2,170, due primarily to wage increases associated with the 3% performance-based merit program scheduled for April 1, 2019 (contingent upon a mid-year review of revenue trends) and implementation of a post-employment healthcare benefit (new for FY 2019).

Authorized personnel total 1.0 FTE and represent the following:

	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	Variance
Customer Account Representative	1.0	1.0	1.0	1.0	1.0	-
	1.0	1.0	1.0	1.0	1.0	-

The Maintenance and Operations category increased 10%, or \$350,778, due primarily to the annualized impact of the glass recycling route approved in FY 2018 in addition to inflationary increases in the private waste hauler contract.

Risk Management Fund

The Risk Management Fund is responsible for funding all insurance premiums, workers compensation claims, etc.

The FY 2019 Budget for the Risk Management Fund totals \$1,450,500 and represents a decrease of -10%, or -\$166,835, compared to FY 2018. The main driver of this variance is the non-allocated reserve (i.e. available fund balance) budgeted in FY 2018¹². After adjusting for the non-allocated reserve, the true operational budget growth totals 8%. This growth is driven through insurance premium increases/coverage changes (e.g. vehicle insurance, workers compensation excess liability insurance, etc.) and growth in estimated claims expenses (based on actuarial analysis).

¹¹ Annually after the year-end accrual period (i.e. September), the city carries-forward available fund balance and places in a Non-Allocated Reserve account. The purpose is to provide elected officials, city staff, citizens, and stakeholders with a transparent view of the funding available for future initiatives. The carry-forward for FY 2019 will occur subsequent to adoption of the budget.

¹² Annually after the year-end accrual period (i.e. September), the city carries-forward available fund balance and places in a Non-Allocated Reserve account. The purpose is to provide elected officials, city staff, citizens, and stakeholders with a transparent view of the funding available for future initiatives. The carry-forward for FY 2019 will occur subsequent to adoption of the budget.

Medical Insurance Fund

The Medical Insurance Fund accounts for activity under the City's Minimum Premium Plan (MPP) in accordance with Generally Accepted Accounting Principles.

Accounting rules dictate the creation of an Internal Service Fund to track activity under an MPP. As such, this fund does not represent new costs. Rather, it represents a flow of funds from the Operating Funds (e.g. employer/employee premiums) that does have the effect of grossing-up the totals as the appropriations are reflected in multiple Funds.

Under the MPP, the City and the medical insurer (CIGNA) agree that the City will be responsible for paying all claims up to an agreed-upon aggregate level, with the insurer responsible for the excess. The insurer will continue to process claims and administrative services. Through the MPP arrangement, the City is able to reduce premium taxes while maintaining coverage benefits. The MPP is still a fully insured medical plan.

The FY 2019 Budget totals \$8.7 million and represents premiums (employer and employee) and the associated expenditures (administration, claims, and reserves) in addition to a transfer of available fund balance to the OPEB Trust Fund for implementation of a post-employment healthcare benefit (new for FY 2019). The operating funds (e.g. General Fund, E911 Fund, DEA Fund, and Sanitation Fund) all include group insurance expenses that represent the city's costs.

OPEB Trust Fund

The OPEB Trust Fund, until FY 2019, solely represented activity associated the other post-employment benefit plan (OPEB). Eligible retirees are offered the same health and prescription drug coverage as active employees. Each fiscal year, the city determines the Plan benefits and premium rate for participants (active and retirees). However, unlike active employees, retirees pay 100% of the blended premium afforded to the city. Therefore, as the retiree makes the full premium payment, the city's only exposure is the accounting treatment of this implicit rate subsidy caused by the difference in the blended rate offered to the retiree and his/her actual age adjusted premium. Coverage expires at age 65. OPEB related funding for FY 2019 totals \$105,000 and is essentially flat with prior-year activity.

Starting with Fiscal Year 2019, this Fund is also reflecting implementation of a post-employment healthcare benefit (new for FY 2019). Funding for this benefit includes a one-time transfer of available funds from the Medical Insurance Fund (\$1.5 million) and ongoing funding from City operations (roughly 2% of payroll or \$550,000).



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FUND SUMMARIES



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CITYWIDE FUND SUMMARIES

City of Alpharetta

FY 2019 Budget

Citywide Statement of Revenues and Expenditures (by Department)

EXCERPT

	Special Revenue Funds							Capital Project Funds			Enterprise Fund	Internal Service Funds		Fiduciary Fund	
	General Fund	E-911 Fund	Impact Fee Fund	DEA Fund	Hotel/Motel Fund	Operating Grant Fund	Debt Service Fund	Capital Projects Fund	Stormwater Capital Fund	T-SPLOST Capital Fund	Solid Waste Fund	Risk Management Fund	Medical Insurance Fund	OPEB Trust Fund	TOTAL
REVENUES:															
Property Taxes	\$ 23,732,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,134,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 28,866,000
Local Option Sales Taxes/IT-SPLOST	15,650,000	-	-	-	-	-	-	-	-	8,160,000	-	-	-	-	23,810,000
Other Taxes	14,729,500	-	-	-	7,650,000	-	-	-	-	-	-	-	-	-	22,379,500
Licenses and Permits	2,704,250	-	-	-	-	-	-	-	-	-	-	-	-	-	2,704,250
Intergovernmental Revenue	460,000	950,000	-	-	-	-	-	-	-	-	-	-	-	-	1,410,000
Charges for Services	3,509,150	3,105,000	45,000	-	-	-	-	-	-	-	4,009,300	1,446,500	7,170,457	-	19,285,407
Fines and Forfeitures	1,987,500	-	-	-	-	-	-	-	-	-	-	-	-	-	1,987,500
Interest Earnings	150,000	11,693	-	-	-	-	10,000	-	-	-	8,654	4,000	-	-	184,347
Other/Miscellaneous	296,984	-	-	-	-	-	-	-	-	-	-	-	-	655,000	951,984
<i>subtotal</i>	\$ 63,219,384	\$ 4,066,693	\$ 45,000	\$ -	\$ 7,650,000	\$ -	\$ 5,144,000	\$ -	\$ -	\$ 8,160,000	\$ 4,017,954	\$ 1,450,500	\$ 7,170,457	\$ 655,000	\$ 101,578,988
Other Financing Sources															
Interfund Transfer from General Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 30,000	\$ -	\$ 8,895,065	\$ 1,675,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,600,065
Interfund Transfer from Hotel/Motel Fund	2,868,750	-	-	-	-	-	-	-	-	-	-	-	-	-	2,868,750
Interfund Transfer from Medical Ins. Fund	-	-	-	-	-	-	-	-	-	-	-	-	-	1,500,000	1,500,000
Budgeted Fund Balance	6,100,065	85,500	565,000	287,507	-	-	329,513	2,750,000	-	-	-	-	1,500,000	-	11,617,585
<i>subtotal</i>	\$ 8,968,815	\$ 85,500	\$ 565,000	\$ 287,507	\$ -	\$ 30,000	\$ 329,513	\$ 11,645,065	\$ 1,675,000	\$ -	\$ -	\$ -	\$ 1,500,000	\$ 1,500,000	\$ 26,586,400
Total Revenues	\$ 72,188,199	\$ 4,152,193	\$ 610,000	\$ 287,507	\$ 7,650,000	\$ 30,000	\$ 5,473,513	\$ 11,645,065	\$ 1,675,000	\$ 8,160,000	\$ 4,017,954	\$ 1,450,500	\$ 8,670,457	\$ 2,155,000	\$ 128,165,388
EXPENDITURES:															
Mayor and City Council	\$ 364,389	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 364,389
City Administration	2,209,084	-	-	-	-	-	-	258,336	-	-	-	-	-	-	2,467,420
Legal Services	690,000	-	-	-	-	-	-	-	-	-	-	-	-	-	690,000
Community Development	3,069,560	-	-	-	150,000	-	-	130,000	-	-	-	-	-	-	3,349,560
Public Works	8,621,264	-	72,300	-	-	-	-	5,178,279	1,675,000	3,616,996	-	-	-	-	19,163,839
Finance	3,366,136	-	-	-	-	-	-	-	-	-	4,017,954	761,000	-	2,155,000	10,300,090
Public Safety	28,344,825	4,025,193	40,000	287,507	-	-	-	1,657,700	-	-	-	-	-	-	34,355,225
Human Resources	430,846	-	-	-	-	-	-	-	-	-	-	-	-	-	430,846
Municipal Court	1,096,466	-	-	-	-	-	-	-	-	-	-	-	-	-	1,096,466
Recreation, Parks & Cultural Services	9,459,251	-	120,000	-	301,412	-	-	1,980,500	-	-	-	-	-	-	11,861,163
Information Technology	1,742,223	-	-	-	-	-	-	660,000	-	-	-	-	-	-	2,402,223
Non-Departmental	-	-	-	-	3,000	-	5,000	-	-	-	-	-	-	-	8,000
Insurance Premiums (Risk Fund)	689,500	-	-	-	-	-	-	-	-	-	-	689,500	-	-	1,379,000
Medical Claims/Premiums	-	-	-	-	-	-	-	-	-	-	-	-	7,125,344	-	7,125,344
Contingency	670,000	-	-	-	-	-	-	-	-	-	-	-	-	-	670,000
Non-Allocated (Reserve)	538,000	127,000	377,700	-	-	30,000	-	1,780,250	-	4,543,004	-	-	45,113	-	7,441,067
Alpharetta Convention and Visitors Bureau	-	-	-	-	3,346,875	-	-	-	-	-	-	-	-	-	3,346,875
Debt Service (Principal and Interest)	286,590	-	-	-	979,963	-	5,468,513	-	-	-	-	-	-	-	6,735,066
Donations/Contributions	10,000	-	-	-	-	-	-	-	-	-	-	-	-	-	10,000
<i>subtotal</i>	\$ 61,588,134	\$ 4,152,193	\$ 610,000	\$ 287,507	\$ 4,781,250	\$ 30,000	\$ 5,473,513	\$ 11,645,065	\$ 1,675,000	\$ 8,160,000	\$ 4,017,954	\$ 1,450,500	\$ 7,170,457	\$ 2,155,000	\$ 113,196,573
Other Financing Uses															
Interfund Transfer to General Fund	\$ -	\$ -	\$ -	\$ -	\$ 2,868,750	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,868,750
Interfund Transfer to OPEB Trust Fund	-	-	-	-	-	-	-	-	-	-	-	-	1,500,000	-	1,500,000
Interfund Transfer to Grant/Capital Funds	10,600,065	-	-	-	-	-	-	-	-	-	-	-	-	-	10,600,065
<i>subtotal</i>	\$ 10,600,065	\$ -	\$ -	\$ -	\$ 2,868,750	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,500,000	\$ -	\$ 14,968,815
Total Expenditures	\$ 72,188,199	\$ 4,152,193	\$ 610,000	\$ 287,507	\$ 7,650,000	\$ 30,000	\$ 5,473,513	\$ 11,645,065	\$ 1,675,000	\$ 8,160,000	\$ 4,017,954	\$ 1,450,500	\$ 8,670,457	\$ 2,155,000	\$ 128,165,388

