



Where Community Connects

**STOCKBRIDGE
CITY COUNCIL**

Mayor

Anthony Ford

Mayor Pro Tem Alphonso Thomas

Councilman Elton Alexander

Councilwoman Yolanda Barber

Councilman John Blount

Councilwoman LaKeisha Gantt

CITY MANAGER

Frederick Gardiner

CITY CLERK

Vanessa Holiday

CITY TREASURER

John Wiggins

CITY ATTORNEY

Quinton G. Washington

Jeremy Berry

**Work Session Meeting
Agenda
June 29, 2022 6:00 PM**



Stockbridge City Hall

4640 N. Henry Blvd.

Stockbridge, GA 30281

Website: www.cityofstockbridge.com

Phone: 770-389-7900

Fax: 770-389-7912



AGENDA WORK SESSION MEETING CITY OF STOCKBRIDGE

WEDNESDAY, JUNE 29, 2022 6:00 PM

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

ADOPTION OF THE AGENDA

REVIEW OF THE MINUTES

- 1 Review of Draft Minutes May 9, 2022
- 2 Review of Draft SCM Minutes May 16, 2022
- 3 Review of Draft Work Session Minutes May 31, 2022

PUBLIC COMMENTS - All persons wishing to speak for public comment must sign in with the City Clerk prior to the beginning of the meeting noting your name, address, and phone number. You will be allotted three (3) minutes. Speakers must respect all members of the elected body, officials, and staff. Defamation, unruliness and/or swearing will not be tolerated.

NEW BUSINESS

- 4 Council consideration to amend Stockbridge Code of Ordinances, Chapter 9.16, Pawnshops and Secondhand Dealers. - Presented by: Frank Trammer
- 5 Council Consideration to Amend Stockbridge Code of Ordinances, Chapter 11.04, Section 11.04.010- Disorderly Conduct - Presented by: Frank Trammer
- 6 Council Consideration to Amend Stockbridge Code of Ordinances Chapter 11.04.100- General Offenses Weapons Discharge Prohibited - Presented by: Frank Trammer
- 7 Council Consideration to amend Stockbridge Code of Ordinances - Chapter 11.04 General Offenses - Section 11.04.140- General Offenses - Defecating or urinating on public property or in certain areas. - Presented by: Frank Trammer

- 8 Council consideration to add a new ordinance under Stockbridge Code of Ordinances, Chapter 11.04, Section 11.04.150 Monetary solicitation. - Presented by: Frank Trammer
- 9 Council consideration to add a new ordinance under Stockbridge Code of Ordinances, Chapter 11.04, Section 11.04.160 False representation to police or any city department. - Presented by: Frank Trammer
- 10 Council Consideration to Amend Stockbridge Code of Ordinances , Chapter 11.04, Section 11.06, Section 11.06.010- Administration of state offenses in municipal courts to add clarifying language and to remove duplicate phrasing. - Presented by: Frank Trammer
- 11 Council consideration to add a new ordinance under the Stockbridge Code of Ordinances, Chapter 11.20, Section 11.20.030 Loitering for illegal sexual purposes. - Presented by: Frank Trammer
- 12 Council Consideration to add new ordinance under Stockbridge Code of Ordinances, Chapter 11.24, section 11.24.030 Urban Camping - Presented by: Frank Trammer
- 13 Council Consideration to Amend the Stockbridge Code of Ordinances, Chapter 11.26, Section 11.26.040- Noise Nuisances- Specific prohibitions. - Presented by: Frank Trammer
- 14 Council Consideration to approve Cultural Arts Center Funding - Presented by: Frederick Gardiner
- 15 Council Consideration to approve the Amphitheater Rental Policy - Presented by: Frederick Gardiner

MAYOR'S COMMENTS (Mayor Anthony Ford)

EXECUTIVE SESSION (Exemptions to the Georgia Open Meetings Acts)

ANNOUNCEMENTS OF UPCOMING MEETINGS & EVENTS - • A Continuous Salute to Veterans: Please forward pictures of Veterans including name, branch, rank, and years of service as Mayor Pro Tem Thomas presents a special tribute to our local veterans. Pictures should be submitted to: Rosalynd Rawls at rrawls@cityofstockbridge-ga.gov Thank you for your service! • Please join Councilwoman Barber for FREE Zumba on every Saturday morning at Clark Community Park at 8:00 a.m. Come out for fitness in the park! • Join us on June 30th at 10:00 p.m. for the symbolic changing of the guard ceremony as the Henry County Police Department exits its duties of patrolling the city and the City of Stockbridge Police Department enters and takes on its duties of patrolling the city. The ceremony will take place on the steps of City Hall. • Join Councilman Alexander for his Quarterly Town Hall, Thursday, July 7th at 7pm. The location will be the Winslow at Eagles Landing Clubhouse 906 Maple Leaf Drive McDonough, Ga 30253. • Join us for Tasty Tuesday Food Truck Takeover at Clark Park Tuesday, July 12th, July 19th, July 26th, August 2nd, August 9th, August 16th, August 23rd and August 30th, each day from 5:30 – 8:30 p.m. Come

out and enjoy great food and family fun! • Join us for the first Fourth of July Extravaganza! Food Trucks, Music and Fireworks! Location: Stockbridge Amphitheater Monday, July 4th from 6:30 p.m. to 11:00 p.m. • Concert at the Amphitheater featuring the Stylistics, Delphonics, Heatwave, Blue Notes and Enchantment, Saturday, July 16th at 8:00 p.m. (Doors open at 6:00 p.m.) • Back to School Kick Off – Saturday, July 23rd Location TBD, kicking off the new school year with free backpacks and school supplies from 12:00 noon – 3:00 p.m. • Here is your opportunity to Meet the Mayor, and voice your questions and/or concerns Wednesday, July 25, 2022 from 10 a.m. to noon (In-Person). Call Rosalynd Rawls to schedule an appointment. 770-389-7900 ext. 248.

ADJOURNMENT



CITY COUNCIL MEETING SUMMARY MINUTES

MONDAY, MAY 9, 2022 6:00 P.M.

Mayor & City Council

Mayor Anthony S. Ford
Mayor Pro Tem Alphonso Thomas
Councilman Elton Alexander
Councilwoman Yolanda Barber
Councilman John Blount
Councilwoman LaKeisha Gantt

Administration

Frederick Gardiner, City Manager
Vanessa Holiday, City Clerk
John Wiggins, City Treasurer
Quinton Washington, City Attorney
Jeremy T. Berry, City Attorney
Danielle Davis, City Attorney

Mission: To provide visionary leadership and superior municipal services that enhance the quality of life for citizens while creating a welcoming business atmosphere focused on sustainability and expansion of tourism and cultural events.

The meeting was called to order by Mayor Ford.

Invocation by Councilman Blount.

Pledge of Allegiance was recited by all in attendance.

City Clerk, Vanessa Holiday was asked to proceed with a verbal roll call. All members were present except Councilwoman Gantt.

Councilman Blount motioned to amend the Agenda to add Item #7 to amend the spending authority for the City Manager from \$25,000 up to \$50,000 for budgeted items; second by Councilwoman Barber.

Councilman Blount appealed to the Council to allow Mr. Gardiner to explain the reasoning for the change in the policy and increasing the amount.

Councilwoman Barber noted the motion is to add the item to the Agenda with discussion when the item is presented on the Agenda; and noted if the action is approved, it would be an amendment to the city's Procurement Policy and Ordinance and withdrew her second from the motion. Councilman Alexander seconded the motion.

Councilwoman Gantt joined the meeting.

Discussion: Mr. Gardiner provided an overview of the request where he noted the spending authority had been reduced to \$25,000 by the prior administration and gave an example of the purchase price of a vehicle of \$46,000 and there was \$50,000 in the budget, and under the current policy, the item would be required to be presented to the City Council for approval, which prolongs the process.

Mayor Ford called for a vote to add the item to the Agenda. The motion passed 4-0-1 (Thomas abstained).

Councilman Blount motioned to adopt the agenda: Second by Councilman Alexander. The motion passed 5-0.

Councilman Blount motioned to adopt the Minutes: Second by Councilman Alexander. The motion passed 5-0.

1. Minutes March 14, 2022
2. Minutes March 29, 2022

PUBLIC COMMENTS - All public comments must be submitted to the Clerk no later than one hour prior to the meeting. The Public Comment Form can be found on the City's webpage on the City Clerk's page at: <https://stockbridge.seamlessdocs.com/f/20pkdz4mo7xb> and the form must include your name, phone, and email contact information. Comments are limited to (3) three minutes and will be read by the Clerk during the meeting, respecting all members of the elected body, officials, and staff. Comments including defamation, unruliness and/or swearing will not be accepted. None

CEREMONIAL- Mayor Ford administered and read proclamations as follows:

3. Swearing-In – Frangela Merritt – Downtown Development Authority Board
4. Swearing-In – Angela Myers-Jenkins and Deron Johnson – Ethics Committee
5. Proclamation - Memorial Day, Asian American/Pacific Islander Month

NEW BUSINESS

6. Council Consideration to approve the Main Street Advisory Program MOU (Memorandum of Understanding) 2022 – 2023.

Presented by: Kira Harris-Braggs, Main Street Program Manager

Ms. Harris-Braggs noted the request is an annual housekeeping item where the city agrees to a Memorandum of Understanding between the City of Stockbridge Main Street Program and the National Main Street Program and guidelines.

Councilwoman Gantt asked if there were new changes with the past MOU (Memorandum of Understanding).

Ms. Harris-Braggs noted in Article 1, Section 5 it was once called Main Street Center and now has been changed to Main Street America.

Mayor Pro Tem Thomas noted the MOU (Memorandum of Understanding) is an agreement that outlines the requirements outlined by the DCA (Department of Community Affairs) for community participation.

Mayor Pro Tem Thomas motioned to approve the Main Street Advisory Program MOU (Memorandum of Understanding) 2022 – 2023: Second by Councilwoman Gantt. The motion passed 5-0.

Ms. Harris-Braggs noted the Stockbridge Main Street Program Staff will be honored at the upcoming 2022 National Main Street Conference as second place winners of the Small Business Saturday Neighborhood Champion Innovation Contest; noted the competition, which was hosted by American Express and Main Street America, was a nationwide search for exemplary Main Street Programs that hosted innovative promotional campaigns and activities in observance of Small Business Saturday; noted the city's Main Street Program staff have been asked to participate on a panel of experts, from around the country, to discuss best practices for Small Business Saturday at the National Main Street Now Conference which will be held in Richmond, Virginia in May ; noted the Main Street Program will also receive a monetary reward in the amount of \$2,500 to assist with the Stockbridge Small Business Saturday program implementation; noted there are currently over 1,800 Main Street Programs nationwide, with 300+ programs in the state of Georgia; highlighted that the Stockbridge Main Street Program is the only winner representing the State of Georgia and the Country's Southeastern Region.

Ms. Harris-Braggs and Ms. Fareed received congratulations from all in attendance.

7. Council Consideration to amend the spending authority for the City Manager from \$25,000 to \$50,000.

Presented by: Councilman John Blount

Councilman John Blount noted it would be best practices to allow the City Manager to oversee and approve budgeted items not exceed over \$50,000.

Councilwoman Barber noted her concerns are for the services that would need task orders and change orders such as major construction projects and asked what the \$50,000 would cover.

Mayor Ford noted \$50,000 allows the City Manager to approve any singular item and anything over \$50,000 would come before council.

Councilman Alexander noted Council should give the City Manager the opportunity to succeed with moving things forward especially with the aggressive timetable and wanting projects completed.

Councilwoman Barber asked if it would require a change to the procurement policy.

Councilwoman Gantt requested that the City Council be notified by the City Manager with Change Orders and Task Orders that are submitted to him.

Mayor Pro Tem Thomas noted he believes in being competitive and having checks and balances; noted in the past, the city manager's spending limit was changed because of certain things Council did not approve of as a form of oversight.

Councilman Blount motioned to approve to amend the spending authority for the City Manager from \$25,000 to \$50,000: Second by Councilwoman Gantt. The motion passed 4-0-1 (Councilwoman Barber abstained noting the proposed action requires an amendment to the city's Procurement Policy and Ordinance and the verbiage of what is being proposed has not been provided to the Council for review).

COMMENTS FROM THE MAYOR

Mayor Ford noted Early Voting was underway and began on May 2nd and polling locations will be available to voters through Friday, May 20th with Election Day on Tuesday, May 24th; noted the dates for Saturday voting are May 7th and May 14th and Sunday voting is May 15th from 1pm – 5pm; noted the locations for Early Voting which include the Merle Manders Conference Center at 111 Davis Rd. in Stockbridge, the Henry County Elections Office at 40 Atlanta Street in McDonough, the Fortson Library in Hampton and the library in Locust Grove; noted during the last week of Early Voting, May 16 – 20th, JP Moseley and Fairview Recreation Center will be open for voters to cast their ballots at any of the referenced locations throughout the County, and that you will only vote at your local precinct on Election Day, Tuesday, May 24th; and noted you could request an Absentee Ballot by contacting the Elections Office at 770-288-6448, and see a sample Absentee Ballot online at the website mvp.sos.ga.gov; and noted there are local elections with three Henry County Board of Commissioners seats on the ballot and two Board of Education seats on the ballot along with multiple, court and judicial races and State House and Senate elections as well as congressional races on the ballot; noted the CDC is recommending a 2nd Booster vaccination for those who have a weakened immune system, as well as those individuals who received the primary dosage of the Johnson & Johnson vaccination; noted COVI-19 is still out there and while it may not be as severe as it has been, we need to remain vigilant and noted FREE vaccinations and tests are available at the Henry County Department of Health located at 135 Henry Parkway in McDonough where the Pfizer and Moderna vaccinations are being administered, and Free Testing is available at Red Hawk Field Monday, Wednesday and Friday from 9am to 3pm.

UPCOMING MEETINGS & ANNOUNCEMENTS: Council meetings will be held in the City Council Chamber and some Board/Committee meetings will continue to take place via Zoom. Meeting dates and times are subject to change. Please visit the city's website www.cityofstockbridge.com for the meeting invitation link, Facebook page or contact City Hall offices at 770-389-7900 for updates.