EXCERPT

**City of Alpharetta
FY 2019 Budget
Citywide Statement of Revenues and Expenditures (by Category)**

	Special Revenue Funds							Capital Project Funds			Enterprise Fund	Internal Service Funds		Fiduciary Fund	TOTAL
	General Fund	E-911 Fund	Impact Fee Fund	DEA Fund	Hotel/Motel Fund	Operating Grant Fund	Debt Service Fund	Capital Projects Fund	Stormwater Capital Fund	T-SPLOST Capital Fund	Solid Waste Fund	Risk Management Fund	Medical Insurance Fund	OPEB Trust Fund	
REVENUES:															
Property Taxes	\$ 23,732,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,134,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 28,866,000
Local Option Sales Taxes/T-SPLOST	15,650,000	-	-	-	-	-	-	-	-	8,160,000	-	-	-	-	23,810,000
Other Taxes	14,729,500	-	-	-	7,650,000	-	-	-	-	-	-	-	-	-	22,379,500
Licenses and Permits	2,704,250	-	-	-	-	-	-	-	-	-	-	-	-	-	2,704,250
Intergovernmental Revenue	460,000	950,000	-	-	-	-	-	-	-	-	-	-	-	-	1,410,000
Charges for Services	3,509,150	3,105,000	45,000	-	-	-	-	-	-	-	4,009,300	1,446,500	7,170,457	-	19,285,407
Fines and Forfeitures	1,987,500	-	-	-	-	-	-	-	-	-	-	-	-	-	1,987,500
Interest Earnings	150,000	11,693	-	-	-	-	10,000	-	-	-	8,654	4,000	-	-	184,347
Other/Miscellaneous	296,984	-	-	-	-	-	-	-	-	-	-	-	-	655,000	951,984
subtotal	\$ 63,219,384	\$ 4,066,693	\$ 45,000	\$ -	\$ 7,650,000	\$ -	\$ 5,144,000	\$ -	\$ -	\$ 8,160,000	\$ 4,017,954	\$ 1,450,500	\$ 7,170,457	\$ 655,000	\$ 101,578,988
Other Financing Sources															
Interfund Transfer from General Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 30,000	\$ -	\$ 8,895,065	\$ 1,675,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,600,065
Interfund Transfer from Hotel/Motel Fund	2,868,750	-	-	-	-	-	-	-	-	-	-	-	-	-	2,868,750
Interfund Transfer from Medical Ins. Fund	-	-	-	-	-	-	-	-	-	-	-	-	-	1,500,000	1,500,000
Budgeted Fund Balance	6,100,065	85,500	565,000	287,507	-	-	329,513	2,750,000	-	-	-	-	1,500,000	-	11,617,585
subtotal	\$ 8,968,815	\$ 85,500	\$ 565,000	\$ 287,507	\$ -	\$ 30,000	\$ 329,513	\$ 11,645,065	\$ 1,675,000	\$ -	\$ -	\$ -	\$ 1,500,000	\$ 1,500,000	\$ 26,586,400
Total Revenues	\$ 72,188,199	\$ 4,152,193	\$ 610,000	\$ 287,507	\$ 7,650,000	\$ 30,000	\$ 5,473,513	\$ 11,645,065	\$ 1,675,000	\$ 8,160,000	\$ 4,017,954	\$ 1,450,500	\$ 8,670,457	\$ 2,155,000	\$ 128,165,388
EXPENDITURES:															
Personnel Services	\$ 43,764,129	\$ 2,577,801	\$ -	\$ 287,507	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 76,909	\$ -	\$ -	\$ -	\$ 46,706,346
Maintenance and Operations	14,908,368	1,290,010	-	-	3,000	-	5,000	-	-	-	3,941,045	761,000	-	-	20,908,423
Capital/Capital Lease	721,547	157,382	232,300	-	451,412	-	-	9,864,815	1,675,000	3,616,996	-	-	-	-	16,719,452
Other															
Insurance Premiums (Risk Fund)	689,500	-	-	-	-	-	-	-	-	-	-	689,500	-	-	1,379,000
Medical Claims/Premiums/Benefits	-	-	-	-	-	-	-	-	-	-	-	-	7,125,344	2,155,000	9,280,344
Contingency	670,000	-	-	-	-	-	-	-	-	-	-	-	-	-	670,000
Non-Allocated (Reserve)	538,000	127,000	377,700	-	-	30,000	-	1,780,250	-	4,543,004	-	-	45,113	-	7,441,067
Alpharetta Convention and Visitors Bureau	-	-	-	-	3,346,875	-	-	-	-	-	-	-	-	-	3,346,875
Debt Service (Principal and Interest)	286,590	-	-	-	979,963	-	5,468,513	-	-	-	-	-	-	-	6,735,066
Donations/Contributions	10,000	-	-	-	-	-	-	-	-	-	-	-	-	-	10,000
subtotal	\$ 61,588,134	\$ 4,152,193	\$ 610,000	\$ 287,507	\$ 4,781,250	\$ 30,000	\$ 5,473,513	\$ 11,645,065	\$ 1,675,000	\$ 8,160,000	\$ 4,017,954	\$ 1,450,500	\$ 7,170,457	\$ 2,155,000	\$ 113,196,573
Other Financing Uses															
Interfund Transfer to General Fund	\$ -	\$ -	\$ -	\$ -	\$ 2,868,750	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,868,750
Interfund Transfer to OPEB Trust Fund	-	-	-	-	-	-	-	-	-	-	-	-	1,500,000	-	1,500,000
Interfund Transfer to Grant/Capital Funds	10,600,065	-	-	-	-	-	-	-	-	-	-	-	-	-	10,600,065
subtotal	\$ 10,600,065	\$ -	\$ -	\$ -	\$ 2,868,750	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,500,000	\$ -	\$ 14,968,815
Total Expenditures	\$ 72,188,199	\$ 4,152,193	\$ 610,000	\$ 287,507	\$ 7,650,000	\$ 30,000	\$ 5,473,513	\$ 11,645,065	\$ 1,675,000	\$ 8,160,000	\$ 4,017,954	\$ 1,450,500	\$ 8,670,457	\$ 2,155,000	\$ 128,165,388



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GENERAL FUND SUMMARY

**City of Alpharetta
General Fund
Statement of Budgetary Comparisons (FY 2018-2019)**

	FY 2018 AMENDED BUDGET	FY 2019 RECOMMENDED BUDGET	\$ Variance	% Variance
Revenues:				
Property Taxes:				
Current Year	\$ 21,160,000	\$ 22,480,000	\$ 1,320,000	6.2%
Motor Vehicle	180,000	115,000	(65,000)	-36.1%
Motor Vehicle Title Tax Fee	775,000	900,000	125,000	16.1%
Prior Year/Delinquent	239,000	237,000	(2,000)	-0.8%
Local Option Sales Tax	15,200,000	15,650,000	450,000	3.0%
Other Taxes:				
Franchise Fees	6,640,000	6,200,000	(440,000)	-6.6%
Insurance Premium Tax	3,693,320	3,900,000	206,680	5.6%
Alcohol Beverage Excise Tax	2,100,000	2,200,000	100,000	4.8%
Other Taxes	2,339,500	2,429,500	90,000	3.8%
Licenses & Permits	2,722,050	2,704,250	(17,800)	-0.7%
Intergovernmental	435,000	460,000	25,000	5.7%
Charges for Services	3,492,408	3,509,150	16,742	0.5%
Fines & Forfeitures	2,209,250	1,987,500	(221,750)	-10.0%
Interest	75,000	150,000	75,000	100.0%
Other Revenues	292,258	296,984	4,726	1.6%
Other Financing Sources:				
Interfund Transfer (Hotel/Motel Fund)	2,718,750	2,868,750	150,000	5.5%
Total Operating Revenues	\$ 64,271,536	\$ 66,088,134	\$ 1,816,598	2.8%
Fund Balance Carryforward	8,860,286	6,100,065		
Total Revenues	\$ 73,131,822	\$ 72,188,199		
Expenditures (by Category):				
Personnel Services:				
Salaries	\$ 26,968,197	\$ 27,860,346	\$ 892,149	3.3%
Group Insurance	8,002,164	7,999,100	(3,064)	0.0%
Pension (Defined Benefit)	2,500,954	2,599,935	98,981	4.0%
Pension (401A)	1,688,463	1,795,305	106,842	6.3%
Post Employment Healthcare Benefit	-	550,000	550,000	100.0%
Miscellaneous Benefits	2,844,228	2,959,443	115,215	4.1%
<i>subtotal</i>	\$ 42,004,006	\$ 43,764,129	\$ 1,760,123	4.2%
Maintenance and Operations:				
Professional Services	\$ 2,758,796	\$ 2,667,122	\$ (91,674)	-3.3%
Repair/Maintenance	1,549,408	1,673,050	123,642	8.0%
Maintenance Contracts	2,174,992	2,360,305	185,313	8.5%
Professional Services (IT)	1,450,777	1,437,923	(12,854)	-0.9%
General Supplies	1,014,810	1,084,810	70,000	6.9%
Utilities	2,604,475	2,614,525	10,050	0.4%
Fuel	449,524	441,650	(7,874)	-1.8%
Legal Services	665,000	690,000	25,000	3.8%
Miscellaneous	1,937,663	1,938,983	1,320	0.1%
<i>subtotal</i>	\$ 14,605,445	\$ 14,908,368	\$ 302,923	2.1%
Capital/Lease:				
Fire Truck/Cardiac Monitor Leases	\$ 578,669	\$ 579,604	\$ 935	0.2%
Tyler ERP Lease	110,904	-	(110,904)	-100.0%
Work Order Software Lease	76,622	76,943	321	0.4%
Miscellaneous	86,973	65,000	(21,973)	-25.3%
<i>subtotal</i>	\$ 853,168	\$ 721,547	\$ (131,621)	-15.4%
Other Uses:				
Contingency	\$ 650,000	\$ 670,000	\$ 20,000	3.1%
Insurance Premiums (Risk Fund)	665,000	689,500	24,500	3.7%
Gwinnett Tech Contribution (Debt Svc)	286,840	286,590	(250)	-0.1%
Donations/Contributions	45,000	10,000	(35,000)	-77.8%
Operating Initiatives Reserves	-	538,000	538,000	100.0%
<i>subtotal</i>	\$ 1,646,840	\$ 2,194,090	\$ 547,250	33.2%
Total Operating Expenditures	\$ 59,109,459	\$ 61,588,134	\$ 2,478,675	4.2%
Interfund Transfer:				
Capital Project/Grant Funds	14,022,363	10,600,065		
Total Expenditures	\$ 73,131,822	\$ 72,188,199		
Personnel (full-time-equivalent)	410.5	409.5		

City of Alpharetta

General Fund

Statement of Revenues, Expenditures, and changes in Fund Balance

	FY 2014 Actual	FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Amended Budget	FY 2019 Recommended Budget
Beginning Fund Balance:	\$ 20,951,279	\$ 20,873,496	\$ 23,586,068	\$ 27,290,370	\$ 28,460,351	\$ 19,600,065
Revenues:						
Property Taxes	\$ 19,892,754	\$ 20,765,849	\$ 22,321,490	\$ 21,696,627	\$ 22,354,000	\$ 23,732,000
Local Option Sales Taxes	13,575,938	14,757,780	14,953,985	14,943,853	15,200,000	15,650,000
Other Taxes	12,706,783	13,875,057	14,615,779	14,609,885	14,772,820	14,729,500
Licenses and Permits	2,400,059	2,912,433	3,814,821	4,222,432	2,722,050	2,704,250
Intergovernmental	376,000	386,458	495,916	422,607	435,000	460,000
Charges for Services	2,857,898	3,264,768	3,767,927	3,714,804	3,492,408	3,509,150
Fines and Forfeitures	2,360,816	2,767,465	2,208,782	2,244,699	2,209,250	1,987,500
Interest	51,065	40,334	119,786	136,336	75,000	150,000
Other Revenue	166,200	204,218	181,625	238,610	192,258	177,671
	\$ 54,387,513	\$ 58,974,363	\$ 62,480,110	\$ 62,229,854	\$ 61,452,786	\$ 63,100,071
Expenditures:						
Mayor and City Council	\$ 282,367	\$ 308,237	\$ 321,095	\$ 319,279	\$ 364,488	\$ 364,389
City Administration	2,651,745	2,722,528	1,893,792	1,980,803	2,266,016	2,209,084
Legal Services	504,045	608,630	726,165	650,104	665,000	690,000
Community Development	2,257,827	2,340,068	2,345,022	2,631,318	2,857,116	3,069,560
Public Works	6,891,550	7,084,379	7,364,018	7,335,950	8,377,022	8,621,264
Finance	2,894,001	2,953,855	3,087,059	3,105,132	3,347,009	3,366,136
Public Safety	23,051,613	24,212,086	24,672,611	25,001,343	27,260,508	28,344,825
Human Resources	351,050	376,580	393,603	368,722	415,782	430,846
Municipal Court	954,463	969,417	955,841	953,791	1,126,546	1,096,466
Recreation, Parks & Cultural Services	6,238,989	6,669,756	8,124,273	8,353,856	9,101,275	9,459,251
Information Technology	1,389,411	1,467,121	1,520,628	1,546,560	1,681,857	1,742,223
Non-Departmental:						
Contingency	221,353	224,249	84,663	114,541	650,000	670,000
Insurance Premiums (Risk Fund)	690,800	545,000	607,000	640,000	665,000	689,500
Gwinnett Tech Contribution (Debt Svc)	153,465	288,640	290,340	286,940	286,840	286,590
Reserve for Operating Initiatives	-	-	-	-	-	538,000
Donations/Contributions	45,000	45,000	45,000	45,000	45,000	10,000
	\$ 48,577,680	\$ 50,815,544	\$ 52,431,110	\$ 53,333,338	\$ 59,109,459	\$ 61,588,134
Other Financing Sources (Uses):						
Proceeds from the sale of Capital Assets	\$ 549,213	\$ 162,797	\$ 168,544	\$ 155,043	\$ 100,000	\$ 119,313
Interfund Transfer:						
Hotel/Motel Fund	1,656,674	1,858,068	2,429,994	2,661,700	2,718,750	2,868,750
Operating Grant Fund	-	-	-	(20,000)	(20,000)	(30,000)
Capital Project Fund	(8,093,503)	(7,467,112)	(8,943,236)	(8,854,857)	(12,747,363)	(8,895,065)
Stormwater Capital Fund	-	-	-	(1,675,000)	(1,255,000)	(1,675,000)
Bond IV Fund	-	-	-	6,579	-	-
	\$ (5,887,616)	\$ (5,446,248)	\$ (6,344,698)	\$ (7,726,535)	\$ (11,203,613)	\$ (7,612,002)
Ending Fund Balance: (1)	\$ 20,873,496	\$ 23,586,068	\$ 27,290,370	\$ 28,460,351	\$ 19,600,065	\$ 13,500,000
<i>Changes in Fund Balance (actual/est.)</i>	<i>\$ (77,783)</i>	<i>\$ 2,712,572</i>	<i>\$ 3,704,302</i>	<i>\$ 1,169,981</i>	<i>\$ (8,860,286)</i>	<i>\$ (6,100,065)</i>
<i>Personnel (full-time-equivalent)</i>	<i>407.0</i>	<i>407.0</i>	<i>409.0</i>	<i>408.5</i>	<i>410.5</i>	<i>409.5</i>

Notes:

- (1) Pursuant to the City's financial management policies, fund balance in excess of the City's current 21% Fund Balance Reserve can be used for one-time capital initiatives. Additionally, the budgetary presentation for fiscal years 2018 and 2019 assumes all appropriations will be spent; historically, a portion of the appropriations will go unspent which will augment the fund balance (i.e. the actual reduction in fund balance will be lower than what is presented above).