- Youth Council Meeting, 5:30 p.m. - 2nd Wednesday of each month Levi Meeting Room - City Hall (May 11)
- Main Street Advisory Board Meeting, 2nd Friday of each month 9:00 a.m. Via Zoom (May 13)
- Downtown Development Authority Meeting, 6:00 p.m. Via Zoom - 3rd Tuesday of each month Via Zoom (May 17)
- Youth Council Advisory Committee Meeting, 6:30 p.m. - 3rd Tuesday of each month Patrick Henry Meeting Room - City Hall (May 17)
- Planning Commission Meeting, 4th Thursday at 6:30 p.m. Via Zoom – (May 26)

- City Council Work Session Meeting, Last Tuesday of each month – City Hall Council Chamber (May 31)
- City Council Meeting, Second Monday of each month – Via Zoom (Jun 13)

UPCOMING CITY EVENTS/INITIATIVES

- *A Continuous Salute to Veterans*: Please forward pictures of Veterans including name, branch, rank, and years of service as Mayor Pro Tem Thomas presents a special tribute to our local veterans. Pictures should be submitted to: zpearson@cityofstockbridge-ga.gov Thank you for your service!
- Please join Councilwoman Yolanda Barber for FREE Zumba on Saturdays at Clark Park beginning May 14th at 8:00 a.m.
- Food Truck Tasty Tuesday is back! Join us at Clark Park 111 Davis Road from 5:30 p.m. to 8:30 p.m. on Tuesday, May 17th, June 7th, and June 14th and enjoy great food and family fun.
- Here is your opportunity to *Meet the Mayor*, and voice your questions and/or concerns Tuesday, May 23, 2022 from 10 a.m. to noon. Call Zenovia Pearson to schedule an appointment. 770-389-7900 ext. 248.

Councilwoman Gantt motioned to convene Executive Session for Real Estate, Personnel and Litigation: Second by Councilman Alexander. The motion passed 5-0. The City Treasurer was asked to attend.

Councilwoman Gantt motioned to adjourn Executive Session: Second by Councilman Blount. The motion passed 5-0.

Councilwoman Gantt motioned to reconvene the Meeting: Second by Councilman Alexander. The motion passed 5-0.

Councilwoman Gantt motioned to appoint Rosalynd Rawls as the Executive Assistant to Mayor & Council: Second by Councilwoman Barber. The motion passed 5-0.

Councilwoman Gantt motioned to adjourn the meeting: Second by Councilman Blount. The motion passed 5-0.

Respectfully submitted by:

Vanessa Holiday, City Clerk MMC

Anthony S. Ford, Mayor



SPECIAL CALLED MEETING SUMMARY MINUTES

MONDAY, MAY 16, 2022 6:00 P.M.

Mayor & City Council

Mayor Anthony S. Ford
Mayor Pro Tem Alphonso Thomas
Councilman Elton Alexander
Councilwoman Yolanda Barber
Councilman John Blount
Councilwoman LaKeisha Gantt

Administration

Frederick Gardiner, City Manager
Vanessa Holiday, City Clerk
John Wiggins, City Treasurer
Quinton Washington, City Attorney
Jeremy T. Berry, City Attorney

Mission: To provide visionary leadership and superior municipal services that enhance the quality of life for citizens while creating a welcoming business atmosphere focused on sustainability and expansion of tourism and cultural events.

Zoom Meeting Information

<https://us02web.zoom.us/j/86462841085?pwd=bWhFcEdaclQ5RTlwRzZrNHMyUDgvZz09> Passcode: 065252

The meeting was called to order by Mayor Ford.

Invocation by Mayor Ford.

Pledge of Allegiance was recited all in unison.

City Clerk, Vanessa Holiday was asked to proceed with a verbal roll call. All members were present except Councilwoman Gantt.

Councilman Alexander motioned to adopt the Agenda; second by Mayor Pro Tem Thomas. The motion passed 4-0.

Councilwoman Gantt joined the meeting.

NEW BUSINESS

Council Consideration to approve the 2022-2023 Liability Insurance Policy for the city with Travelers and Beazley..

Presented by Frederick Gardiner - City Manager, Vanessa Holiday, City Clerk and Chris Walker – Marsh McLennan Agency

Mr. Gardiner noted the city's broker was present to review the city's Risk Management Policy effective may 19, 2022; noted he had reviewed coverage along with the City Clerk, Vanessa Holiday and the broker, Mr. Walker and recommends renewal.

Mr. Walker presented the proposal for the renewal of the city's liability in the amount of \$339,675.80.

Councilman Blount motioned to approve; seconded by Councilman Alexander. The motion passed 4-0-1 (Councilwoman Barber abstained).

Motion to adjourn made by Councilman Alexander; seconded by Councilwoman Gantt. The motion passed 5-0.

Respectfully submitted by:

Vanessa Holiday, City Clerk MMC

Anthony S. Ford, Mayor



WORK SESSION MEETING SUMMARY MINUTES

TUESDAY, MAY 31, 2022 6:00 P.M.

Mayor & City Council

Mayor Anthony S. Ford
Mayor Pro Tem Alphonso Thomas
Councilman Elton Alexander
Councilwoman Yolanda Barber
Councilman John Blount
Councilwoman LaKeisha Gantt

Administration

Frederick Gardiner, City Manager
Vanessa Holiday, City Clerk
John Wiggins, City Treasurer
Quinton Washington, City Attorney
Jeremy T. Berry, City Attorney

Mission: To provide visionary leadership and superior municipal services that enhance the quality of life for citizens while creating a welcoming business atmosphere focused on sustainability and expansion of tourism and cultural events.

The meeting was called to order by Mayor Ford.

Invocation by Councilman Alexander.

Pledge of Allegiance recited by all in attendance.

City Clerk, Vanessa Holiday was asked to proceed with a verbal roll call. All members were present except Councilwoman Gantt.

Mayor Pro Tem Thomas motioned to amend the Agenda: To Add a Presentation from the city's Financial Advisor, Ed Wall regarding the Cultural Arts Center following Old Business: Second by Councilman Blount. The motion passed 4-0.

Mayor Pro Tem Thomas motioned to adopt the Agenda: Second by Councilman Alexander. The motion passed 4-0.

REVIEW OF THE MINUTES – No Action

- 1 Draft Retreat Minutes March 8, 2022
- 2 Draft Retreat Minutes March 9, 2022
- 3 Draft Retreat Minutes March 10, 2022
- 4 Draft Council Meeting Minutes April 11, 2022
- 5 Draft SCM Minutes April 25, 2022
- 6 Draft Work Session Minutes April 26, 2022

PUBLIC COMMENTS - All persons wishing to speak for public comment must sign in with the City Clerk prior to the beginning of the meeting noting your name, address, and phone number. You will be allotted three (3) minutes. Speakers must respect all members of the elected body, officials, and staff. Defamation, unruliness and/or swearing will not be tolerated. None

OLD BUSINESS

7. Council Consideration Request for Proposal (RFP) Number 2019-00032P-Facility Security Equipment, Systems, and Service-Related Equipment and Supplies in the amount of \$542,062.92. Funding Source: Fund Balance – To be reimbursed with ARPA Funds.

Presented by: Decius Aaron, Public Works Director

Mr. Aaron noted Chief Trammer wanted to review all the locations for the access control and other equipment; the new equipment would replace all the access control that was originally going to City Hall and the Municipal Court building and would be throughout all the city buildings on one security platform; noted this would be paid out of the Fund Balance and the city would be reimbursed once the City receives the second round of ARPA funds.

Councilwoman Barber asked for a copy of Johnson's Control's fully executed contract; noting a copy had not been included for Council review.

Mr. Aaron noted a copy was not available.

Mayor Pro Tem Thomas noted he spoke with Chief Trammer and expressed the scope of what is being voted on does not include some items that had been brought to his attention.

Chief Trammer noted this item was presented to Council in August 2021 and noted the city is in need of upgrading the security cameras, access control and alarm systems at City Hall and mentioned there was a discussion of funding which would cost an extra \$100,000 but was tabled by Council; and further noted there was a consideration to fund through fund balance instead of financing over a multi-year period as well as proposing to use ARPA funds.

Mayor Pro Tem Thomas expressed he is not clear on what is being voted on and stated his concern is if its not in the scope, could council still vote on it.

Chief Trammer noted the \$542,062.92 would upgrade the Municipal Court system which is necessary and would cost \$111,201.34 to update the camera's system access control and alarm system in the court building, and gave a breakdown of cost and noted \$127, 405.01 would upgrade all the security to city hall; \$38, 991.22 would go towards the implementation system at the Ted Strickland Community Center; \$22,069.01 will go towards the Merle Manders Administration Building; \$103,759.97 would go towards the Merle Manders Conference Center; the securities and networking infrastructure is an additional \$72,035.67; the library exterior camera will cost \$21,266.28; tag office is \$15,267.23 and city hall parking lot cameras are \$24, 003.86 with one year of monitoring at \$5,478.00.

Councilwoman Barber inquired if the proposal includes the Amphitheater and the parking lot and why the tag office and library were being covered.

Mr. Aaron noted the Amphitheater and parking lot has previously been approved on the Johnson Control system.

Mr. Gardiner noted the tag office and library are buildings owned by the city.

Councilman Blount motioned to approve Request for Proposal (RFP) Number 2019-00032P-Facility Security Equipment, Systems, and Service-Related Equipment and Supplies in the amount of \$542,062.92. Funding Source: Fund Balance – Reimbursement: ARPA; Second by Councilman Alexander. The motion passed 4-0.

COUNCIL DISCUSSION

8. Council Discussion of funding sources for the Cultural Arts Center

Presented by: Ed Wall, Financial Advisor

Mr. Wall noted the city had 3 bonds issued in 2021 with the 1st One Series A at \$9,910,000 being paid back in five years; of the \$9,910,000, \$7,000,000 was for the Amphitheater, \$2,900,000 was for the Cultural Arts Center which would be paid from SPLOST V; under the Amphitheater, the General Fund cash of \$5 million was added with a balance of the SPLOST IV account, and also noted \$18,300,000 was budgeted for the Amphitheater; noted \$1 million was borrowed from SPLOST V for the trail system and will be paid back in five years and a bond issued for \$14,800,000 that would be paid back over a 15-year span; noted out of the \$14.8 million, \$3 million went towards police equipment, \$11 million went towards the Cultural Arts Center with an additional \$2.9 million from Series A bond paid from SPLOST V.

Mr. Wall noted the original project for the cultural arts center was budgeted at \$14 million, however, TSW completed the schematics and plan which totaled \$32 million, and the city thinks it could be built for about \$25 million which would leave a funding gap of \$11 million; noted the source of funding could come from the General Fund cash, about 43 million of ARPA funds, bonds from the Public Facilities Authority (PFA) or a future SPLOST VI referendum; noted the first available funding would be ARP funds, however, the city would need to identify the use of using ARPA funds. Mr. Wall explained ARPA fund could be used by replacing lost public sector revenue, respond to the far-reaching public health and negative economic impact of the pandemic, provide premium pay for essential workers, and invest in water, sewer, and broadband internet infrastructure.

Councilman Blount noted he needs more concrete answers, with bullet points being a far reach, and nothing seems to fit.

Mayor Pro Tem Thomas introduced the newly appointed Executive Assistant to Mayor and Council, Rosalynd Rawls, and noted he had requested her to conduct research on the benefits of having a Cultural Arts Center in your community, with the document distributed to the mayor and councilmembers, and believes this information is in line with what was read by Mr. Wall.

Councilwoman Barber asked for the SPLOST account balances.

Mr. Wall noted looking at the audit from December 31, 2021, APRA funds have a possibility of \$3 million available, the cash balance in the general fund is \$11,012,000, the total fund balance is \$17 million and of that, \$13 million is unassigned, \$1.1 million is assigned for purchases on order, \$2,197,000 is assets held available for sale. noted the projecting fund balance ending December 31, 2021 would be \$1.6 million which will make the cash balance in the general fund total \$12,600,000; noted the process will be a combination of options and not just one; noted a fourth bond issue through the Public Facilities Authority by issuing a \$11,225,000 bond that will pay the entire gap and noted a 15-year bond issued today would have a rate around 3.3%. noted with the 15-year bond and a new SPLOST would pay down the borrowed amount and if the entire amount is used, the city would only need to pull from the general fund \$370,000 yearly until a new SPLOST is voted on.

Mayor Pro Tem Thomas thanked Mr. Wall for the presentation and noted he is excited to see what type of impact the Cultural Arts Center will have within the community.

Councilwoman Barber noted she would like to see a list of projects or expenditures that have been allocated and statements of expenditures spent by SPLOST IV and V.

Mr. Wall indicated the funds for both SPLOST have been allocated and will not be used.

Councilman Blount inquired on how the city would get there showing what expenditures will be in the future.

Councilman Alexander noted he is in support of the project, wants to make sure it is best in class without sacrificing the vision, and believes there are other options to make it happen.

Mayor Pro Tem Thomas noted out of the \$11 million, \$8 million has been allocated and accounted for, the \$3 million has not been allocated.

Mayor Pro Tem Thomas motioned to task the City Manager, City Treasurer and Financial Advisor with identifying funding sources for the Cultural Arts Center; and to provide a list of account balances and projects funded from SPLOST and ARPA at the next council meeting on June 13, 2022: Second by Councilman Alexander. The motion passed 4-0.

9. Council Consideration to approve Tasty Tuesday Additional and Budget Amendment. Presented by: Kim Jordan, Conference Center, and Events Manager

Ms. Jordan noted the Tasty Tuesday event has been a huge success and staff is requesting to extend 9 additional dates through the months of July and August; noted the city will continue the event on June 7th and the June 14th event will have a showcase with saxophone player Richard Shaw; noted the additional dates to be added are 6/28, 7/12, 7/19, 7/26/ 8/2, 8/9, 8/16, 8/23 and 8/30 and requesting additional funding of \$14,000.00 from Fund Balance. Ms. Jordan noted the \$14,000 would go towards radio packages totaling \$10,500, the total for rides and games are estimated at \$5,000, the DJ for an additional 8 Tuesdays totals \$3,200 and additional advertising makes up the total.

Councilman Blount inquired on the amount of past tasty Tuesdays and noted the budget is still the same for previous tasty Tuesdays with less tasty Tuesday events.

Mayor Ford noted the last Tasty Tuesday happened in 2019 starting in May, ending in July.

Ms. Jordan noted there are less events, but with more robust programming and more entertainment.

Mr. Gardiner noted the amount budgeted was the same, however, funding in the events department was moved to work on educating the public regarding the annexation project.

Councilman Blount noted Council should have been made aware that funding was reallocated.

Mayor Ford inquired about the June dates for Tasty Tuesday.

Ms. Jordon confirmed June 7th, June 14th, and June 28th.

Mayor Pro Tem noted June 21st was the Sip and See event he was hosting at the Amphitheater, noting at the time that he checked the city's events calendar, there was not a Tasty Tuesday, or any other event on the calendar for that date.

Mayor Ford noted he thinks both events can go on simultaneously.

Mayor Pro Tem Thomas noted he disagreed, and reiterated he checked the calendar and that there should not be city events competing on the same day.

Councilman Blount noted to be careful and cautious with city events and Council initiatives, noting the same would apply for other members of Council.

Councilman Alexander motioned to approve 9 additional Tasty Tuesday dates 6/28, 7/12, 7/19, 7/26/ 8/2, 8/9, 8/16, 8/23 and 8/30 with additional funding of \$14,000.00 from Fund Balance: Second by Councilwoman Barber. The motion passed 4-0.

10. Council Consideration to approve an increase of the annual On-Call Sidewalk Repairs and Replacement contract with DAF Concrete, Inc., from \$150,000.00 to \$350,000.00 to complete sidewalk repairs in Monarch Village and Windsong Subdivision. The funding source is SPLOST V.

Presented by: Decius Aaron, Public Works Director

Mr. Aaron noted that there was \$150,000 budgeted in the FY2022 budget for sidewalk repairs and maintenance and has identified 3 subdivisions from the 2019 sidewalk street assessment conducted by Carter & Sloope to repair; noted the cost of material and supplies have gone up and Mr. Wiggins informed him there were additional funds in SPLOST V to use for the sidewalk repairs; noted staff would start in Monarch Village and then the Windsong subdivision.

Councilman Blount inquired if there was a sidewalk list for Windsong subdivision.

Mayor Pro Tem Thomas inquired if there was an analysis of the conditions completed for all sidewalks citywide.

Mr. Aaron noted in 2019 a new assessment of all the roads and sidewalks within the city limits.

Councilman Alexander inquired on the movement with trails and noted \$1 million was bonded for trails.

Mr. Aaron noted staff is in the process of gathering information and prioritizing which are more important; and further noted the On-Call Engineers are out for bid and closes on June 19th with no renewals available.

Councilman Blount motioned to approve an increase of the annual On-Call Sidewalk Repairs and Replacement contract with DAF Concrete, Inc., from \$150,000.00 to \$350,000.00 to complete sidewalk repairs in Monarch Village and Windsong Subdivision. The funding source is SPLOST V: Second by Councilman Alexander. The motion passed 4-0.

Councilman Alexander motioned to amend the agenda to hear the RedSpeed Item: Second by Councilman Blount. The motion passed 4-0.

11. Council consideration to approve the Stockbridge Police Department's use of automated speed detection devices within marked school zones inside the city limit of Stockbridge and to enter into an agreement with RedSpeed USA to implement a School Safety Zone Program.

Presented by: Chief Frank Trammer and Greg Parks with RedSpeed

Chief Trammer introduced Mr. Greg Parks with RedSpeed whom gave a presentation on the use of automated speed detection devices within marked school zones inside the city limit of Stockbridge.

Mr. Parks noted the County has had the program for over 2 years with violation going down over 80% in school zones with only 10% of motorist receiving a second citation. Mr. Parks noted it will be no cost to the city but rather funded by violators and the benefits are having state of the art equipment with 24/7 surveillance and 45-day archiving; noted Georgia ranks 36th out of 51 with a heavy traffic problem and in 2018, GA Legislation passed House Bill 978 to allow cities, police departments and counties to have something to combat the problem; noted motorist will only be cited during the school hours and going over 10 mph and must be approved by G-DOT and the school system stating a need for it with the superintendent signing off; noted the violation tickets would cost \$75.00 and the funding received from ticket will go to the police department to receive equipment; noted speed studies were conducted at the police departments request and within a one 9-hours school day period and 10 mph over or greater, Stockbridge Elementary had 996 violations, Eagles Landing Christian Academy had 503 in one day and Red Oak Elementary had 484 violations in one school day; noted the process will include submitting drawings from G-DOT and retain a permit application, once approved, everything will be installed and train the police department.

Mr. Parks noted the city would collect 65% of revenues and RedSpeed collects 35% of revenues in exchange for maintaining and installing equipment and is the same contract signed by the County and surrounding sister cities; and noted there is a 30-day warning period to warn speeders with mandatory signage by G-DOT that will be about 500 ft. from the camera informing drivers of photo enforcement.

Councilman Blount expressed one of his concerns is informing the public and being able to verify the information has gone out to the public and wants the city to make sure the city being transparent and doing its part in informing the public.

Councilman Blount inquired if violators would be able to go to court.

Mr. Parks noted all violators have the option of going to court, but only 1% attest the tickets due to video that captured the violation.

Councilman Blount motioned to approve the Stockbridge Police Department's use of automated speed detection devices within marked school zones inside the city limit of Stockbridge and to enter into an agreement with RedSpeed USA to implement a School Safety Zone Program: Second by Councilman Alexander. The motion passed 4-0.

12. Council consideration to approve the purchase of a 2023 Isuzu Chassis Landscape Truck under Georgia statewide contract number 99999-001-SPD0000155-0001 with Rush Truck Center of GA, Inc. in the amount of \$61,893.00 to replace vehicle that was totaled in 2021. Funding source is from Public Works Department budgeted funds and insurance settlement.

Presented by: Decius Aaron, Public Works Director

Mr. Aaron noted that this would be the replacement of a truck totaled in 2021 and will be paid by using \$50,000 budgeted funds from FY2022 and insurance money. Mr. Aaron noted they will use \$11,000 out of the \$35,000 received by the insurance company to purchase the replacement truck that will cost \$61,000; noted the totaled truck was an F-350 that hauled lawn mowers and decided to go with a landscaping truck to haul equipment.

Councilman Blount motioned to approve utilizing the payment from the insurance company in the amount of \$38,634.39 and the balance of \$23,258.61 from the Public Works Department Budget: Second by Councilman Alexander. The motion passed 4-0.

13. Council Consideration to approve Authorizing documents for the Stockbridge Police Department.

Presented by: Chief Frank Trammer

Chief Trammer noted the Police Department is asking for approval of a Resolution that covers a multitude of things, noting the Henry County Police Department provided law enforcement services pursuant to an agreement with the County; as of July 1st, the city will provide those services; noted the Charter needs to be amended in order to allow for the Stockbridge Police Department to provide such services; and noted the chapter reads the Henry County provides law enforcement services within the City of Stockbridge and had to expand and define the Stockbridge Police Department roles and responsibilities, functions and duties of the department and responsibilities of the Chief of Police. Chief Trammer noted two things to add to the Charter are: to authorize the

Chief of Police to administer the Oath of Office to staff and to be able to make certain assignments without competitive examination; noted there is also a probationary period of 12 months with the current city staff having a probationary period of 90 days; and to allow authority to claim compensation or property by virtue of participation in various different interagency organizations whether it be a task force, drug task force, etc.

Mayor Pro Tem Thomas referenced the relationship between the Police Department and Business Services regarding vehicles for hire.

Chief Trammer noted the change requested is replacing Henry County Police Department with the City of Stockbridge Police Department.

Councilwoman Barber motioned to approve authorizing documents for the Stockbridge Police Department: Second by Councilman Alexander. The motion passed 4-0.

14. Council Consideration to apply for and receive COPS Grant funding to hire 10 additional police officers for the Stockbridge Police Department.

Presented by: Chief Frank Trammer and Captain Karen Anderson

Chief Trammer Captain Anderson noted the grant is for law enforcement and the COPS office will provide up to \$100,000 over a 3-year period for an entry level officer; noted Category 1 would allow for new officers or positions no longer funded and over a 3-year period it would be \$41,666 per officer, anything over that, the agency pays for but can't go over 20% of allocated amount police officers; noted the deadline to submit the grant is June 16th.

Councilman Blount motioned to approve to apply for and receive COPS Grant funding to hire 10 additional police officers for the Stockbridge Police Department: Second by Councilman Alexander. The motion passed 3-0-1 (Thomas abstained).

Staff was tasked with submitting a report to the Mayor & Council with the current number of police department staff, officers, their positions, and salaries with actual year-to-date payroll numbers as of 5/31/2022.

15. Council Consideration to approve City of Stockbridge Procurement Code Updates

Presented by: Jeremy Berry, City Attorney

Attorney Berry noted there are proposed changes to the Procurement Code as follows:

1. Section 3.30.013-Application of federal and stat law- anytime money is involved, procurement will follow federal law
2. Section 3.30.040-Powers and Duties of the purchasing agent- informing Council of all procurement and by adding a section allowing the procurement division to submit information to the City Manager who would then provide a regular report to Council and notify Council of all contracts expiring 120 days before the expiration date

Mayor Ford noted if it is the consensus of Council.

3. Section 3.30.080-Summary of methods of procurement- currently requires three bidders, suggests stating the "City prefers three or more vendors compete in procurement"; Section D requires any time there is a sole source procurement, there needs to be a written memo justifying the use of sole source.

Councilman Blount stated there is a Resolution that would need to be rescinded and inquired if it was in conflict.

Attorney Berry noted the Ordinance would supersede the Resolution.

Councilwoman Barber noted she brought forth the Resolution that has the language and is fine with changing the language in the ordinance and noting the language referenced in the Resolution was already in the procurement policy and the action was a standard practice of the procurement department long before she was a member of the Council, noting she was seeking consistency.

4. Section 3.30.082-Mandatory pre-qualification process- City does not currently have a bid protect remedy- proposing a losing bidder can challenge the award

5.0 Section 3.30.100-Competitive Sealed Bids- Current process requires 30 days' notice before a bid by using best practices and final offer

6.0 Section 3.30.100-Competitive Sealed Bids- Council to approve all contracts above \$50,000 with a copy of the proposed contract for review and the procurement manager can reject bids

7. Section 3.30.110-Competitive Sealed proposals- ensuring the evaluation committee is independent and no fewer than three members from different departments and legal counsel cannot serve on the committee but can consult

8. Section 3.30.222-Approval of contracts; contract execution- the routing of documents and reports; once city clerk receives contract from contractor, its reviewed by the purchasing representative and distributed for signing, all final documents shall go to the city clerk who is the official custodian of records; Section C state the procurement department keeps the bids, the city clerk keeps the signed contracts; Section D states the contractor should be required to provide updates either in person or written on the status of their contract and the city manager will update council

9. Section 3.30.223-Change Orders and Contract Modifications- Council shall approve change orders modifications of \$50,000 or greater and the city managers authority increases to \$50,000

Councilwoman Barber recommended the following modifications:

- Council to be notified 120 days prior to contracts expiring.
- Pg. 9 of the report 2nd C. to remove the verbiage "The Procurement Division is designated as the legal custodian of the procurement file; noting the Procurement Office should have in their files, and fully executed contracts, responses to solicitations, etc., however, the City Clerk shall be noted as the city's Official Custodian of Records.
- Pg. 10 – Committee members shall increase from 3 members to 5 members.
- \$50,000 spending authority shall not be cumulative; and the criteria for Capital Improvement Projects, Tasks Orders and Change Orders shall not be cumulative; the City Manager shall have authority to approve all change orders to purchase orders and contracts up to an absolute value of twenty (20) percent of the original contract, provided the total change order amount is fifty thousand dollars (\$50,000.00) or less.

Councilman Blount motioned to approve as written and presented by City Attorney Berry: Second by Councilman Alexander.

Mayor Pro Tem Thomas asked Attorney Berry if he was in agreement with Councilwoman Barber's recommendations.

Attorney Berry confirmed, noting she had brought for the items that he had not considered.

Councilman Alexander withdrew the second.

Councilman Alexander motioned to approve the City of Stockbridge Procurement Code with the recommended modifications; second by Councilwoman Barber. The motion passed 3-0-1 (Blount abstained).

COMMENTS FROM THE MAYOR

Mayor Ford noted today, May 31, 2022 was historic with a swearing-in for 40 police officers took place at the Merle Manders Conference Center; noted the selection was Chief Trammer was right, noting he will lead the charge to make this police department great for the Stockbridge community; congratulated Michael Harris, a Stockbridge High School alumni, who was called up to play center field for the Atlanta Braves; noted we are still in a pandemic and asked everyone to be mindful, and wear a mask when you need to, but more importantly, asked everyone to get vaccinated and to get your boosters if eligible; noted you can contact the Department of Public Health in McDonough on Henry Pkwy at 470-664-0005 for an appoint Mon – Fri 9am – 11:30 am and 1pm – 2:30 pm; with free testing at Red Hawk Field on Henry Pkwy Mon, Wed, Fri 9am -3pm.

Mayor Ford introduced Rosalynd Rawls, the City Executive Assistant to the Mayor & Council and looks forward Ms. Rawls noted she is happy to be here in the City of Stockbridge, where she is also a resident and looks forward to serving in her community.

UPCOMING MEETINGS & ANNOUNCEMENTS: Meetings will be held via Zoom unless otherwise noted. Meeting dates and times are subject to change. Please visit the city's website www.cityofstockbridge.com for the meeting invitation link, Facebook page or contact City Hall offices at 770-389-7900 for updates.

- Youth Council Meeting, 5:30 p.m. - 2nd Wednesday of each month Levi Meeting Room - City Hall (Jun 8)
- Main Street Advisory Board Meeting, 2nd Friday of each month 9:00 a.m. Via Zoom (Jun 10)
- City Council Meeting, Second Monday of each month – Via Zoom (Jun 13)
- Downtown Development Authority Meeting, 6:00 p.m. Via Zoom - 3rd Tuesday of each month Via Zoom (Jun 21)
- Youth Council Advisory Committee Meeting, 6:30 p.m. - 3rd Tuesday of each month Patrick Henry Meeting Room - City Hall Jun 21)
- Planning Commission Meeting, 4th Thursday at 6:30 p.m. Via Zoom – (Jun 23)
- City Council Work Session Meeting, REVISED DATE – **WEDNESDAY** (Jun 29) at 6:00 p.m.

UPCOMING CITY EVENTS/INITIATIVES

- *A Continuous Salute to Veterans*: Please forward pictures of Veterans including name, branch, rank, and years of service as Mayor Pro Tem Thomas presents a special tribute to our local veterans. Pictures should be submitted to: rrawls@cityofstockbridge-ga.gov Thank you for your service!
- Please join Councilwoman Barber for FREE Zumba on every Saturday morning at Clark Community Park at 8:00 a.m. Come out for fitness in the park!
- Join us for Tasty Tuesday Food Truck Takeover at Clark Park Tuesday, June 7th and Tuesday, June 14th each day from 5:30 – 8:30 p.m. Come out and enjoy great food and family fun!
- Join Mayor Ford's Clergy Roundtable, Tuesday, June 7th at 6:30pm at City Hall in the Levi Meeting Room.
- Come out and meet your Stockbridge Police Department for a public safety event Saturday, June 11th from 10am -2pm in the Stockbridge Amphitheater parking lot. There will be vehicles on display, bounce house for the kids, a DJ, face painting, games, food trucks, cotton candy, ice cream, giveaways and information stands.
- Here is your opportunity to *Meet the Mayor*, and voice your questions and/or concerns Wednesday, June 29, 2022, from 10 a.m. to noon (In-Person). Call Rosalynd Rawls to schedule an appointment. 770-389-7900 ext. 248.
- Join Mayor Pro Tem Thomas for a Sip 'n See Tour of the City's Amphitheater, Wednesday, June 21st from 4pm – 7pm. Here is an opportunity for the community to see seating layout, get information on upcoming events, enjoy live music and refreshments.

Councilman Alexander motioned to adjourn: Second by Mayor Pro Tem Thomas. The motion passed 4-0.