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SPECIAL REVENUE FUND SUMMARIES

City of Alpharetta

E-911 Fund

Statement of Budgetary Comparisons (FY 2018-2019)

	FY 2018 Amended Budget	FY 2019 Recommended Budget	\$ Variance	% Variance
Charges for Services:				
E-911 Service Fees (land lines)	\$ 1,425,000	\$ 1,545,000	\$ 120,000	8.4%
E-911 Service Fees (cell phones)	1,460,000	1,420,000	(40,000)	-2.7%
E-911 Service Fees (prepaid cell cards)	115,000	140,000	25,000	21.7%
Intergovernmental:				
City of Milton	940,000	950,000	10,000	1.1%
Interest	5,478	11,693	6,215	113.5%
Other Financing Sources: (2)				
Mobile Radio Lease Financing	504,025	-	(504,025)	-100.0%
Budgeted Fund Balance ("FB")	998,303	85,500	(912,803)	-91.4%
Total Revenues (All Sources): (1)	\$ 5,447,806	\$ 4,152,193	\$ (1,295,613)	-23.8%
Personnel Services:				
Salaries	\$ 1,630,236	\$ 1,678,963	\$ 48,727	3.0%
Benefits	870,811	898,838	28,027	3.2%
Maintenance and Operations:				
Communications	428,000	343,000	(85,000)	-19.9%
Maintenance Contracts	606,561	501,045	(105,516)	-17.4%
Professional Services (IT)	248,939	240,902	(8,037)	-3.2%
Utilities	41,948	48,091	6,143	14.6%
Miscellaneous	167,722	156,972	(10,750)	-6.4%
Capital:				
Capital (3)	1,275,560	73,500	(1,202,060)	-94.2%
North Fulton Radio System (COA)	-	-	-	#DIV/0!
Capital Lease Payments	76,777	83,882	7,105	
Other Uses: (2),(3)				
Non-Allocated/Reserve	101,252	127,000	25,748	25.4%
Transfer to Capital Project Fund	-	-	-	0.0%
Total Expenditures (All Uses): (1)	\$ 5,447,806	\$ 4,152,193	\$ (1,295,613)	-23.8%

Personnel (full-time-equivalent)	30.0	30.0
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Notes:

(1) Includes non-operating revenue and expenditures such as Carryforward Fund Balance and Non-Allocated/Reserves. The true operational budget variance after adjusting for non-operating items approximates 2%.

(2) Annually after the year-end accrual period (i.e. September), the city carries-forward available fund balance and places in a Reserve account. The purpose is to provide elected officials, city staff, citizens, and stakeholders with a transparent view of the funding available for future initiatives. The carry-forward for FY 2019 will occur subsequent to adoption of the budget.

(3) FY 2018 includes funding for capital initiatives (E-911 allocable portion of the PS Headquarters Expansion project; costs related to the Alarm Interface Module; capital costs for the upgrade of mobile radios which were funded through a capital lease) and operating initiatives (annual support/maintenance costs related to the Alarm Interface Module). FY 2019 includes funding for the Emergency Services Network (NexGen911) upgrade (net cost of \$111,000), 911 CALEA Accreditation Program (\$16,000), replacement 911 Audio Recorder System (\$23,500), and the allocable costs for roof replacement at Public Safety Headquarters (\$50,000). Please refer to the Capital Initiative Requests and Operating Initiative Requests section of this document for detailed information.

City of Alpharetta E-911 Fund

Statement of Revenues, Expenditures, and changes in Fund Balance

	FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Amended Budget	FY 2019 Recommended Budget
Beginning Fund Balance:	\$ 3,971,699	\$ 2,150,699	\$ 2,122,858	\$ 1,827,069	\$ 930,018
Revenues:					
Charges for Services	\$ 3,235,946	\$ 3,020,347	\$ 2,649,733	\$ 3,000,000	\$ 3,105,000
Interest	3,803	5,777	5,508	5,478	11,693
City of Milton Agreement	898,734	921,918	936,865	940,000	950,000
Other	6,912	-	-	504,025	-
	\$ 4,145,396	\$ 3,948,042	\$ 3,592,106	\$ 4,449,503	\$ 4,066,693
Expenditures:					
Public Safety	\$ 5,966,396	\$ 3,975,883	\$ 3,887,895	\$ 5,346,554	\$ 4,152,193
	\$ 5,966,396	\$ 3,975,883	\$ 3,887,895	\$ 5,346,554	\$ 4,152,193
Adjustments/Reconciliation:	\$ -	\$ -	\$ -	\$ -	\$ -
Ending Fund Balance: (1)	\$ 2,150,699	\$ 2,122,858	\$ 1,827,069	\$ 930,018	\$ 844,518
<i>Changes in Fund Balance (actual/est.) (2)(3)</i>	<i>\$ (1,821,000)</i>	<i>\$ (27,841)</i>	<i>\$ (295,789)</i>	<i>\$ (897,051)</i>	<i>\$ (85,500)</i>
<i>Personnel (full-time-equivalent)</i>	<i>26.0</i>	<i>26.0</i>	<i>30.0</i>	<i>30.0</i>	<i>30.0</i>

Notes:

In order to accurately measure anticipated fund balance usage, this schedule omits the Carryforward Fund Balance and Non-Allocated/Reserve accounts.

FY 2015 fund balance usage was for the city's share of the North Fulton Radio System initiative. This initiative is 100% funded by the City of Alpharetta and is being tracked in a separate project (PEM01) to ensure transparency. FYs 2016-2017 fund balance usage is for multiple one-time capital initiatives including mobile radio replacements, 911 Facility Expansion, replacement of the 911 Phone System with a state-of-the-art VOIP system, emergency communications equipment, and continued funding for the North Fulton Regional Radio System Authority.

FY 2018 includes funding from fund balance for capital initiatives (E-911 allocable portion of the PS Headquarters Expansion project; costs related to the Alarm Interface Module; capital costs for the upgrade of mobile radios which were funded through a capital lease) and operating initiatives (annual support/maintenance costs related to the Alarm Interface Module). FY 2019 includes funding for the Emergency Services Network (NexGen911) upgrade (net cost of \$111,000), 911 CALEA Accreditation Program (\$16,000), replacement 911 Audio Recorder System (\$23,500), and the allocable costs for roof replacement at Public Safety Headquarters (\$50,000). Please refer to the Capital Initiative Requests and Operating Initiative Requests section of this document for detailed information.

City of Alpharetta Impact Fee Fund Statement of Budgetary Comparisons (FY 2018-2019)

	FY 2018 Amended Budget	FY 2019 Recommended Budget	\$ Variance	% Variance
Charges for Services:				
Impact Fees (streets/highways)	\$ -	\$ -	\$ -	-
Impact Fees (recreation/parks)	550,000	45,000	(505,000)	-91.8%
Impact Fees (public safety)	-	-	-	-
Interest	-	-	-	-
Other Financing Sources:				
Budgeted Fund Balance	4,095,456	565,000	(3,530,456)	-86.2%
Total Revenues (All Sources):	\$ 4,645,456	\$ 610,000	\$ (4,035,456)	-86.9%
Non-Departmental/Other Uses:				
Impact Fee Administration	-	-	-	-
Capital	4,430,179	232,300	-	-94.8%
(1) Non-Allocated/Reserve	215,277	377,700	162,423	75.4%
Total Expenditures (All Uses):	\$ 4,645,456	\$ 610,000	\$ 162,423	-86.9%

Notes:

(1) Impact Fee monies are being reserved for future system improvements.

City of Alpharetta Impact Fee Fund

Statement of Revenues, Expenditures, and changes in Fund Balance

	FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Estimated Actual	FY 2019 Recommended Budget
Beginning Fund Balance:	\$ 1,119,410	\$ 1,582,560	\$ 2,927,264	\$ 4,095,456	\$ 605,451
Revenues:					
Charges for Services	\$ 529,004	\$ 1,425,667	\$ 1,449,478	\$ 925,642	\$ 45,000
Interest	2,204	10,779	17,834	14,532	-
	\$ 531,208	\$ 1,436,446	\$ 1,467,312	\$ 940,174	\$ 45,000
Expenditures:					
Non-Departmental	\$ 68,058	\$ 17,055	\$ -	\$ -	\$ -
Capital	-	74,688	299,120	4,430,179	232,300
	\$ 68,058	\$ 91,743	\$ 299,120	\$ 4,430,179	\$ 232,300
Other Financing Sources (Uses):					
Interfund Transfer:					
Debt Service Fund	\$ -	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -	\$ -
Ending Fund Balance: (1)	\$ 1,582,560	\$ 2,927,264	\$ 4,095,456	\$ 605,451	\$ 418,151
<i>Changes in Fund Balance (actual/est.)</i>	<i>\$ 463,150</i>	<i>\$ 1,344,704</i>	<i>\$ 1,168,192</i>	<i>\$ (3,490,005)</i>	<i>\$ (187,300)</i>

Notes:

- (1) In order to accurately measure anticipated fund balance usage, this schedule omits the Carryforward Fund Balance and Non-Allocated/Reserve accounts.
- (2) Impact Fee monies for FY's 2015-2017 are being reserved for future system improvements. FY's 2018-2019 includes the appropriation of impact fee monies toward eligible projects.

City of Alpharetta Drug Enforcement Agency Fund Statement of Budgetary Comparisons (FY 2018-2019)

	FY 2018 Amended Budget	FY 2019 Recommended Budget	\$ Variance	% Variance
Fines and Forfeitures	\$ -	\$ -	\$ -	0.00%
Interest	-	-	-	0.00%
SWAT Equipment (Milton/Roswell Contribution)	240,360	-	(240,360)	100.00%
Other Financing Sources:				
Budgeted Fund Balance	1,451,073	287,507	(1,163,566)	-80.19%
Total Revenues (All Sources):	\$ 1,691,433	\$ 287,507	\$ (1,403,926)	-83.00%
Personnel Services	\$ 240,759	\$ 287,507	\$ 46,748	19.42%
Maintenance and Operations	-	-	-	0.00%
Capital (2)	1,159,556	-	(1,159,556)	-100.00%
Other Uses:				
Non-Allocated/Reserve (1)	291,118	-	(291,118)	-100.00%
Total Expenditures (All Uses):	\$ 1,691,433	\$ 287,507	\$ (1,403,926)	-83.00%

Notes:

(1) Annually after the year-end accrual period (i.e. September), the city carries-forward available fund balance and places in a Reserve account. The purpose is to provide elected officials, city staff, citizens, and stakeholders with a transparent view of the funding available for future initiatives. The carry-forward for FY 2019 will occur subsequent to adoption of the budget.

(2) FY 2018 capital initiative funding includes multiple initiatives such as the Body Camera Program, additional funding for the PS Headquarters Expansion, SWAT Equipment, etc. FY 2019 funding is solely for the Taser lease payment.

City of Alpharetta

Drug Enforcement Agency Fund

Statement of Revenues, Expenditures, and changes in Fund Balance

	FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Estimated Actual	FY 2019 Recommended Budget
Beginning Fund Balance:	\$ 2,096,210	\$ 1,974,755	\$ 1,742,860	\$ 1,450,948	\$ 391,980
Revenues:					
Fines and Forfeitures	\$ 769,983	\$ 244,352	\$ 220,016	\$ 100,987	\$ -
Interest	1,276	1,435	1,216	-	-
Miscellaneous	-	-	-	240,360	-
	<u>\$ 771,259</u>	<u>\$ 245,786</u>	<u>\$ 221,232</u>	<u>\$ 341,347</u>	<u>\$ -</u>
Expenditures:					
Public Safety	\$ 892,714	\$ 477,682	\$ 513,144	\$ 1,400,315	\$ 287,507
	<u>\$ 892,714</u>	<u>\$ 477,682</u>	<u>\$ 513,144</u>	<u>\$ 1,400,315</u>	<u>\$ 287,507</u>
Ending Fund Balance: (1),(2)	<u>\$ 1,974,755</u>	<u>\$ 1,742,860</u>	<u>\$ 1,450,948</u>	<u>\$ 391,980</u>	<u>\$ 104,473</u>
<i>Changes in Fund Balance (actual/est.)</i>	<i>\$ (121,455)</i>	<i>\$ (231,895)</i>	<i>\$ (291,912)</i>	<i>\$ (1,058,968)</i>	<i>\$ (287,507)</i>

Notes:

(1) In order to accurately measure anticipated fund balance usage, this schedule omits the Carryforward Fund Balance and Non-Allocated,

(2) FY 2019 fund balance is being used to fund personnel and the capital lease for Tasers.

City of Alpharetta Hotel/Motel Fund Statement of Budgetary Comparisons (FY 2018-2019)

	FY 2018 Amended Budget	FY 2019 Recommended Budget	\$ Variance	% Variance
Other Taxes:				
Hotel/Motel Taxes	\$ 7,250,000	\$ 7,650,000	\$ 400,000	5.5%
Interest:	-	-	-	0.0%
Other:				
Budgeted Fund Balance	1,505,262	-	(1,505,262)	0.0%
Total Revenues (All Sources):	\$ 8,755,262	\$ 7,650,000	\$ (1,105,262)	-12.6%
Other Uses:				
Alpharetta Convention & Visitor's Bureau	\$ 3,171,875	\$ 3,346,875	\$ 175,000	5.5%
City of Alpharetta	2,718,750	2,868,750	150,000	5.5%
Facility Portion of the Hotel/Motel Tax:				
Professional Svcs (Bond Admin Fee)	-	3,000	3,000	0.0%
Series 2016 Bonds (Principal/Interest)	779,963	979,963	200,000	0.0%
Alpharetta Arts Center	550,000	-	(550,000)	0.0%
(1) Downtown Parking/Wayfinding Signage	-	150,000	150,000	100.0%
(1) Equestrian Center Foundation Match	-	250,000	250,000	200.0%
(1) Park System Wayfinding Signage	-	51,412	51,412	300.0%
Non-Allocated (Reserve)	34,674	-	(34,674)	0.0%
Debt Service Reserve	1,500,000	-	(1,500,000)	-100.0%
Total Expenditures (All Uses):	\$ 8,755,262	\$ 7,650,000	\$ (1,105,262)	-12.6%

Notes:

The City of Alpharetta levies a Hotel/Motel occupancy tax of 8% on total rental charges. The resulting revenue is distributed as follows: Alpharetta Convention & Visitor's Bureau (43.75%); City of Alpharetta (37.50%); and Tourism Product Development (18.75%; e.g. Conference Center). The tax was changed from 6% to 8% effective October 1, 2015 to fund construction of a Conference Center.

(1) Please refer to the Capital Initiatives section of this document for detailed descriptions.

City of Alpharetta

Hotel/Motel Fund

Statement of Revenues, Expenditures, and changes in Fund Balance

	FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Estimated Actual	FY 2019 Recommended Budget
Beginning Fund Balance:	\$ -	\$ -	\$ 950,566	\$ 1,505,262	\$ 2,109,799
Revenues:					
Other Taxes	\$ 4,645,169	\$ 6,391,842	\$ 7,097,865	\$ 7,400,000	\$ 7,650,000
Interest	-	-	-	-	-
	<u>\$ 4,645,169</u>	<u>\$ 6,391,842</u>	<u>\$ 7,097,865</u>	<u>\$ 7,400,000</u>	<u>\$ 7,650,000</u>
Expenditures:					
Alpharetta Business Community	\$ 774,350	\$ 220,403	\$ 0	\$ -	\$ -
Alpharetta Convention & Visitor's Bureau	2,012,752	2,790,878	3,105,316	3,237,500	3,346,875
City of Alpharetta	1,858,068	2,429,994	2,661,700	2,775,000	2,868,750
Facility Portion of the Hotel/Motel Tax:					
Professional Svcs (Bond Admin)	-	-	525	3,000	3,000
Facility Debt Service	-	-	775,629	779,963	979,963
Downtown Parking/Wayfinding Signage	-	-	-	-	150,000
Equestrian Center Foundation Match	-	-	-	-	250,000
Park System Wayfinding Signage	-	-	-	-	51,412
	<u>\$ 4,645,169</u>	<u>\$ 5,441,275</u>	<u>\$ 6,543,171</u>	<u>\$ 6,795,463</u>	<u>\$ 7,650,000</u>
Ending Fund Balance:	<u>\$ -</u>	<u>\$ 950,566</u>	<u>\$ 1,505,262</u>	<u>\$ 2,109,799</u>	<u>\$ 2,109,799</u>
<i>Changes in Fund Balance (actual/est.)</i>	\$ -	\$ 950,566	\$ 554,695	\$ 604,537	\$ -

Notes:

Revenue is to be distributed to the participating entities based on their relative share. Funding for Tourism Product Development is used for debt service on the Series 2016 Conference Center Bonds or reserved for debt service/future eligible initiatives (fund balance within the Hotel/Motel Fund).

Fund Balance totaling \$1.5 million will be retained as a Debt Service Reserve.

Please refer to the Capital Initiatives section of this document for detailed descriptions on the recommended projects.