Respectfully submitted by:

Vanessa Holiday, City Clerk MMC

Anthony S. Ford, Mayor



City of Stockbridge

AGENDA ITEM

MEETING DATE

June 29, 2022

- ☐ RESOLUTION
- ☒ ORDINANCE
- ☐ CONTRACT APPROVAL/RENEWAL
- ☐ PUBLIC HEARING
- ☐ PRESENTATION
- ☐ BID SELECTION/AWARD
- ☐ TASK ORDER
- ☐ CHANGE ORDER
- ☐ BUDGET AMENDMENT
- ☐ BUDGET TRANSFER
- ☐ PAYMENT APPROVAL
- ☐ OTHER

FUNDING SOURCE

- ☐ GENERAL FUND
- ☐ FUND BALANCE
- ☐ SPLOST
- ☐ TSPLOST
- ☐ GRANT
- ☐ HOTEL/MOTEL TOURISM
- ☐ COUNCIL INITIATIVE
- ☐ PARTNER/SPONSOR
- ☐ DEPARTMENT FUND BALANCE
- ☐ BONDING

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER: Chief Frank Trammer

DEPARTMENT: Police Department

ITEM/PROJECT/EVENT: Amendment of Stockbridge Code of Ordinances- Chapter 9.16 Pawnshops
Council consideration to amend Stockbridge Code of Ordinances, Chapter 9.16, Pawnshops and Secondhand Dealers.

BACKGROUND INFORMATION:

The Stockbridge Police Department is requesting to amend Stockbridge Code of Ordinances, Chapter 9.16, to add definitions, clarifying language and additional requirements.

APPROVALS: CITY MANAGER

Charles A. Ford
MAYOR

CITY TREASURER

CITY ATTORNEY

[Signature]

POLICE CHIEF

Frank Trammer

☐ FINANCIAL IMPACT ☒ N/A

AMOUNT

ATTACHMENTS:

Chapter 9.16 PAWNSHOPS AND SECONDHAND DEALERS¹

9.16.010 Short title.

This chapter shall be known as the Stockbridge Pawnbroker and Secondhand Dealer Ordinance.
(Ord. No. 12-282, § 1, 8-13-2012)

9.16.020 Findings and intent.

This chapter is adopted to address the interest of public safety, health, and welfare of the community, to aid and assist in the recovery of stolen property, and to aid and assist local law enforcement in fulfilling their public safety functions.

(Ord. No. 12-282, § 1, 8-13-2012)

9.16.030 Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section or shall have the same meaning as set forth in the Official Code of Georgia Annotated, Section 44-12-130, should those definitions differ.

"Automated reporting system" means the computer based system that is specified by the chief of police or his designee that is designed to record and transmit data and information electronically.

"Employee" means any person who works in a pawnshop, whether on a part-time or full-time basis, regardless of whether remuneration is received or not.

"Month" means that period of time from one date in a calendar month to the corresponding date in the following calendar month, but if there is no such corresponding date, then the last day of such following month.

"Pawn or pledge" means a bailment of personal property as security for any debt or engagement, redeemable upon certain terms and with the implied power of sale on default.

"Pawn customer" means an individual who pledges, pawns, exchanges, or sells property to a pawnbroker

"Pawnbroker" 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.

¹Editor's note(s)—Ord. No. 12-282, § 1, adopted Aug. 13, 2012, repealed former Ch. 9.16, §§ 9.16.010—9.16.210, in its entirety and enacted new provisions as herein set out. Former Ch. 9.16 pertained to pawnshops and derived from Ord. No. 97-5, 1997; Ord. No. 01-04, § 1, 2001; Ord. No. 01-34, § 1, 2001.

"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.

"Pawn transaction" means any loan on the security of pledged goods or any purchase of pledged goods on the condition that the pledge goods may be redeemed or repurchased by the pledger or seller for a fixed price within a fixed period of time.

"Person" means an individual, partnership, corporation, joint venture, trust, association, or any other legal entity however organized.

"Pledged goods" means tangible personal property, including, without limitation, all types of motor vehicles or any motor vehicle certificate of title, which property is purchased by, deposited with, or otherwise actually delivered into the possession of a pawnbroker in connection with a pawn transaction. However, for purposes of this Code section, possession of any motor vehicle certificate of title which has come into the possession of a pawnbroker through a pawn transaction made in accordance with law shall be conclusively deemed to be possession of the motor vehicle, and the pawnbroker shall retain physical possession of the motor vehicle certificate of title for the entire length of the pawn transaction but shall not be required in any way to retain physical possession of the motor vehicle at any time. "Pledged goods" shall not include choses in action, securities, or printed evidences of indebtedness.

(Ord. No. 12-282, § 1, 8-13-2012)

9.16.040 Enforcement.

The municipal/county police department shall see that the provisions of this chapter are observed and enforced.

(Ord. No. 12-282, § 1, 8-13-2012)

9.16.050 Employees.

No person shall be an employee of a pawnshop in any capacity until such person has been fingerprinted by the municipal/county police department and has been issued an annual permit authorizing such person to be employed by a pawnshop. It shall be the duty of the pawnbroker to assure that there is compliance with the provisions of this section. **It shall be the duty of the licensee to assure the provisions of this section are strictly followed.**

(Ord. No. 12-282, § 1, 8-13-2012)

9.16.060 General policies and purposes.

- A. Pawnbrokers may operate only after the issuance of a license for such operation by the City of Stockbridge and only in the manner permitted by such license. Pawn transactions may only occur through a licensee who complies with the rules and regulations of this chapter and with the licensing, regulatory and revenue requirements of the State of Georgia.
- B. All licenses are a mere grant or privilege subject to all terms and conditions imposed by this chapter and state law and subject to being revoked by the City of Stockbridge.
- C. Each licensee of the city shall display the license issued under this chapter prominently at all times at the outlet for which the license is issued. A separate license must be issued for each outlet of sale and a separate application must be made for each outlet.

(Ord. No. 12-282, § 1, 8-13-2012)

9.16.070 Qualifications for issuance of license.

Any person who desires to obtain a license for the operation of a pawnshop must meet the minimum qualifications set forth in this section. If the applicant is a partnership, each partner must meet the qualifications of any individual license and must make sworn statements of these qualifications as part of the application process. If the applicant is a corporation, the majority stockholder and each principal officer of the corporation must meet the qualifications as part of the applications process.

- A. No owner, employee, pawnbroker or any person connected with a pawnshop for which a license or permit is sought shall have been convicted of a crime involving "moral turpitude" or shall have been convicted of any crime involving felony theft, burglary, robbery or a violation of the "Family Violence Act."
- B. No license shall be granted to an applicant who is under the age of eighteen (18) years of age;
- C. All persons filing an application for a pawnshop license will be required to complete a waiver in order for the applicant's criminal history to be obtained.
- D. No license shall be granted where the applicant has had any pawnshop license issued by any county, municipality or other governmental subdivision suspended or revoked.
- E. No license shall be granted for a location that is not in compliance with any federal, state or local regulation including, but not limited to, a state certificate of occupancy, a City of Stockbridge certificate of occupancy.
- F. No license shall be issued where the applicant has supplied false information in a license application or where any required fee has not been paid by such applicant, including any fees or assessments owed to other departments of the City of Stockbridge.

(Ord. No. 12-282, § 1, 8-13-2012)

9.16.080 Annual permit.

Before operating a pawnshop or becoming an employee of a pawnshop, any person must first file an application with the municipal/county police department for a permit to operate or be employed in the pawnshop, pursuant to the following:

- A. The application shall be made on an annual basis;
- B. No permit shall be issued until a fee in an amount established by action of the city council, a copy of which is on file in the office of the city clerk, is paid to the city;
- C. The application shall state the physical address of the pawnshop;
- D. The application shall contain the full name, street address, mailing address, phone number, facsimile number, e-mail address, Social Security number and date of birth of any employee, owner, or pawnbroker.
- E. The chief of police or any other office of the city/county designated by the city council shall investigate each applicant for such license and shall report to the city council whether such applicant is a person of good character and has not been convicted of a criminal offense as indicated in this chapter.

(Ord. No. 12-282, § 1, 8-13-2012)

9.16.090 Application.

- A. All applications required in Sec. 9.16.080, Annual permit, shall be in writing and on forms provided by the municipal/county police department.
- B. All applications shall be completed by the applicant and sworn to and signed by the applicant in the presence of a notary public or other office authorized to administer oaths.
- C. All applicants shall furnish all data, information and records requested of them, and failure to furnish such data, information and records within thirty (30) days from the date of such request shall automatically serve as grounds to deny the application. An applicant, by filing an application, agrees to produce for questioning any person(s) who are considered relevant to the ascertainment of facts relative to such license, as may be requested by the city council, the municipal/county police department, or other official designated by the city council. Failure to produce such persons within thirty (30) days after being requested to do so may result in denial of the application.
- D. No pawnshop shall be operated at the same location or in the same premises with the sale, dealing in, exchange, or handling of other than new goods, ware or merchandise. No license for the sale, dealing in, exchange or handling of other than new goods, wares, or merchandise shall be issued for a location licensed as a pawnshop.
- E. Each applicant shall certify on the application that they have read this chapter and, if the license is granted, each licensee shall maintain a copy of this chapter on the premises.
- F. Once an application, accompanying documents, and the required investigative and license fees are filed with the municipal/county police department, the police department shall conduct a criminal investigation of the applicant and prepare a written criminal investigation report detailing all information relating to fingerprinting, criminal history, arrest data, and other matters pertinent to law enforcement. Upon completion of the criminal investigation report, the municipal/county police department shall assemble the tendered application forms and accompanying documents relating to investigation and processing of the application and deliver such documents to the city administrator/city clerk. If the criminal investigation report shows that the applicant meets the requirements set by this chapter and all other requirements of this chapter are satisfied then the city administrator/city clerk shall schedule the application for hearing at the next regularly scheduled public hearing calendar before the city council and shall so inform the applicant of this fact before such meeting. If the criminal investigation report shows that the applicant fails to meet the requirements set by this chapter, or if the applicant fails to meet all other requirements outlined by this chapter, then the city administrator/city clerk shall inform the applicant, in writing, that the application has been denied, and shall set forth in reasonable detail the reasons for the denial and shall notify the applicant of his right to appeal. Such appeal shall be before the city council in accordance with Section 9.16.190, Appeal procedure, of this chapter. If an applicant desires to appeal a denial, the applicant must file a written request for an appeal with the city administrator/city clerk within ten (10) business days of the date of the written notice informing the applicant of the denial of this license.
- G. Any application that the city administrator/city clerk determines to satisfy all the requirements outlined in this chapter, including character requirements as contained in the criminal investigation report of the municipal/county police department, shall be scheduled for review at the next regularly scheduled public meeting of the city council. At that meeting, the applicant and any person opposed to such application has the right to present to the city council any information that the city council determines is relevant to the licensing decision. In making its determination on whether to approve or deny the application, the city council shall look to the qualifications set forth in this chapter and consider the public interest and welfare of the citizens of the city. The city council shall have the discretion to grant or deny the application based on the information presented. A decision by the city council shall be made within thirty (30) days from the date of the public hearing, unless the decision is postponed for purposes of obtaining additional information deemed

necessary for consideration of the application. Notice of the decision by the city council shall be mailed to the applicant. If the application is denied, such written notification shall set forth in reasonable detail the reasons for the denial and shall notify the applicant of his right to appeal. Such appeal shall be taken solely in accord with Section 9.16.190, Appeal procedure, of this chapter.

- H. In all instances in which an application is denied, the applicant may not reapply for the same type of license for at least one year from the date of denial.
- I. Upon the issuance of a license, the licenses must have and continuously maintain in the city a registered agent upon whom any process, notice or demand required or permitted by law or under this chapter may be served. This person must be an individual and must be a resident of the city. The license shall submit the name of such agent, along with the written consent of such agent, to the city administrator/city clerk. The identity of the agent may also be submitted contemporaneous to filing the license application.
- J. Upon approval by the city council of the application for a license, the city administrator/city clerk shall issue a license in accordance with the approved application. If the applicant is an individual, the license shall be issued in the name of the individual. If the applicant is a corporation, the license shall be issued in the name of the corporation and in the name of the majority stockholder or a principal officer of the corporation. If the applicant is a partnership, the license shall be issued in the name of the partnership and in the name of one of the partners. All licenses issued 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 one-half the annual license fee. License fees are not refundable once the license is granted by the city.

(Ord. No. 12-282, § 1, 8-13-2012)

9.16.100 Commencement and forfeiture.

- A. All holders of licenses under this chapter must, within six months after the issuance of the license, open for business the establishment referred to in the license, unless such period is extended by the city administrator/city clerk. Failure to open the licensed establishment as referred to in this subsection within the six-month period shall serve as an automatic forfeiture and cancellation of the license, and no refund of license fees shall be made to the license holder.
- B. Any holders of a license under this chapter who shall begin the operation of the business as authorized in the license, but who shall for a period of three consecutive months thereafter cease to operate the business as authorized in the license, shall automatically forfeit his license, which license shall, by virtue of such failure to operate, be canceled without the necessity for any further action by the city administrator/city clerk or the city council.

(Ord. No. 12-282, § 1, 8-13-2012)

9.16.110 Renewals and transfers.

- A. Any license holder subject to this chapter shall, apply for renewal of any existing license and shall pay the annual license fee no later than February 15th of each calendar year in which it does business.
- B. No license granted for a pawnshop shall be transferable except on application to the municipal/county police department in the same form and manner, and subject to the same requirements with respect to the transferee as are applicable in an original application. Any such license may be transferred only to another applicant doing the same business at the same place as the license holder to whom the license was originally issued. When permission for transfer has been granted, the original licensee or transferee shall cause the license to be delivered to the city administrator/city clerk, who shall record such transfer, and the transferee

shall pay a fee therefore as a condition precedent to engaging in operations under the license. The fee for such transfer shall be established from time-to-time by the city council.

(Ord. No. 12-282, § 1, 8-13-2012)

9.16.120 Disposal of articles.

Any pawnbroker or employee of a pawnshop who makes a loan on pledged goods, or buys pledged goods on the condition that the seller may repurchase said goods, shall hold said goods for at least thirty (30) days before disposing of them by sale, transfer, shipment or otherwise. Non-pledged goods bought under this section shall be held for at least seven (7) calendar days before disposing of them by sale, transfer, shipment or otherwise.

(Ord. No. 12-282, § 1, 8-13-2012)

9.16.130 Minors.

It shall be unlawful for any pawnbroker or employee of a pawnshop to receive goods in pawn, trade, purchase or sale from a person under eighteen (18) years of age.

(Ord. No. 12-282, § 1, 8-13-2012)

9.16.140 Hours of operation.

All holders of licenses under this division shall operate only during the hours of 8:00 a.m. and 9:00 p.m., Monday through Saturday.