City of Alpharetta Operating Grant Fund Statement of Budgetary Comparisons (FY 2018-2019)

	FY 2018 Amended Budget	FY 2019 Recommended Budget	\$ Variance	% Variance
Intergovernmental Revenues:				
Grants	58,947	-	(58,947)	-100.00%
Interest	-	-	-	-
Other/Miscellaenous:				
Contributions/Donations	-	-	-	-100.00%
Other Financing Sources:				
General Fund Transfer	20,000	30,000	10,000	100.00%
Budgeted Fund Balance	48,544	-	(48,544)	-100.00%
Total Revenues (All Sources):	\$ 127,491	\$ 30,000	\$ (97,491)	-76.47%
Maintenance and Operations:	49,554	-	(49,554)	-100.00%
Capital:	57,960	-	(57,960)	-100.00%
Non-Allocated:	19,977	30,000	10,023	50.17%
Total Expenditures (All Uses):	\$ 127,491	\$ 30,000	\$ (97,491)	-76.47%

City of Alpharetta

Operating Grant Fund

Statement of Revenues, Expenditures, and changes in Fund Balance

	FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Amended Budget	FY 2019 Recommended Budget
Beginning Fund Balance:	\$ 57,907	\$ 50,160	\$ 49,594	\$ 48,544	\$ 19,977
Revenues:					
Intergovernmental (Grants)	\$ 47,737	\$ 18,872	\$ 65,690	\$ 58,947	\$ -
Interest	105	240	266	-	-
Other/Miscellaneous	-	-	-	-	-
	<u>\$ 47,842</u>	<u>\$ 19,112</u>	<u>\$ 65,956</u>	<u>\$ 58,947</u>	<u>\$ -</u>
Expenditures:					
Non-Departmental	\$ -	\$ -	\$ -	\$ -	\$ -
Public Safety	55,297	14,311	72,006	62,035	-
Recreation, Parks & Cultural Services	292	5,367	15,000	45,479	-
	<u>\$ 55,589</u>	<u>\$ 19,678</u>	<u>\$ 87,006</u>	<u>\$ 107,514</u>	<u>\$ -</u>
Other Financing Sources (Uses):					
Interfund Transfer:					
General Fund	\$ -	\$ -	\$ 20,000	\$ 20,000	\$ 20,000
	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 20,000</u>	<u>\$ 20,000</u>	<u>\$ 20,000</u>
Ending Fund Balance:	<u>\$ 50,160</u>	<u>\$ 49,594</u>	<u>\$ 48,544</u>	<u>\$ 19,977</u>	<u>\$ 39,977</u>
<i>Changes in Fund Balance (actual/est.)</i>	<i>\$ (7,747)</i>	<i>\$ (566)</i>	<i>\$ (1,050)</i>	<i>\$ (28,567)</i>	<i>\$ 20,000</i>



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DEBT SERVICE FUND SUMMARY

City of Alpharetta Debt Service Fund Statement of Budgetary Comparisons (FY 2018-2019)

	FY 2018	FY 2019	\$	%
	Amended Budget	Recommended Budget	Variance	Variance
Property Taxes:				
Property Taxes	\$ 5,106,000	\$ 5,090,000	\$ (16,000)	-0.3%
Delinquent	20,000	20,000	-	0.0%
Motor Vehicle Taxes	38,000	24,000	(14,000)	-36.8%
Interest	12,000	10,000	(2,000)	-16.7%
Other Financing Sources:				
Transfer-In from Impact Fee Fund	-	-	-	0.0%
Budgeted Fund Balance (1)	1,250,406	329,513	(920,893)	-73.6%
Total Revenues (All Sources)	\$ 6,426,406	\$ 5,473,513	\$ (952,893)	-14.8%
Maintenance & Operations:				
Professional Services	\$ 5,000	\$ 5,000	\$ -	0.0%
Debt Service (Principal and Interest):				
City of Alpharetta				
GO Bonds, Series 2012	1,483,900	1,478,950	(4,950)	-0.3%
GO Bonds, Series 2014 (refunding)	1,935,477	1,933,622	(1,855)	-0.1%
GO Bonds, Series 2016	1,930,788	1,930,788	-	0.0%
Development Authority of Alpharetta				
Revenue Refunding Bonds, Series 2009	124,493	125,153	660	0.5%
Other Uses:				
Debt Service Reserve (2)	946,748	-	(946,748)	-100.0%
Total Expenditures (All Uses)	\$ 6,426,406	\$ 5,473,513	\$ (952,893)	-14.8%

Notes:

(1) FYs 2018-2019 utilize available fund balance to offset a portion of the debt service requirements.

(2) Annually after the year-end accrual period (i.e. September), the city carries-forward available fund balance and places in a Reserve account. The purpose is to provide elected officials, city staff, citizens, and stakeholders with a transparent view of the funding available for future initiatives. The carry-forward for FY 2019 will occur subsequent to adoption of the budget.

City of Alpharetta

Debt Service Fund

Statement of Revenues, Expenditures, and changes in Fund Balance

	FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Amended Budget	FY 2019 Recommended Budget
Beginning Fund Balance:	\$ 913,165	\$ 845,508	\$ 814,050	\$ 1,250,403	\$ 946,745
Revenues:					
Property Taxes (incl. Motor Vehicle)	\$ 3,508,728	\$ 3,519,961	\$ 5,565,545	\$ 5,164,000	\$ 5,134,000
Interest	4,513	8,578	10,979	12,000	10,000
Other	-	-	-	-	-
Refunding Bond Proceeds	-	-	-	-	-
	<u>\$ 3,513,241</u>	<u>\$ 3,528,539</u>	<u>\$ 5,576,524</u>	<u>\$ 5,176,000</u>	<u>\$ 5,144,000</u>
Expenditures:					
Professional Services	\$ -	\$ -	\$ 2,350	\$ 5,000	\$ 5,000
Non-Departmental:					
Debt Service	3,580,898	3,559,998	5,137,821	5,474,658	5,468,513
Debt Service Reserve	-	-	-	-	-
Refunding Bonds (Pmt to Escrow)	-	-	-	-	-
Refunding Bonds (Issue Costs)	-	-	-	-	-
	<u>\$ 3,580,898</u>	<u>\$ 3,559,998</u>	<u>\$ 5,140,171</u>	<u>\$ 5,479,658</u>	<u>\$ 5,473,513</u>
Other Financing Sources (Uses):					
Interfund Transfer:					
General Fund	\$ -	\$ -	\$ -	\$ -	\$ -
(1) Capital Project Fund	-	-	-	-	-
	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
Ending Fund Balance: (1)	<u>\$ 845,508</u>	<u>\$ 814,050</u>	<u>\$ 1,250,403</u>	<u>\$ 946,745</u>	<u>\$ 617,232</u>
Changes in Fund Balance (actual/est.)	<u>\$ (67,657)</u>	<u>\$ (31,459)</u>	<u>\$ 436,353</u>	<u>\$ (303,658)</u>	<u>\$ (329,513)</u>

Notes:

(1) FYs 2015-2019 utilize available fund balance to offset a portion of the debt service requirements.



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CAPITAL PROJECT FUND SUMMARIES

City of Alpharetta Capital Project Fund Statement of Budgetary Comparisons (FY 2018-2019)

	FY 2018 Adopted Budget	FY 2019 Recommended Budget	\$ Variance	% Variance
Other Financing Sources:				
General Fund Transfer	\$ 12,747,363	\$ 8,895,065	\$ (3,852,298)	-30.22%
Intergovernmental Revenue (Dev. Authority)	45,312	-	(45,312)	-100.00%
Budgeted Fund Balance	410,000	2,750,000	2,340,000	0.00%
Total Revenues (All Sources):	\$ 13,202,675	\$ 11,645,065	\$ (1,557,610)	-11.80%
Capital: (1)				
City Administration	\$ 470,000	\$ 258,336	\$ (211,664)	-45.03%
Community Development	125,000	130,000	5,000	4.00%
Public Works	4,749,892	5,178,279	428,387	9.02%
Public Safety	2,452,173	1,657,700	(794,473)	-32.40%
Recreation, Parks & Cultural Services	2,151,000	1,980,500	(170,500)	-7.93%
Information Technology	505,000	660,000	155,000	30.69%
Other Uses:				
Non-Allocated (Future Capital/One-time Initiatives)	2,749,610	1,780,250	(969,360)	-35.25%
Total Expenditures (All Uses):	\$ 13,202,675	\$ 11,645,065	\$ (1,557,610)	-11.80%

Notes:

(1) Please refer to the *Capital Initiatives* section of this document for detailed descriptions of the FY 2019 capital initiatives.

City of Alpharetta Stormwater Capital Fund Statement of Budgetary Comparisons (FY 2018-2019)

	FY 2018 Adopted Budget	FY 2019 Recommended Budget	\$ Variance	% Variance
Other Financing Sources:				
General Fund Transfer	\$ 1,255,000	\$ 1,675,000	\$ 420,000	33.47%
Budgeted Fund Balance	-	-	-	0.00%
Total Revenues (All Sources):	\$ 1,255,000	\$ 1,675,000	\$ 420,000	33.47%
Capital: (1)				
Public Works	\$ 1,255,000	\$ 1,675,000	\$ 420,000	33.47%
Recreation, Parks & Cultural Services	-	-	-	0.00%
Other Uses:				
Non-Allocated (Future Capital/One-time Initiatives)	-	-	-	-
Total Expenditures (All Uses):	\$ 1,255,000	\$ 1,675,000	\$ 420,000	33.47%

Notes:

(1) Please refer to the Capital Requests tab for detailed descriptions of the FY 2019 capital initiatives.