(Ord. No. 12-282, § 1, 8-13-2012)

9.16.150 Lost or stolen items.

- A. It shall be the duty of every person operating or employed by a pawnbroker's license or permit, to report to the chief of police or his duly authorized agent any article or goods sold or pawned to him if he shall have a reason to believe that the article or goods was stolen or lost when presented by seller or customer.
- B. With respect to any items which would normally have a serial number or other means of identification, if any pawnbroker or employee of a pawnshop becomes aware that such items have had the identification removed, defaced or destroyed, such fact shall be immediately reported to the chief of police or his duly authorized agents.
- C. If it is determined that an item bought, sold, traded or pawned by a seller or customer to the pawnbroker or his employee is the subject of any reported theft, then the surrender of said item to the chief of police or his duly authorized agent shall be done upon demand.

(Ord. No. 12-282, § 1, 8-13-2012)

9.16.160 Suspension and revocation of license.

Immediate suspension, revocation, or forfeiture of an issued license by the city council shall occur only after notice and opportunity for a hearing before the city council consistent with the procedures set forth in Section 9.16.190, Appeal procedure, and only upon the following occurrences:

- A. Any license issued under this chapter for the operation of a pawnshop shall be immediately revoked in the case of bankruptcy, receivership or levy of legal process upon the licensed outlet or property therein.
- B. Except as provided in Section 9.16.110, Renewals and transfers, any change in the ownership of an entity owning a licensed outlet shall be grounds for the city council to revoke any license issued under this chapter.
- C. A license shall be immediately suspended or revoked by the city council upon learning that a licensee furnished fraudulent or untruthful information in the application for a license, or omits information required in the application for a license, or fails to pay all fees, taxes, or other charges imposed under the provisions of this chapter.
- D. The city council shall immediately suspend or revoke the license of any licensee who does not meet the qualifications set forth in this chapter at any time such information becomes known to the city council.

(Ord. No. 12-282, § 1, 8-13-2012)

9.16.170 ~~Record of transactions.~~ Records and Documentation; Identification; Digital Images, Submission of Reports, Fingerprints and Photographs; Reporting.

- A. Every pawnbroker shall maintain a permanent electronic record of its pawn transactions in which an accurate description of all property pledged, traded or sold to the pawnshop can be transmitted to the municipal/county police department via an electronic automated reporting system. Each of these transactions shall contain an accurate description of all property pledged, traded or sold to the pawnshop and shall be made at the time of each transaction. ~~This description shall include, to the extent possible, the name of the maker of the article, any identifying mark and/or number and a statement of the kind of material of which it is made. In these records there shall be entered also the full name, address, telephone number, race, sex, height, weight, driver's license or ID number, and date of birth of the person by whom the article was deposited or sold, and the time when it was done. In addition to the aforesaid, provided that the following information is shall be included:~~
 - 1. The date and time of the purchase, pawn, or sale of the property.
 - 2. The full name, street address, and telephone number of the customer making the pledge, trade, or sale.
 - 3. ~~A description of the customer in terms of sex, race, date of birth, height and weight, as well as the driver's license number of the customer or some other identification card which contains a photograph of the customer.~~

A description of the person selling or pawning, including their name, address, date of birth, race, sex, weight and height, and the distinctive number from each pawn customer's drivers license or other government-issued identification containing a photo of the customer.
 - 4. ~~A description of the pledge or purchased property by serial, model, or other number, if available, and by any identifying marks (e.g., brand name, color, style, etc.).~~

A full description of property pledged, traded, pawned, exchanged, or sold, including kind, manufacturer, model, serial number, style, material, color, design; kind and number of stones in jewelry, caliber and finish of firearms, and any other identifying names, marks and numbers.
 - 5. The number of the receipt or pawn transaction issued for the property pawned or bought.
 - 6. The price paid or the amount loaned.

-
7. The maturity date of the transaction, if a pawn.
 8. A photograph of the customer and the item pawned or bought which will be taken with the electronic automated reporting system at the time of the transaction.
 9. The signature of the customer.
 10. The fingerprint of the right hand index finger of the customer, unless such finger is missing, in which even the print of the next finger in existence on the right hand of the person pawning the articles shall be obtained with the notation as to the exact finger printed.
 11. A well-focused, properly exposed color photograph or photographs with a digital camera or web camera, of the items being pledged, traded, or sold, including serial numbers or identifying marks.
 12. A well-focused, properly exposed digital photograph or scanned image of any bill of sale, receipt or other document tending to show the seller's ownership of the items purchased by the dealer, if any such documents exist.
- B. Every pawnshop shall enter each transaction as it occurs into the electronic reporting system or may elect to upload electronically via the internet a batch file of all transactions for each business day to the administrator of the electronic automated reporting system immediately at the conclusion of each business day. The administrator of the electronic automated reporting system will electronically transmit all transactions to the municipal/county police department.
- C. Every pawnshop shall enter each transaction as it occurs into the electronic automated reporting system via the internet to the administrator of the electronic automated reporting system. The administrator of the electronic automated reporting system will electronically transmit all transactions to the police department.
- D. In the event that the electronic automated reporting system becomes temporarily or permanently disabled, ~~pawnshops and pawnbrokers will be notified as soon as possible. In this event, the pawnbrokers will be required to make records of transactions in paper form. Such paper forms must include all information as enumerated in paragraph A. of this Code section. Pawnbrokers shall maintain a three-day supply of these paper forms.~~
- In the event the electronic automated reporting system becomes temporarily or permanently disabled, pawnshops and pawnbrokers will be notified as soon as possible by the police department. Pawnshops that incur electronic system failures or other events that would cause partial or complete loss of electronic reporting should notify the police department forthwith with the reason of the failure. In this event, the pawnbrokers will be required to make records of transactions in paper forms prescribed by the police department. Such paper forms must include all information as enumerated in Section (b) above. Pawnbrokers shall be responsible for maintaining an adequate inventory of these forms. A digital camera will be used to collect the required pictures and transferred to a USB for submittal. On a daily basis, all transactions not reported in electronic automated reporting system, will be delivered to the police department by the pawnshop before noon on the following business day for every day until the event has been corrected.
- E. Any duly authorized law enforcement officer may, during the ordinary hours of business or any other reasonable time, inspect any pawnbroker's electronic records at the pawnbroker's place of business to ensure compliance with this section.
- F. The pawnbroker shall assign a pawnshop transaction number documenting each transaction, and ensure each item received is tagged with the pawnshop transaction number. Transaction numbers must be consecutive with no skipped numbers.
- G. The tag bearing the pawnshop transaction number must remain attached to the item until the property is disposed of by sale, trade, or other lawful means. This paragraph does not apply to the purchase of property

from licensed wholesale or distributor businesses for the purpose of retail sales; however the pawnbroker shall be required to maintain all purchasing records for property exempted from this paragraph

- H. The pawnbroker shall require all persons pledging, trading, pawning, exchanging, or selling property to show proper identification prior to conducting a pawnshop transaction. Proper identification is defined as a government-issued photo identification card such as a driver's license, military identification card, passport, or other similar document approved by the Chief of Police.
 - I. The pawnbroker shall photograph with a digital camera or web camera, the pawn customer along with a pawnbroker's ticket showing a transaction number. The pawnbroker shall also photograph the pawned merchandise, including any serial numbers or identifying marks. The pawnbroker shall obtain a fingerprint of the pawn customer's right index finger provided it has not been amputated; if so, a print of the next adjoining finger shall be acceptable. Digital images shall be labeled and stored in such a manner that they are safe from corruption, readily identifiable, and readily available for review
 - J. The pawnbroker shall store the above records, digital images, and fingerprints for a period of four years and make them available to law enforcement personnel upon request.
 - K. Insufficient reports, photographs, and fingerprints shall be rejected, and any pawnbroker making them shall be deemed guilty of an offences.
 - L. The municipal / county police department has the authority to place property that is the subject of police investigation on "police hold." In that event, the municipal / county police department shall notify the pawnbroker of the need for a police hold and identify all property subject to the police hold. The pawnbroker shall physically check to ensure the subject property is in the pawnshop and has not been redeemed, sold, transferred, melted down, or otherwise disposed of. When the pawnbroker has confirmed to the police department that the property is in the shop, it shall be the responsibility of the pawnbroker to maintain the subject property until such time as the property is released from police hold status or the property is confiscated as evidence.
 - M. The chief of police or his designee shall select and designate the required automated reporting system.
- (Ord. No. 12-282, § 1, 8-13-2012)

9.16.180 Violations.

- A. It shall be unlawful for any pawnbroker or employee of a pawnshop to violate any of the provisions of this chapter, whether or not such person or employee is the holder of a current valid permit issued according to the terms of this chapter. Further, any person failing to comply with any provision of this chapter or other rules, ordinances and regulations as may be passed by the city council for conduct of the business of a pawnbroker, shall upon conviction, have the license to conduct business revoked.
 - B. It shall be unlawful for any pawnbroker or employee of a pawnshop to:
 - 1. Make any false statement in an application for any permit provided for in this chapter.
 - 2. Make any false entry in any record book, ledger or form required by the terms of this chapter.
 - 3. Violate any criminal law of this state while acting in the course of business as a pawnbroker or employee of a pawnbroker.
 - C. Persons who violate this chapter shall be guilty of a misdemeanor.
- (Ord. No. 12-282, § 1, 8-13-2012)

9.16.190 Appeal procedure.

- A. Upon receipt of a timely appeal of an administrative denial, or upon alleged violation of those items in Section 9.16.160, Suspension and revocation of license, the city administrator/city clerk shall schedule a hearing before the city council and provide written notice to the adverse party of the time, place and date of the scheduled hearing. The city administrator/city clerk shall also state in the written notice the basis for the denial or potential suspension or revocation. After notice of hearing, matters scheduled for hearing may only be continued by agreement of the city attorney and the adverse party and/or counsel for the adverse party.
- B. The city council shall have the duty of conducting hearings concerning the denial, revocation, or suspension of a license. The standard of proof on all issues in the hearing shall be a preponderance of the evidence and a determination will be made on the basis of the evidence presented at the hearing.
- C. At the hearing, after presentation of the case against the adverse party, the adverse party will have an opportunity to present his case, to rebut the allegations made against him, and present whatever defenses he has. The adverse party shall have the right to be represented by an attorney, at the expense of the adverse party, and to present evidence and cross-examine opposing witnesses. An opportunity for rebuttal shall be provided.
- D. At the conclusion of the hearing, the findings and conclusions of the city council shall be forwarded to the city administrator/city clerk, and it shall be the duty of the city administrator/city clerk to provide written notification via certified mail to the adverse party of the decision of the city council.
- E. The decision of the city council shall be final unless appealed to the Superior Court of Henry County within thirty (30) days of receipt of the city administrator/city clerk's written notification to the adverse party of the city council's decision.

(Ord. No. 12-282, § 1, 8-13-2012)

9.16.200 License limitation.

- A. The city shall issue a maximum of three (3) licenses for pawnbrokers. No additional licenses shall be issued unless the population of the City of Stockbridge reaches twenty thousand (20,000) residents, at which time one (1) additional license may be permitted for each five thousand (5,000) residents of the city over the twenty thousand (20,000) initial threshold. No application for a license to do business as a pawnbroker shall be considered or approved or a license issued where the total number of pawnbroker licenses issued and in effect at the time of such application numbers at least one for each five thousand (5,000) residents according to the latest officially and finally published annual population estimates by the U.S. Census Bureau. In making this computation, fractions of each five thousand (5,000) residents shall not be considered. For purposes of this section, non-conforming pawnbrokers and pawn shops shall be included for purposes of calculating the number of outstanding licenses.
- B. Whenever it shall be recognized by the city treasurer that the release of population projections by the U.S. Census Bureau results in the availability of one (1) or more additional licenses, and it is determined by the city treasurer that one (1) or more additional licenses are available, the city shall publish a notice, one (1) time, advising the public of such, and that applications will be received for a period of forty-five (45) days subsequent to the publication.
- C. If, during this period, applications are received which exceed the number of newly available licenses, there shall be held a lottery, administered by the city treasurer, to determine the order in which applications shall be processed. Thereafter, the applications shall be processed in the order reflected in the results of the lottery. Once the proceeding of applications has resulted in the issuance of licenses up to the limit contained in this chapter, the remaining applications shall be returned to the applicants, unprocessed.

D. If no applications are received during the forty-five-day period after publication, applications shall thereafter be processed in the order in which they may thereafter be received.

(Ord. No. 12-282, § 1, 8-13-2012; Ord. No. OR 13-305, § 1, 4-8-2013)



City of Stockbridge

AGENDA ITEM

MEETING DATE

June 29, 2022

FUNDING SOURCE

- ☐ RESOLUTION
- ☒ ORDINANCE
- ☐ CONTRACT APPROVAL/RENEWAL
- ☐ PUBLIC HEARING
- ☐ PRESENTATION
- ☐ BID SELECTION/AWARD
- ☐ TASK ORDER
- ☐ CHANGE ORDER
- ☐ BUDGET AMENDMENT
- ☐ BUDGET TRANSFER
- ☐ PAYMENT APPROVAL
- ☐ OTHER

- ☐ GENERAL FUND
- ☐ FUND BALANCE
- ☐ SPLOST
- ☐ TSPLOST
- ☐ GRANT
- ☐ HOTEL/MOTEL TOURISM
- ☐ COUNCIL INITIATIVE
- ☐ PARTNER/SPONSOR
- ☐ DEPARTMENT FUND BALANCE
- ☐ BONDING

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER: Chief Frank Trammer

DEPARTMENT: Police Department

ITEM/PROJECT/EVENT: Amendment of Stockbridge Code of Ordinances- Chapter 11.04 General Offenses

Council consideration to amend Stockbridge Code of Ordinances, Chapter 11.04, Section 11.04.010- Disorderly conduct.

BACKGROUND INFORMATION:

The Stockbridge Police Department is requesting to amend Stockbridge Code of Ordinances, Chapter 11.04, Section 11.04.010- Disorderly conduct to add additional offenses, and to remove duplicate and objectionable provisions.