City of Alpharetta T-SPLOST Capital Fund Statement of Budgetary Comparisons (FY 2017-2018)

	FY 2017 Amended Budget	FY 2018 Recommended Budget	\$ Variance	% Variance
Taxes:				
T-SPLOST	\$ 13,000,000	\$ 8,160,000	\$ (4,840,000)	-37.23%
Other Financing Sources:				
Budgeted Fund Balance	1,650,901	-	(1,650,901)	0.00%
Total Revenues (All Sources):	\$ 14,650,901	\$ 8,160,000	\$ (6,490,901)	-44.30%
Capital: (1)				
Public Works	\$ 13,650,901	\$ 3,616,996	\$ (10,033,905)	-73.50%
Other Uses:				
Non-Allocated (Future Capital/One-time Initiatives)	1,000,000	4,543,004	3,543,004	354.30%
Total Expenditures (All Uses):	\$ 14,650,901	\$ 8,160,000	\$ (6,490,901)	-44.30%

Notes:

(1) Please refer to the Capital Requests tab for detailed descriptions of the FY 2019 capital initiatives.

ENTERPRISE FUND SUMMARY

City of Alpharetta Solid Waste Fund Statement of Budgetary Comparisons (FY 2018-2019)

	FY 2018 Amended Budget	FY 2019 Recommended Budget	\$ Variance	% Variance
Licenses and Permits:				
Solid Waste Permits (Penalties/Interest)	\$ -	\$ -	\$ -	0.00%
Charges for Services:				
Solid Waste Collection Fees	3,553,000	3,953,000	400,000	11.26%
Solid Waste Tag Fees	1,000	1,000	-	0.00%
Solid Waste Commercial Hauler Fees	25,000	25,000	-	0.00%
Solid Waste Fees (Penalties/Interest)	30,000	30,000	-	0.00%
Bad Check Fees	300	300	-	0.00%
Interest	7,706	8,654	948	12.30%
Other:				
Miscellaneous Revenue	-	-	-	0.00%
Other Financing Sources:				
Budgeted Fund Balance	433,246	-	(433,246)	-100.00%
Total Revenues (All Sources): (1)	\$ 4,050,252	\$ 4,017,954	\$ (32,298)	-0.80%
Personnel Services:				
Salaries	\$ 38,542	\$ 39,552	\$ 1,010	2.62%
Benefits	36,197	37,357	1,160	3.20%
Maintenance & Operations:				
Professional Fees	3,536,360	3,885,400	349,040	9.87%
Miscellaneous	53,907	55,645	1,738	3.22%
Capital/Other Uses:				
Non-Allocated/Reserve (2)	385,246	-	(385,246)	-100.00%
Total Expenditures (All Uses): (1)	\$ 4,050,252	\$ 4,017,954	\$ (32,298)	-0.80%
<i>Personnel (full-time-equivalent)</i>	<i>1.0</i>	<i>1.0</i>		

Notes:

(1) Includes non-operating revenue and expenditures such as Carryforward Fund Balance and Non-Allocated/Reserves. Operational budget growth is 22% after adjusting for non-operating items and is primarily driven by the new glass recycling service approved subsequent to the FY 2018 budget adoption.

(2) Annually after the year-end accrual period (i.e. September), the city carries-forward available fund balance and places in a Reserve account. The purpose is to provide elected officials, city staff, citizens, and stakeholders with a transparent view of the funding available for future initiatives. The carry-forward for FY 2019 will occur subsequent to adoption of the budget.

City of Alpharetta Solid Waste Fund Statement of Revenues, Expenditures, and changes in Fund Balance

	FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Amended Budget	FY 2019 Recommended Budget
Beginning Fund Balance:	\$ 1,013,492	\$ 967,765	\$ 1,123,990	\$ 1,133,211	\$ 1,085,211
Revenues:					
Licenses and Permits	\$ 763	\$ 743	\$ 71	\$ -	\$ -
Charges for Services	3,214,475	3,224,290	3,275,064	3,609,300	4,009,300
Interest	3,131	8,598	8,994	7,706	8,654
Miscellaneous Revenue	-	-	-	-	-
	<u>\$ 3,218,369</u>	<u>\$ 3,233,631</u>	<u>\$ 3,284,129</u>	<u>\$ 3,617,006</u>	<u>\$ 4,017,954</u>
Expenditures:					
Solid Waste Operations	\$ 3,264,095	\$ 3,077,407	\$ 3,274,907	\$ 3,665,006	\$ 4,017,954
	<u>\$ 3,264,095</u>	<u>\$ 3,077,407</u>	<u>\$ 3,274,907</u>	<u>\$ 3,665,006</u>	<u>\$ 4,017,954</u>
Other Financing Sources (Uses):					
Interfund Transfer:					
General Fund (subsidy/other)	\$ -	\$ -	\$ -	\$ -	\$ -
				<u>\$ -</u>	<u>\$ -</u>
Ending Fund Balance: (1)	<u>\$ 967,765</u>	<u>\$ 1,123,990</u>	<u>\$ 1,133,211</u>	<u>\$ 1,085,211</u>	<u>\$ 1,085,211</u>
<i>Changes in Fund Balance (actual/est.)</i>	<i>\$ (45,727)</i>	<i>\$ 156,224</i>	<i>\$ 9,222</i>	<i>\$ (48,000)</i>	<i>\$ -</i>
<i>Personnel (full-time-equivalent)</i>	<i>1.0</i>	<i>1.0</i>	<i>1.0</i>	<i>1.0</i>	<i>1.0</i>

Notes:

(1) In order to accurately measure anticipated fund balance usage, this schedule omits the Carryforward Fund Balance and Non-Allocated/Reserve accounts.

The minor reduction in fund balance in FY 2015 is based on the acquisition and implementation of new billing software for sanitation (e.g. Munis billing software) and general operations.



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INTERNAL SERVICE FUND SUMMARIES

City of Alpharetta Risk Management Fund Statement of Budgetary Comparisons (FY 2018-2019)

	FY 2018 Amended Budget	FY 2019 Recommended Budget	\$ Variance	% Variance
Charges for Services				
Risk Fund	\$ 1,335,000	\$ 1,446,500	\$ 111,500	8.4%
Interest Earnings	3,000	4,000	1,000	100.0%
Other:				
Budgeted Fund Balance	279,335	-	(279,335)	-100.0%
Total Revenues (All Sources):	\$ 1,617,335	\$ 1,450,500	\$ (166,835)	-10.3%
Maintenance & Operations: (1)				
Professional Services	\$ 125,000	\$ 132,000	\$ 7,000	5.6%
Vehicle Insurance	150,000	170,000	20,000	13.3%
Property and Equipment Insurance	90,000	100,000	10,000	11.1%
General Liability Insurance	60,000	60,000	-	0.0%
Law Enforcement Liability Insurance	100,000	94,000	(6,000)	-6.0%
Public Entity Liability Insurance	60,000	60,000	-	0.0%
Workers Comp. Excess Liability Insurance	105,000	107,000	2,000	1.9%
Criminal Liability Insurance	5,000	4,500	(500)	-10.0%
Cyber Liability Insurance	8,000	7,000	(1,000)	100.0%
Umbrella Liability Insurance	60,000	56,000	(4,000)	-6.7%
Medical Services (PS Custody)	30,000	35,000	5,000	16.7%
Claims and Judgments	550,000	625,000	75,000	13.6%
Other Uses: (2),(3)				
Reserve	274,335	-	(274,335)	-100.0%
Total Expenditures (All Uses):	\$ 1,617,335	\$ 1,450,500	\$ (166,835)	-10.3%

Notes:

(1) Variances are based on current year-to-date premium expenditures and actuarial loss projections for risk claims (workers compensation, general liability, auto liability, etc.).

(2) Includes non-operating revenue and expenditures such as Budgeted Fund Balance and Reserve. The true operational budget variance after adjusting for non-operating accounts approximates 8%.

(3) Annually after the year-end accrual period (i.e. September), the city carries-forward available fund balance and places in a Reserve account. The purpose is to provide elected officials, city staff, citizens, and stakeholders with a transparent view of the funding available for future initiatives. The carry-forward for FY 2019 will occur subsequent to adoption of the budget.

City of Alpharetta Risk Management Fund

Statement of Revenues, Expenditures, and changes in Fund Balance ⁽¹⁾

	FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Amended Budget	FY 2019 Recommended Budget
Beginning Fund Balance:	\$ 334,109	\$ 367,911	\$ 589,042	\$ 279,336	\$ 274,336
Revenues:					
Charges for Services	\$ 1,115,000	\$ 1,262,000	\$ 1,310,000	\$ 1,335,000	\$ 1,446,500
Interest Earnings	1,724	3,984	4,754	3,000	4,000
Other:					
Insurance Proceeds	89,298	25,537	98,274	-	-
	<u>\$ 1,206,021</u>	<u>\$ 1,291,522</u>	<u>\$ 1,413,028</u>	<u>\$ 1,338,000</u>	<u>\$ 1,450,500</u>
Expenditures:					
Maintenance & Operations:					
Professional Services	\$ 122,141	\$ 93,457	\$ 121,077	\$ 125,000	\$ 132,000
Vehicle Insurance	128,809	135,169	143,111	150,000	170,000
Property and Equipment Insurance	62,856	84,628	83,823	90,000	100,000
General Liability Insurance	52,315	54,387	56,244	60,000	60,000
Law Enforcement Liability Insurance	91,350	93,429	94,931	100,000	94,000
Public Entity Liability Insurance	48,825	49,295	57,900	60,000	60,000
Workers Comp. Excess Liability Insurance	79,485	87,050	100,239	105,000	107,000
Criminal Liability Insurance	4,075	4,075	4,275	5,000	4,500
Cyber Liability Insurance	-	6,584	6,806	8,000	7,000
Umbrella Liability Insurance	52,115	53,602	56,725	60,000	56,000
Medical Services (PS Custody)	19,210	6,608	12,408	30,000	35,000
Claims and Judgments	511,038	402,107	985,195	550,000	625,000
	<u>\$ 1,172,219</u>	<u>\$ 1,070,391</u>	<u>\$ 1,722,734</u>	<u>\$ 1,343,000</u>	<u>\$ 1,450,500</u>
Ending Fund Balance: (1)	<u>\$ 367,911</u>	<u>\$ 589,042</u>	<u>\$ 279,336</u>	<u>\$ 274,336</u>	<u>\$ 274,336</u>
Changes in Fund Balance (actual/est.) (2)	\$ 33,802	\$ 221,131	\$ (309,706)	\$ (5,000)	\$ -

Notes:

(1) In order to accurately measure anticipated fund balance usage, this schedule omits the Carryforward Fund Balance and Non-Allocated/Reserve accounts.