APPROVALS: CITY MANAGER 

CITY TREASURER _____

CITY ATTORNEY 

POLICE CHIEF 

☐ FINANCIAL IMPACT ☒ N/A

AMOUNT

ATTACHMENTS: 

11.04.010 Disorderly conduct.

It is unlawful and disorderly conduct for any person to:

- A. Act in a violent or tumultuous manner toward another, whereby any person is placed in danger of or in fear of his safety, life, limb or health;
- B. Act in a violent or tumultuous manner toward another, whereby public property or property of another person is placed in danger of being destroyed or damaged;
- C. Endanger or interfere with the lawful pursuits of another by acts of violence or threats of bodily harm;
- D. Cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another or public property;
- E. Assemble or congregate with another or others and cause, provoke or engage in any fight or brawl;
- F. Carry any item with the intention either to threaten, intimidate, or provoke the apprehension of violence, or with the disregard for the rights and safety of others. Nothing in this subsection shall be interpreted to prohibit the carrying of a firearm or weapon as described in O.C.G.A. 16-11-173.
- G. Collect in bodies or in crowds and engage in unlawful activities;
- H. Assemble or congregate with another or others and engage or attempt to engage in unlawful gaming;
- I. Frequent any public place and obtain money from another by an illegal and fraudulent scheme, trick, artifice or device or attempt to do so;
- J. Assemble with another or others and engages in any fraudulent scheme, device or trick to obtain or attempts to obtain any valuable thing in any place or from any person;
- K. Frequent any place or vehicle where gaming or the illegal sale or possession of alcoholic beverages or narcotics or dangerous drugs is practiced, allowed or tolerated;
- L. Direct "fighting words" towards another, that is, words which by their very nature tend to incite an immediate breach of the peace;
- M. Assemble or congregate with another or others and do bodily harm to another or damage property of another or public property;
- N. Congregate with another or others in or on any public way so as to halt the flow of vehicular or pedestrian traffic and refuse to clear such public way when ordered to do so by a peace officer or other person having authority;
- O. Damage, defoul or disturb public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition;
- P. Appear in an intoxicated condition in any public place or within the curtilage of any private residence not his own other than by invitation of the owner or lawful occupant, which condition is made manifest by boisterousness, indecent condition or act, vulgar, profane, loud or unbecoming language, unconsciousness, disorientation or the inability to care for his or her own needs or recognize obvious dangers;
- Q. By and in any manner, creates loud noises which disrupt, disturb, or otherwise interfere with the peace and tranquility of the public;
- R. Attempt to hinder, delay, obstruct or prevent any law enforcement officer from performing his or her duty; which includes the giving of a false name, address, or date of birth to a law enforcement officer in the lawful discharge of his or her official duties with the intent of misleading the officer as

to his or her identity or date of birth;

- S. Keep, rent or let any house, hall or room, within the corporate limits of the city, for the congregating of disorderly, noisy or riotous persons, or where disorderly, riotous or noisy persons assemble to the disturbance of the neighborhood or some part thereof.
- T. Appear in a public place or in view of the public wearing outer clothing garments such as pants, shorts, or a skirt more than three (3) inches below the hips (crest of the ilium) the effect of which exposes the skin, undergarments, or underwear. For the purpose of this subsection, the term "underwear" shall include any article of clothing garments worn under the outer garments and next to the skin. At the discretion of the officer or person designated to enforce city ordinances, any person violating this subsection may be warned to pull up their outer garments, and if they comply, said warning shall be the only penalty for violation of this subsection.
- ~~A. Act in a violent or tumultuous manner toward another, whereby a reasonable person would be placed in fear of safety for life or limb;~~
- ~~B. Place the property of another in serious danger of being destroyed or damaged;~~
- ~~C. Use fighting words directed toward another, who becomes outraged and thus creates a turmoil;~~
- ~~D. Violently interfere with another's pursuit of a lawful occupation; or~~
- ~~E. Congregate with others to halt the flow of vehicular or pedestrian traffic and refuse to clear the way when ordered by lawful authority to do so.~~

(Amended during 1991 codification: Code 1971, Sec. 13-2)

(Ord. No. 11-260, § 1, 9-12-11)



City of Stockbridge

AGENDA ITEM

MEETING DATE

June 29, 2022

- ☐ RESOLUTION
- ☒ ORDINANCE
- ☐ CONTRACT APPROVAL/RENEWAL
- ☐ PUBLIC HEARING
- ☐ PRESENTATION
- ☐ BID SELECTION/AWARD
- ☐ TASK ORDER
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- ☐ BUDGET TRANSFER
- ☐ PAYMENT APPROVAL
- ☐ OTHER

FUNDING SOURCE

- ☐ GENERAL FUND
- ☐ FUND BALANCE
- ☐ SPLOST
- ☐ TSPLOST
- ☐ GRANT
- ☐ HOTEL/MOTEL TOURISM
- ☐ COUNCIL INITIATIVE
- ☐ PARTNER/SPONSOR
- ☐ DEPARTMENT FUND BALANCE
- ☐ BONDING

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER: Chief Frank Trammer

DEPARTMENT: Police Department

ITEM/PROJECT/EVENT: Amendment of Stockbridge Code of Ordinances- Chapter 11.04 General Offenses
Council consideration to amend Stockbridge Code of Ordinances, Chapter 11.04, Section 11.04.100- Weapons-
Discharge prohibited.

BACKGROUND INFORMATION:

The Stockbridge Police Department is requesting to amend Stockbridge Code of Ordinances, Chapter 11.04, Section 11.04.100- Weapons-Discharge prohibited to add additional language.

APPROVALS: CITY MANAGER

CITY TREASURER

CITY ATTORNEY

POLICE CHIEF

☐ FINANCIAL IMPACT ☒ N/A
AMOUNT

ATTACHMENTS:

11.04.100 Weapons—Discharge prohibited—Exception.

It is unlawful for any person to shoot any gun, pistol or firearm of any kind, or any air gun, ~~or~~ pellet gun, paintball gun, or any other weapon designed to fire any projectile at a high rate of speed, including slingshots, within the city, except for peace officers in the discharge of their duties, and the military at a funeral in honor of the dead, those with permits for Turkey Shoots, licensed firing ranges, in defense of person or property, and theatrical productions using blanks.

(Amended during 1991 codification: Code 1971, Sec. 13-2)

, or pellet gun,



City of Stockbridge

AGENDA ITEM

MEETING DATE

June 29, 2022

FUNDING SOURCE

- ☐ RESOLUTION
- ☒ ORDINANCE
- ☐ CONTRACT APPROVAL/RENEWAL
- ☐ PUBLIC HEARING
- ☐ PRESENTATION
- ☐ BID SELECTION/AWARD
- ☐ TASK ORDER
- ☐ CHANGE ORDER
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- ☐ GRANT
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- ☐ COUNCIL INITIATIVE
- ☐ PARTNER/SPONSOR
- ☐ DEPARTMENT FUND BALANCE
- ☐ BONDING

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER: Chief Frank Trammer

DEPARTMENT: Police Department

ITEM/PROJECT/EVENT: Amendment of Stockbridge Code of Ordinances- Chapter 11.04 General Offenses

Council consideration to add a new ordinance under Stockbridge Code of Ordinances, Chapter 11.04, Section 11.04.140 Defecating or urinating on public property or in certain areas.

BACKGROUND INFORMATION:

The Stockbridge Police Department is requesting to add a new ordinance under Stockbridge Code of Ordinances, Chapter 11.04, Section 11.04.140 Defecating or urinating on public property or in certain areas.

APPROVALS: CITY MANAGER

CITY TREASURER

CITY ATTORNEY

POLICE CHIEF

☐ FINANCIAL IMPACT ☒ N/A

AMOUNT

ATTACHMENTS:

11.04.140 Defecating or urinating on public property or in certain areas.

It shall be unlawful for any person to defecate or urinate on or adjacent to any street or sidewalk, or in the halls, elevators, stairways, or any other area designated for public passage within any public or commercial buildings, or on any property open to public view.



City of Stockbridge

AGENDA ITEM

MEETING DATE

June 29, 2022

FUNDING SOURCE

- ☐ RESOLUTION
- ☒ ORDINANCE
- ☐ CONTRACT APPROVAL/RENEWAL
- ☐ PUBLIC HEARING
- ☐ PRESENTATION
- ☐ BID SELECTION/AWARD
- ☐ TASK ORDER
- ☐ CHANGE ORDER
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- ☐ COUNCIL INITIATIVE
- ☐ PARTNER/SPONSOR
- ☐ DEPARTMENT FUND BALANCE
- ☐ BONDING

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER: Chief Frank Trammer

DEPARTMENT: Police Department

ITEM/PROJECT/EVENT: Amendment of Stockbridge Code of Ordinances- Chapter 11.04 General Offenses

Council consideration to add a new ordinance under Stockbridge Code of Ordinances, Chapter 11.04, Section 11.04.150 Monetary solicitation.

BACKGROUND INFORMATION:

The Stockbridge Police Department is requesting to add a new ordinance under Stockbridge Code of Ordinances, Chapter 11.04, Section 11.04.150 Monetary solicitation.

APPROVALS: CITY MANAGER

CITY TREASURER

CITY ATTORNEY

POLICE CHIEF

☐ FINANCIAL IMPACT ☒ N/A

AMOUNT

ATTACHMENTS:

11.04.150- Monetary solicitation

1. "Monetary solicitation" defined:
 - a. "Monetary solicitation" or to "monetarily solicit" is an act or action performed by an individual that meets the following three criteria:
 - i. Is an in-person request of another individual, either orally or by gesture; and
 - ii. The request is for an immediate distribution of money or anything of monetary value; and
 - iii. The request occurs on public property, including, without limitation, city streets, sidewalks, transit stations or platforms, and parks.
 - b. "Monetary solicitation" and "monetarily solicit" shall not include:
 - i. Requests for signatures on a petition or other document; or
 - ii. Distribution of written material that requests individuals to send contributions by mail or make donations in some other manner at a later time; or
 - iii. Distribution of pre-addressed envelopes along with a verbal plea to contribute money, provided that no request for an immediate contribution is made; or
 - iv. Sale of literature or other merchandise or food where payment occurs at a separate time and location, including through mail order; or
 - v. Public vending lawfully permitted in accordance with city ordinance or state law.
 2. Monetary solicitation in certain areas.
 - a. It shall be unlawful for any person to monetarily solicit in any of the following places:
 - i. Within 15 feet of the entrance to or exit from any public toilet facility, which includes any temporary use site (port-a-toilet);
 - ii. Within 15 feet of an automated teller machine (ATM), provided that when an ATM is located within an ATM facility, such distance shall be measured from the entrance or exit of the ATM facility;
 - iii. Within 15 feet of any parking lot pay box, on-street parking pay station or kiosk;
 - iv. Within 15 feet of any pay telephone, provided that when a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance or exit of the telephone booth or facility;
 - v. In any public transportation vehicle; in or on any bus, rail, subway or Streetcar platform or station or taxi stand, including without limitation entryways, exits, queuing areas and pay stations connected therewith; within 15 feet of any bus, rail, subway or Streetcar platform or outdoor station or taxi stand; and within 15 feet of the entrance or exit of a station located in an enclosed building;
 - vi. Within 15 feet of the entrance or exit of a building, whether publicly or privately owned, including without limitation any residence, business, event venue or athletic facility. Nothing in this subsection (6) shall prohibit monetary solicitation within 15 feet of any other portion of a building other than its exit(s) and entrance(s);
 - vii. Within 15 feet of or within a line for entry to any building, whether the building is publicly or privately owned, including without limitation any residence, business, event venue or athletic facility;
 - viii. In a parking lot or garage owned or operated by the City of Stockbridge, including entryways or exits and pay stations connected therewith;
 3. Aggressive monetary solicitation.
 - a. It shall be unlawful for any person to monetarily solicit in any of the following manners:
 - i. Blocking the path or passage of the person solicited;
 - ii. Not allowing the person solicited to leave the presence of the solicitor, by following immediately behind or walking alongside the person solicited;
 - iii. Using profane or abusive language, either during the solicitation or following refusal;
-

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- iv. Continuing to monetarily solicit a person after that person has refused the solicitation verbally or by gesture;
 - v. Continuing to monetarily solicit a person located in or on a motor vehicle after that person has refused the solicitation verbally or by gesture;
 - vi. Making any statement, gesture, or other communication which a reasonable person in the situation of the person solicited would perceive to be a threat that is intended to compel or force the person solicited to accede to the demands of the solicitor; and/or
 - vii. Touching the person solicited.

4. Penalties.

- a. Upon conviction under the section above, the violator may be sentenced to one or more of the following: the performance of up to 30 days community service; a monetary fine not to exceed \$1,000.00; and/or imprisonment not to exceed 180 days.
- b. Upon the first conviction under the section above, the violator may be sentenced to one or more of the following: the performance of up to 30 days community service; a monetary fine not to exceed \$1,000.00; and/or imprisonment not to exceed 180 days.
- c. Upon the second conviction under the section above, the violator may be sentenced to one or more of the following: the performance of up to 30 days community service; a monetary fine not to exceed \$1,000.00; and/or imprisonment not to exceed 180 days, provided that the sentence must include a minimum of 30 days imprisonment.
- d. Upon the third and future convictions under section 106-85(c) above, the violator may be sentenced to one or more of the following: the performance of up to 30 days community service; a monetary fine not to exceed \$1,000.00; and/or imprisonment not to exceed 180 days, provided that the sentence must include a minimum of 90 days imprisonment.



City of Stockbridge

AGENDA ITEM

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- ☐ RESOLUTION
- ☒ ORDINANCE
- ☐ CONTRACT APPROVAL/RENEWAL
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- ☐ PRESENTATION
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- ☐ BUDGET TRANSFER
- ☐ PAYMENT APPROVAL
- ☐ OTHER

FUNDING SOURCE

- ☐ GENERAL FUND
- ☐ FUND BALANCE
- ☐ SPLOST
- ☐ TSPLOST
- ☐ GRANT
- ☐ HOTEL/MOTEL TOURISM
- ☐ COUNCIL INITIATIVE
- ☐ PARTNER/SPONSOR
- ☐ DEPARTMENT FUND BALANCE
- ☐ BONDING

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER: Chief Frank Trammer

DEPARTMENT: Police Department

ITEM/PROJECT/EVENT: Amendment of Stockbridge Code of Ordinances- Chapter 11.04 General Offenses
Council consideration to add a new ordinance under Stockbridge Code of Ordinances, Chapter 11.04, Section 11.04.160 False representation to police or any city department.

BACKGROUND INFORMATION:

The Stockbridge Police Department is requesting to add a new ordinance under Stockbridge Code of Ordinances, Chapter 11.04, Section 11.04.160 False representation to police or any city department.

APPROVALS: CITY MANAGER

CITY TREASURER

CITY ATTORNEY

POLICE CHIEF

☐ FINANCIAL IMPACT ☒ N/A
AMOUNT

ATTACHMENTS:

11-04-160- False representation to police or any city department

It shall be unlawful for any person, knowingly and willfully and with intent thereby to mislead, either in such person's own behalf or in behalf of others, as principal or as agent, to make or file orally or in writing any false representations of fact to any police officer of the city or to any department of the city government.



City of Stockbridge

AGENDA ITEM

MEETING DATE

June 29, 2022

FUNDING SOURCE

- ☐ RESOLUTION
- ☒ ORDINANCE
- ☐ CONTRACT APPROVAL/RENEWAL
- ☐ PUBLIC HEARING
- ☐ PRESENTATION
- ☐ BID SELECTION/AWARD
- ☐ TASK ORDER
- ☐ CHANGE ORDER
- ☐ BUDGET AMENDMENT
- ☐ BUDGET TRANSFER
- ☐ PAYMENT APPROVAL
- ☐ OTHER

- ☐ GENERAL FUND
- ☐ FUND BALANCE
- ☐ SPLOST
- ☐ TSPLOST
- ☐ GRANT
- ☐ HOTEL/MOTEL TOURISM
- ☐ COUNCIL INITIATIVE
- ☐ PARTNER/SPONSOR
- ☐ DEPARTMENT FUND BALANCE
- ☐ BONDING

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER: Chief Frank Trammer

DEPARTMENT: Police Department

ITEM/PROJECT/EVENT: Amendment of Stockbridge Code of Ordinances- Chapter 11.06

Council consideration to amend Stockbridge Code of Ordinances, Chapter 11.06, Section 11.06.010- Administration of state offenses in municipal courts.

BACKGROUND INFORMATION:

The Stockbridge Police Department is requesting to amend Stockbridge Code of Ordinances, Chapter 11.04, Section 11.06, Section 11.06.010- Administration of state offenses in municipal courts to add clarifying language and to remove duplicate phrasing.

APPROVALS: CITY MANAGER

CITY TREASURER

CITY ATTORNEY

POLICE CHIEF

☐ FINANCIAL IMPACT ☒ N/A

AMOUNT

ATTACHMENTS:

11.06.010 Administration of state offenses in municipal courts.

The city elects to exercise jurisdiction over any and all of those state offenses for which a grant of jurisdiction has been provided by general state law now or in the future, unless such grant of jurisdiction is waived for certain offenses by the adoption of one or more separate ordinances by the mayor and council. The court clerk shall keep the mayor and council informed of any new grants of jurisdiction by the Georgia General Assembly by notifying the city manager. In the exercise of that jurisdiction, officers writing tickets returnable to the municipal court, shall delineate the nature of the offense charged by name and Georgia Code number on the citation and summons. All persons convicted of state violations prosecuted under this section shall be punished as provided for by the applicable state law.

Offenses to be cited and brought before the municipal court for final adjudication include:

- A. Possession of one ounce or less of marijuana, pursuant to O.C.G.A. §§ 16-13-30 and 16-13-2.
- B. Operating a motor vehicle without effective insurance, pursuant to O.C.G.A. § 40-6-10.
- C. Misdemeanor theft by shoplifting pursuant to O.C.G.A. § 16-8-14.
- D. Furnishing alcoholic beverages to and possession and purchase of alcoholic beverages by persons under 21 years of age, pursuant to O.C.G.A. §§ 3-3-23 and 3-3-23.1.
- E. Criminal trespass, pursuant to O.C.G.A. § 16-7-21.
- F. Transactions in drug-related objects pursuant to O.C.G.A. § 16-13-32.

(Ord. 98-23 § 1, 1998; Ord. 94-2 § 1, 1994)

(Ord. No. 14-345, § 8, 5-12-2014)



City of Stockbridge

AGENDA ITEM

MEETING DATE

June 29, 2022

- ☐ RESOLUTION
- ☒ ORDINANCE
- ☐ CONTRACT APPROVAL/RENEWAL
- ☐ PUBLIC HEARING
- ☐ PRESENTATION
- ☐ BID SELECTION/AWARD
- ☐ TASK ORDER
- ☐ CHANGE ORDER
- ☐ BUDGET AMENDMENT
- ☐ BUDGET TRANSFER
- ☐ PAYMENT APPROVAL
- ☐ OTHER

FUNDING SOURCE

- ☐ GENERAL FUND
- ☐ FUND BALANCE
- ☐ SPLOST
- ☐ TSPLOST
- ☐ GRANT
- ☐ HOTEL/MOTEL TOURISM
- ☐ COUNCIL INITIATIVE
- ☐ PARTNER/SPONSOR
- ☐ DEPARTMENT FUND BALANCE
- ☐ BONDING

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER: Chief Frank Trammer

DEPARTMENT: Police Department

ITEM/PROJECT/EVENT: Amendment of Stockbridge Code of Ordinances– Chapter 11.20 Loitering

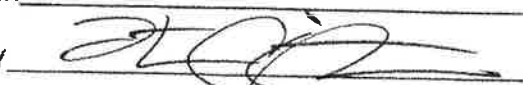
Council consideration to add a new ordinance under Stockbridge Code of Ordinances, Chapter 11.20, Section 11.20.030 Loitering for illegal sexual purposes.

BACKGROUND INFORMATION:

The Stockbridge Police Department is requesting to add a new ordinance under Stockbridge Code of Ordinances, Chapter 11.20, Loitering to create an offenses for loitering for illegal sexual purposes.

APPROVALS: CITY MANAGER 

CITY TREASURER _____

CITY ATTORNEY 

POLICE CHIEF 

☐ FINANCIAL IMPACT ☒ N/A
AMOUNT

ATTACHMENTS: 

11.20.030- Loitering for illegal sexual purposes

1. It shall be unlawful for any person to loiter, while a pedestrian or in a motor vehicle, in or near any thoroughfare or place open to the public, parking lots of hotels and motels, in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting, or procuring another to commit an act of prostitution, sodomy, masturbation for hire or pandering. Among the circumstances which may be considered in determining whether this purpose is manifested are: that person is a known prostitute, pimp, sodomist, masturbator for hire or panderer and repeatedly beckons to, stops or attempts to stop, or engages passersby in conversation, or repeatedly stops, or attempts to stop motor vehicle operators by hailing, or waving of arms or any bodily gesture for the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution, sodomy, masturbation for hire or pandering. No arrest shall be made for a violation of this subsection unless the arresting officer first affords that person the opportunity to explain his conduct.

For the purpose of this subsection, a "known prostitute, pimp, sodomist, panderer or masturbator for hire" is a person who, previous to the date of arrest for violation of this section, had been convicted of a violation of a sexual related law of any city or law of any state defining and punishing acts of soliciting, committing or offering or agreeing to commit prostitution, sodomy, masturbation for hire or pandering.

For the purpose of this subsection, "any person" shall also include panderers or solicitors of sexual acts, commonly referred to as "johns" or "trick.," who loiter in a manner and under circumstances manifesting the purpose of participating in, procuring, purchasing or soliciting any sexual act for hire made illegal by state law. Among the circumstances which may be considered in determining whether this purpose is manifested are: that person, while a pedestrian or in a motor vehicle, repeatedly beckons to, attempts to stop, engages or attempts to engage in conversation with any person by hailing, waving arms or any bodily gesture for the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution, sodomy, masturbation for hire or pandering.

State Law reference— Authority of city to adopt ordinances proscribing loitering and related acts for purposes of procuring others to engage in sexual acts for hire, O.C.G.A., § 16-6-24.



City of Stockbridge

AGENDA ITEM

MEETING DATE

June 29, 2022

- ☐ RESOLUTION
- ☒ ORDINANCE
- ☐ CONTRACT APPROVAL/RENEWAL
- ☐ PUBLIC HEARING
- ☐ PRESENTATION
- ☐ BID SELECTION/AWARD
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- ☐ BUDGET TRANSFER
- ☐ PAYMENT APPROVAL
- ☐ OTHER

FUNDING SOURCE

- ☐ GENERAL FUND
- ☐ FUND BALANCE
- ☐ SPLOST
- ☐ TSPLOST
- ☐ GRANT
- ☐ HOTEL/MOTEL TOURISM
- ☐ COUNCIL INITIATIVE
- ☐ PARTNER/SPONSOR
- ☐ DEPARTMENT FUND BALANCE
- ☐ BONDING

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER: Chief Frank Trammer

DEPARTMENT: Police Department

ITEM/PROJECT/EVENT: Amendment of Stockbridge Code of Ordinances– Chapter 11.24 Vagrancy

Council consideration to add a new ordinance under Stockbridge Code of Ordinances, Chapter 11.24, Section 11.24.030 Urban Camping.

BACKGROUND INFORMATION:

The Stockbridge Police Department is requesting to add a new ordinance under Stockbridge Code of Ordinances, Chapter 11.24, Vagrancy to create an offenses for urban camping.

APPROVALS: CITY MANAGER

CITY TREASURER

CITY ATTORNEY

POLICE CHIEF

☐ FINANCIAL IMPACT ☒ N/A

AMOUNT

ATTACHMENTS:

11.24.030- Urban Camping

1. Definitions

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

"Bridge" means a structure, including the approaches thereto, erected in order to afford passage over any obstruction in any public road, railroad, or other right-of-way; or to afford passage under or over existing public roads, railroads, or other rights-of-way. As used in this section the definition of "Bridge" shall include a controlled access highway overpass as defined herein.

"Camp" or "camping" means the use of a street, sidewalk, other right-of-way, and/or any area underneath a bridge, within the City of Stockbridge for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or making a fire, or carrying on cooking activities, or using a tent or other structure for habitation. These activities constitute camping if, in light of all the circumstances, it reasonably appears that in conducting one or more of these activities, the participant is in fact using the area as a living accommodation, regardless of the intent of the participant or the nature of any other activities in which s/he may also be engaging. For purposes of this section 106-12(a), the terms "camp" and "camping" do not include activity that occurs solely within city-owned parks.

"City" means the City of Stockbridge.

"Controlled access highway overpass" means a crossing of two controlled access highways or of a controlled access highway and other public road, pedestrian path, railroad or public right-of-way at different levels where clearance to traffic on the lower level is obtained by elevating the higher level.

"Interference (or "interfere") with ingress and egress" means standing, sitting, lying down, using personal property, or performing any other activity on public property and/or in a park, where such activity: a) materially interferes with the ingress into and egress from buildings, driveways, streets, alleys, or any other real property that has a limited number of entrances/exits, regardless of whether the property is owned by the city, a private owner or another public entity; b) reasonably appears, in light of all of the circumstances, to have the purpose of blocking ingress and egress; and c) occurs without the express written permission of the owner of the property at issue. Where written permission has been granted, the individuals interfering with ingress and egress must have possession of the permission at the time of the activity in question.

"Park" or "parks" means any city-owned park.

"Public property" means any street, sidewalk, and/or other right-of-way, within the City of Stockbridge.

"Storing (or "store") personal property" means leaving one's personal effects unattended on public property, in any area underneath a bridge, and/or in a park, such as but not limited to clothing, bedrolls, cookware, sleeping bags, luggage, knapsacks, or backpacks. This term does not include parking a bicycle or other mode of transportation.

2. Specific prohibitions

It shall be unlawful for any person to camp, store personal property or interfere with ingress and egress.

No person may be arrested for violating this code section until s/he has received an oral or written warning from the Stockbridge Police Department to cease the prohibited conduct. If the violator fails to comply with the warning issued, s/he may be arrested for violation of this section.

Where personal property is stored in violation of this subsection, the Stockbridge Police Department may deem the property to be abandoned and may confiscate it. No warning is required prior to the confiscation. The department shall retain the property in a manner consistent with the handling of other confiscated property.

The prohibitions set forth in this subsection shall not apply during a permitted outdoor event on property where the outdoor event is located, as set forth in a city-issued outdoor event permit, unless the permit explicitly prohibits the activity.

The prohibitions set forth in this section shall not apply to city, state, or county officials or employees acting in their official capacity, performing the activities as part of their official city duties.

The prohibitions set forth in this section shall not apply to city, state, or county contractors or subcontractors where said activities are associated and performed in conjunction with the scope of work set forth in the city contract.



City of Stockbridge

AGENDA ITEM

MEETING DATE

June 29, 2022

- ☐ RESOLUTION
- ☒ ORDINANCE
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- ☐ PRESENTATION
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- ☐ BUDGET TRANSFER
- ☐ PAYMENT APPROVAL
- ☐ OTHER

FUNDING SOURCE

- ☐ GENERAL FUND
- ☐ FUND BALANCE
- ☐ SPLOST
- ☐ TSPLOST
- ☐ GRANT
- ☐ HOTEL/MOTEL TOURISM
- ☐ COUNCIL INITIATIVE
- ☐ PARTNER/SPONSOR
- ☐ DEPARTMENT FUND BALANCE
- ☐ BONDING

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER: Chief Frank Trammer

DEPARTMENT: Police Department

ITEM/PROJECT/EVENT: Amendment of Stockbridge Code of Ordinances- Chapter 11.26 Noise Nuisances

Council consideration to amend Stockbridge Code of Ordinances, Chapter 11.26, Section 11.26.040- Noise Nuisances- Specific prohibitions.

BACKGROUND INFORMATION:

The Stockbridge Police Department is requesting to amend Stockbridge Code of Ordinances, Chapter 11.26, Section 11.26.040- Specific prohibitions to add additional offenses and to remove duplicate provisions.

APPROVALS: CITY MANAGER

CITY TREASURER

CITY ATTORNEY

POLICE CHIEF

☐ FINANCIAL IMPACT ☒ N/A

AMOUNT

ATTACHMENTS:

Chapter 11.26 NOISE NUISANCES

11.26.010 Name, policy and purpose.

- A. Name. This chapter shall be informally known as the Stockbridge Noise Ordinance.
- B. Policy and Purpose. The provisions contained in this chapter are enacted for the purpose of preventing noise disturbances or unreasonable noise. Above certain levels, unreasonable noise or noise disturbance is detrimental to the health and welfare of the citizenry and the individual's right to peaceful and quiet enjoyment. Therefore, it is hereby declared to be the policy of the city to prohibit noise disturbances or unreasonable noise from all sources, subject to its police power in order to secure and promote the public health, comfort, convenience, safety, welfare, and prosperity of the citizens of Stockbridge. Nothing in this chapter is intended to deter individuals from lawfully exercising the individual right to freedom of speech or any other freedom guaranteed under the Constitutions of the United States of America or of the State of Georgia.

(Ord. 02-38 § 1, 2002)

(Ord. No. 21-489 , § 1(Exh. A), 8-31-2021)

11.26.020 Definitions.

Unless the context indicates otherwise, the meaning of the terms used in this chapter is as set forth in this section.

"Ambient sound level" means the total sound pressure level in the area of interest excluding the noise source of interest (see, also, "background sound level," this section).

"A-weighted sound level (or) A-band level (dBA)" means the sound pressure level in decibels as measured on a sound level meter using the A-weighted network. The level so read is designated "dBA."

"Background sound level" means the total sound pressure level in the area of interest excluding the noise source of interest (see also, "ambient sound level," this section).

"Band pressure level" means, for a specified band, the sound pressure level for the sound contained within the restricted band. The reference pressure shall be specified.

"City" means the City of Stockbridge, Georgia.

"Cycle" means the complete sequence of values of a periodic quantity which occurs during a period.

"Commercial area" means a group of commercial facilities and the abutting public right-of-way and public spaces.

"Commercial facility" means any premises, property or facility involving traffic in goods or furnishing of services for sale or profit, including but not limited to:

1. Banking and other financial institutions;
2. Dining establishments;
3. Establishments for providing retail or wholesale services;

4. Establishments for recreation and entertainment;
5. Office buildings;
6. Transportation; and
7. Warehouses.

"Construction" means any site, preparation, assembly, erection, substantial repair, alteration or similar action but excluding demolition, for or of public or private right-of-way, structures, utilities or similar property.