(2) Available Fund Balance was used in FY 2014 to supplement the reserve for claims and judgments.

City of Alpharetta

Medical Insurance Fund

Statement of Budgetary Comparisons (FY 2018-2019)

	FY 2018 Amended Budget	FY 2019 Recommended Budget	\$ Variance	% Variance
Charges for Services:				
Medical Insurance Premiums				
Employer Contribution	\$ 6,289,453	\$ 6,455,648	\$ 166,195	2.6%
Employee Contribution	702,209	714,809	12,600	1.8%
Interest	-	-	-	0.0%
Other Financing Sources:				
Budgeted Fund Balance	1,022,567	1,500,000	477,433	100.0%
Total Revenues (All Sources):	\$ 8,014,229	\$ 8,670,457	\$ 656,228	8.2%
Maintenance and Operations				
Medical Premiums	\$ 1,501,694	\$ 1,637,589	\$ 135,895	9.0%
Other				
Medical Claims	5,408,414	5,487,755	79,341	1.5%
Reserve	1,104,121	45,113	(1,059,008)	-95.9%
Transfers-Out:				
OPEB Trust Fund	-	1,500,000	1,500,000	100.0%
Total Expenditures (All Uses):	\$ 8,014,229	\$ 8,670,457	\$ 656,228	8.2%

Notes:

The Medical Insurance Fund accounts for activity under the City's Minimum Premium Plan (MPP) in accordance with Generally Accepted Accounting Principles.

Accounting rules dictate the creation of an Internal Service Fund to track activity under an MPP. As such, this fund does not represent new costs. Rather, it represents a flow of funds from the Operating Funds (e.g. employer/employee premiums) that does have the effect of grossing-up the totals as the appropriations are reflected in multiple Funds.

Under the MPP, the City and the medical insurer (CIGNA) agree that the City will be responsible for paying all claims up to an agreed-upon aggregate level, with the insurer responsible for the excess. The insurer will continue to process claims and administrative services. Through the MPP arrangement, the City is able to reduce premium taxes while maintaining coverage benefits. The MPP is still a fully insured medical plan.

The FY 2019 Budget totals \$8.7 million and represents premiums (employer and employee) and the associated expenditures (administration, claims, and reserves) in addition to a transfer of available fund balance to the OPEB Trust Fund for implementation of a post-employment healthcare benefit (new for FY 2019). The operating funds (e.g. General Fund, E911 Fund, DEA Fund, and Sanitation Fund) all include group insurance expenses that represent the City's costs.

City of Alpharetta Medical Insurance Fund Statement of Revenues, Expenditures, and changes in Fund Balance

	FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Estimated Actual	FY 2019 Recommended Budget
Beginning Fund Balance:	\$ -	\$ -	\$ (76,062)	\$ 964,180	\$ 1,569,644
Revenues:					
Charges for Services	\$ -	\$ 6,558,912	\$ 6,742,079	\$ 6,991,662	\$ 7,170,457
Interest	-	116	126	-	-
	\$ -	\$ 6,559,028	\$ 6,742,205	\$ 6,991,662	\$ 7,170,457
Expenditures:					
Medical Premiums	\$ -	\$ 1,341,840	\$ 1,347,126	\$ 1,508,781	\$ 1,637,589
Medical Claims	-	5,293,250	4,354,837	4,877,417	5,487,755
	\$ -	\$ 6,635,089	\$ 5,701,963	\$ 6,386,199	\$ 7,125,344
Other Financing Sources (Uses):					
Interfund Transfer:					
OPEB Trust Fund	\$ -	\$ -	\$ -	\$ -	\$ (1,500,000)
	\$ -	\$ -	\$ -	\$ -	\$ (1,500,000)
Ending Fund Balance:	\$ -	\$ (76,062)	\$ 964,180	\$ 1,569,644	\$ 114,757
<i>Changes in Fund Balance (actual/est.)</i>	\$ -	\$ (76,062)	\$ 1,040,242	\$ 605,463	\$ (1,454,887)

Notes:

Available fund balance is being used in FY 2019 to fund implementation of a post-employment healthcare benefit (new for FY 2019).



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FIDUCIARY FUND SUMMARY

City of Alpharetta OPEB Trust Fund Statement of Budgetary Comparisons (FY 2018-2019)

	FY 2018 Amended Budget	FY 2019 Recommended Budget	\$ Variance	% Variance
Charges for Services:				
OPEB Trust Funding				
Employer Contribution	\$ -	\$ 85,000	\$ 85,000	-
Employee Contribution	-	20,000	20,000	-
Post Employment Healthcare Benefit				
Employer Contribution	-	550,000	550,000	-
Interest	-	-	-	-
Transfer-In				
Medical Insurance Fund	-	1,500,000	1,500,000	-
Total Revenues (All Sources):	\$ -	\$ 2,155,000	\$ 2,155,000	-
Maintenance and Operations				
OPEB Benefits	\$ -	\$ 105,000	\$ 105,000	-
Post Employment Healthcare Benefit	-	2,050,000	2,050,000	-
Reserve	-	-	-	0.0%
Total Expenditures (All Uses):	\$ -	\$ 2,155,000	\$ 2,155,000	-

Notes:

Fiscal Year's 2015-2018 represent activity associated the OPEB plan. Eligible retirees are offered the same health and prescription drug coverage as active employees. Each fiscal year, the City determines the Plan benefits and premium rate for participants (active and retirees). However, unlike active employees, retirees pay 100% of the blended premium afforded to the City. Therefore, as the retiree makes the full premium payment, the City's only exposure is the accounting treatment of this implicit rate subsidy caused by the difference in the blended rate offered to the retiree and his/her actual age adjusted premium. Coverage expires at age 65.

Starting with Fiscal Year 2019, this Fund is also reflecting implementation of a post-employment healthcare benefit (new for FY 2019). Funding for this benefit includes a one-time transfer of available funds from the Medical Insurance Fund and ongoing funding from City operations (roughly 2% of payroll).

FY 2019).

City of Alpharetta OPEB Trust Fund

Statement of Revenues, Expenditures, and changes in Fund Balance

	FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Amended Budget	FY 2019 Recommended Budget
Beginning Fund Balance:	\$ 944,314	\$ 995,158	\$ 1,057,004	\$ 1,130,253	\$ 1,130,253
Revenues:					
OPEB Trust Funding	\$ 112,642	\$ 105,416	\$ 114,283	\$ -	\$ 105,000
Post Employment Healthcare Benefit	-	-	-	-	550,000
Interest	1,507	2,846	6,460	-	-
	<u>\$ 114,149</u>	<u>\$ 108,261</u>	<u>\$ 120,743</u>	<u>\$ -</u>	<u>\$ 655,000</u>
Expenditures:					
OPEB Benefits	\$ 63,306	\$ 46,415	\$ 47,494	\$ -	\$ 105,000
Post Employment Healthcare Benefits	-	-	-	-	2,050,000
	<u>\$ 63,306</u>	<u>\$ 46,415</u>	<u>\$ 47,494</u>	<u>\$ -</u>	<u>\$ 2,155,000</u>
Other Financing Sources (Uses):					
Interfund Transfer:					
Medical Insurance Fund	\$ -	\$ -	\$ -	\$ -	\$ 1,500,000
	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 1,500,000</u>
Ending Fund Balance:	<u>\$ 995,158</u>	<u>\$ 1,057,004</u>	<u>\$ 1,130,253</u>	<u>\$ 1,130,253</u>	<u>\$ 1,130,253</u>
<i>Changes in Fund Balance (actual/est.)</i>	<u>\$ 50,844</u>	<u>\$ 61,846</u>	<u>\$ 73,249</u>	<u>\$ -</u>	<u>\$ -</u>

Notes:

This Fund did not have an Annual Budget appropriation until FY 2019 with implementation of a post-employment healthcare benefit (new for FY 2019).