"C-weighting" means the electronic filtering in sound level meters that models a flat response (output equals input) over the range of maximum human hearing frequency sensitivity.

"Daytime" means that period of time covering the hours of seven (7:00) a.m. (0700) to eleven (11:00) p.m. (2300).

"dBA" means an A-weighted unit of sound level.

"dBC" means a C-weighted unit of sound level.

"Decibel" (db) means a unit for measuring the volume of a sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (twenty (20) micronewtons per square meter).

"Emergency" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

"Emergency work" means work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger.

"Equivalent sound level (Leq)" means the non-varying sound level that would contain the equivalent amount of energy as a varying sound level. Note that Leq can be weighted or unweighted and can be integrated over durations ranging from less than a second to many hours. The notation should indicate weighting used and duration, e.g., eighty-five (85) dBC Leq (six min.) is a C-weighted eighty-five (85) decibel equivalent sound level, integrated over a six-minute period.

"Frequency" means a function periodic in time, the reciprocal of the primitive period. The unit is the cycle per unit time and shall be specified.

"Impulsive sound" means any sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay, e.g., explosions, blasting and discharge of firearms.

"Industrial facility" means any activity and its related premises, property, facilities, or equipment involving the fabrication, manufacture, or production of durable or nondurable goods.

"Land use categories" means, for the purpose of this article the land use categories shown on Table 1 as "residential," "commercial" and "industrial" shall have their ordinary and customary meaning provided further that the residential classifications shall include the following classifications from the city zoning ordinance: RA, R-1, R-2, R-3, RD, RM, RMH, and PD (for all residential uses). The commercial classifications shall include the following classifications from the city zoning ordinance: C-1, C-2, C-3, M-1, M-2, and OI (for all commercial uses). The industrial classifications shall include the following classifications from the city zoning ordinance: M1 and M2 (for all industrial uses).

"Maximum sound level (Lmax)" means the maximum root mean square sound level measured or not to be exceeded by time varying sounds.

"Microbar" means a unit of pressure commonly used in acoustics, and which is equal to one dyne per square centimeter.

"Motor vehicles" means all self-propelled vehicles as defined in the Georgia Motor Vehicle Code, specifically including but not limited to mini-bikes, recreational vehicles, trail bikes and go-carts.

"Muffler" means a sound-dissipative device or system for lessening the sound of the exhaust of an internal combustion engine.

"Nighttime" means that period of time cover[ing] the hours from eleven (11:00) p.m. (2300) to seven (7:00) a.m. (0700).

"Noise" means any sound of such level and duration as to be or tend to be injurious to human health or welfare, or which would unreasonably interfere with the enjoyment of life or property throughout the city or in any portions thereof, but excludes all aspects of the employer employee relationship concerning health and safety hazard within the confines of a place of employment.

"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.

"Peak sound level (Lpk)" means the absolute positive or negative value (not the root mean square value) of the sound energy in a discrete event typically of very short duration.

"Period" means, with reference to a periodic quantity, the smallest increment of time for which the function repeats itself.

"Periodic quantity" means an oscillating quantity, the values of which recur for equal increments of time.

"Person" means any individual, corporation, company, association, society, firm partnership, joint stock company, the municipality any political subdivision, agency or instrumentality of the municipality.

"Public right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, or alley that is leased, owned, or controlled by a governmental entity.

"Public space" means any real property or structures thereon that is owned, leased, or controlled by a governmental entity.

"Pure tone" means a sound dominated by energy in single frequency.

"Real property boundary" means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one (1) person from that owned by another, but not including intra-building real property divisions.

"Receiving land use category" means that parcel of real property onto which noise travels or is received from any source on another parcel or real property.

"Residential area" means a group of residential properties and the abutting public rights-of-way and public spaces.

"Residential property" means property used for human habitation, including but not limited to:

1. Private property used for human habitation;
2. Commercial living accommodations and commercial property used for human habitation;
3. Recreational and entertainment property used for human habitation; and
4. Community service property used for human habitation.

"Sound" means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristics of such sound, including, but not limited to duration, intensity and frequency.

"Sound analyzer" means a device for measuring the bandpressure level or pressure spectrum level of a sound as a function of frequency.

"Sound level meter" (SLM) means an instrument, including a microphone, an amplifier, an output meter, and frequency weighing networks, for the measurement of noise and sound levels in a specified manner.

"Sound pressure level" means, in decibels of a sound, twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of this sound to the reference pressure, which reference pressure shall be explicitly stated.

"Spectrum" means a function of time, a description of its resolution into components, each of a different frequency.

"Time period" means the hours denoted herein as eleven (11:00) p.m. to seven (7:00) a.m., shall be deemed to refer to nighttime hours commencing at eleven (11:00) p.m. of one day and ending at seven (7:00) a.m. of the following day.

"Tonal sound" means a sound dominated by energy in a narrow band of frequencies.

In addition, all definitions contained in applicable publications of the American National Standards Institute (ANSI) (si.1-175 Acoustical Terminology) or its successor body, are incorporated by reference.

(Ord. 02-38 § 2, 2002)

(Ord. No. 21-489 , § 1(Exh. A), 8-31-2021)

11.26.030 Sound measurement procedures and maximum permissible sound levels.

A. Sound Measurement Procedures.

1. 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 chapter. When instrumentation cannot be placed at or within the property line, the measurement shall be made as close thereto as is reasonable. However, noise measurements shall not be made at a distance of less than twenty-five (25) feet from the edge of a noise source.
2. All tests shall be conducted in accordance with the following procedures:
 - a. The city shall, to the extent practicable, identify all sources contributing sound to the point of measurement.
 - b. Measurements shall be taken at or within the property line of the affected person(s), including the city.
 - c. The SLM must be calibrated using a calibrator recommended by the SLM manufacturer before and after each series of readings and at least once each hour.
 - d. The SLM must be recertified and the calibrator must be recalibrated at least once each year by the manufacturer or by a person that has been approved by the NCA. A copy of written

documentation of such recertification and recalibration, in a form approved by the NCA, shall be kept with the equipment to which it refers.

- e. No outdoor measurements shall be taken:
 - (1) During periods when wind speeds (including gusts) exceed fifteen (15) mph;
 - (2) Without a windscreen, recommended by the SLM manufacturer, properly attached to the SLM;
 - (3) Under any condition that allows the SLM to become wet; or
 - (4) When the ambient temperature is out of the range of the tolerance of the SLM.
3. The report for each measurement session shall include:
 - a. The date, day of the week, and times at which measurements are taken;
 - b. The times of calibration;
 - c. The weather conditions;
 - d. The identification of all monitoring equipment by manufacturer, model number, and serial number;
 - e. The normal operating cycle of the sources in question with a description of the sources;
 - f. The ambient sound level, in dBA, with the sources in question operating;
 - g. The background sound level, in dBA, without the sources in question operating; and
 - h. A sketch of the measurement site, including measurement locations and relevant distances, containing sufficient information for another investigator to repeat the measurements under similar conditions.
4. Prior to taking noise measurements, a city official or his designee shall explore the vicinity of the source in question to identify any other sound sources that could affect measurements, to establish the approximate location and character of the principal sound source, and to select suitable locations from which to measure the sound from the source in question.
5. When measuring continuous sound, or sound that is sustained for more than one (1) second at a time, the SLM shall be set for A-weighting, slow meter response speed, and the range (if the SLM is designed to read levels over different ranges of SPLs) shall be set to that range in which the meter reads closest to the maximum end of the scale. When the measured sound level is variable or fluctuating over a range greater than $\pm$ three (3) dBA, using the slow meter response speed, the fast meter response speed shall be used. In either case, both the minimum and maximum readings shall be recorded to indicate the range of monitored values.
6. The SLM shall be placed at a minimum height of three (3) feet above the ground or from any reflective surface. When handheld, the microphone shall be held at arm's length and pointed at the source at the angle recommended by the SLM manufacturer.
7. If extraneous sound sources, such as aircraft flyovers or barking dogs, that are unrelated to the measurements increase the monitored sound levels, the measurements should be postponed until these extraneous sounds have become of such a level as not to increase the monitored sound levels of interest.
8. The monitoring session should last for a period of time sufficient to ensure that the sound levels measured are typical of the source in question, but in no event shall the duration of testing be less than five (5) minutes.

9. The background sound levels shall be subtracted from the measured sound levels of the source of interest by using Table 1 to determine the sound levels from the source of interest alone. If the ambient sound level is less than three (3) dBA higher than the background sound level, the source level cannot be derived and a violation of the article cannot be substantiated.

Table 1: Correction for background levels

(In dBA)	
Difference between ambient and background sound levels	Correction factor to be subtracted from ambient level for source level
3	3
4, 5	2
6—9	1
10 or more	0

B. Maximum Permissible Sound Levels.

1. It shall be unlawful, except as expressly permitted herein, to make, cause or allow the making of any noise or sound which violates the provisions of this chapter.
2. No person shall operate or cause to be operated any source of sound from any location in such a manner as to create a sound level which exceeds the limits set forth in Table 2 for the receiving land use category (zoning classification) as measured at any point along the real property boundary separating the real property from which the sound emanates from the receiving land use category.
3. Sound level measurement shall be made with a sound level meter using the A-weighting scale in accordance with the standards promulgated by the American National Standards Institute (ANSI) for a Type 2 or better sound level instrument and with the measurement period being the minimum of thirty (30) minutes continuous duration.
4. Impulsive sounds as defined in this chapter shall be permitted provided such impulsive sounds do not create a sound level which exceeds the limits set forth in Table 2 for the receiving land use category as measured at the real property boundary when measured at or beyond the property boundary of the land use category from which the sound emanates.
5. If the sound source in question is a pure tone then the sound level limitations set forth here in Table 2 shall be reduced by five (5) db.

**MAXIMUM PERMISSIBLE SOUND
LEVELS Leq dB (A)**

Averaged over six (6) minutes

TABLE 2

Receiving Property	Daytime (7:01 a.m.—11:00 p.m.)	Nighttime (11:01 p.m.—7:00 a.m.)
Zoning Classification Residential (RA, R-1, R-2, R-3, RD, RM, RMH, PD, PTD)	55	50
Commercial (C-1, C-2, and C-3)	70	65
Industrial (O-I, M-1, and M-2)	75	70

At no time shall noise levels be produced that exceed sixty-five (65) dB(C) Leq (one (1) second) at a residential receiving property line.

(Ord. 02-38 § 3, 2002)

(Ord. No. 21-489 , § 1(Exh. A), 8-31-2021)

11.26.040 Specific prohibitions.

- A. It shall be unlawful for any person to make, continue to make or cause to be made, within the city, any loud, unnecessary or unusual sound or noise which either unreasonably annoys, disturbs, injures, or unreasonably endangers the comfort, repose, health, peace, or safety of others, and which is audible to a person of reasonably normal hearing ability more than fifty (50) feet from the point of origin of such sound or noise. The general prohibition in this subsection includes the use of consumer fireworks that create loud and unreasonable noise, except during the following dates and times: after the time of 10:00 a.m. and up to and including the time of 11:59 p.m. on January 1, the last Saturday and Sunday in May, July 3, July 4, the first Monday in September, and December 31 of each year; and beginning at the time of 12:00 midnight and up to and including the ending time of 1:00 a.m. on January 1 of each year.

Specific Prohibitions:

- B. In addition to the general prohibitions set out above, the following specific acts, **without limitation**, are declared to be **loud, disturbing, or unnecessary sounds or noises** in violation of this chapter:
- ~~1. — Horns, Signaling Devices. The sounding of any horn or signaling device on any motor vehicle or any street or public place in the city continuously and/or incessantly for a period in excess of sixty (60) seconds, except as a danger warning.~~
 - ~~2. — Radios, Televisions, Loudspeakers, Musical Instruments, and Similar Amplified Devices. The operating and playing of any horn, player piano, radio, phonograph, computer, MP3, compact disc, computer disk, or audio tape player, musical instrument, loudspeaker, or similar device or attachment which produces or reproduces sound on the public right-of-way in such a manner as to be plainly audible to any person other than the operator of the device, except by permit issued by the city pursuant to Section 11.26.050(B). Provided, however, that sound amplification to a level of sixty-five (65) decibels at a hundred (100) feet from the source of the sound without a permit shall be allowed for a limited period of time not to exceed two (2) hours.~~
 - ~~3. — Animals. The owning, possessing or harboring of any animal which frequently, or for continued duration howls, barks, meows, squawks or makes other sounds which annoy or disturb an ordinary reasonable person of normal sensitivities across a residential or commercial boundary line or within a noise sensitive area. For the purpose of this chapter, "barking dog" shall mean a dog that barks, bays, cries, howls, or makes any other noise continuously and/or incessantly for a period of fifteen (15) minutes, or barks intermittently for one half (½) hour or more to the disturbance of any person at any time of the day or night, regardless of whether the dog is physically situated in or upon private property; provided, however, that a dog shall not be deemed a "barking dog" if, at the time the dog is barking making any other noise, a person is trespassing or threatening to trespass upon property in or upon which the dog is situated.~~
1. Horns, signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or other place in the city, except as a danger warning. The creation of any unreasonably loud or harsh sound by means of any such signaling device and the sounding of any such device for any unnecessary and unreasonable period of time.
 2. Radios, phonographs, stereos, tape players, compact disc players, other handheld music players, or similar devices. The using, operating, or permitting to be played, used, or operated of any machine or device for the producing or reproducing of sound within the city in such manner as to unreasonably disturb the peace,

quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is reasonably necessary for convenient hearing for the person who is in the room, vehicle, or chamber in which such machine or device is operated and who is a voluntary listener thereto. The operation of any such set, instrument, phonograph, machine, or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible to a person with reasonably normal hearing at a distance of fifty (50) feet from the room, building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section.

3. Loudspeakers, amplifiers for advertising or attention. The using, operating, or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device within the city for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or otherwise attracting the attention of the public for any purpose to any building or structure.
4. Yelling, shouting, etc. Yelling, shouting, hooting, or whistling on the public streets, between the hours of 10:00 p.m. and 7:00 a.m. or at any time or place so as to unreasonably annoy or disturb the quiet, comfort, or repose of persons in any office, dwelling, hotel, or other type of residence, courtroom, or city council chambers.
5. Animals, birds. The keeping of any animal or bird within the city which, by causing frequent or long continued sound or noise, shall unreasonably disturb the comfort or repose of any persons.
6. Exhausts. The discharge within the city into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, or motorboat except through a muffler or other [device] which effectively prevents unreasonably loud or explosive noises therefrom.
7. Defect in vehicle or load. The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such manner as to create unreasonably loud and unnecessary grating, grinding, rattling or other noise.
8. Loading, unloading, opening boxes. The creation of any unreasonably loud and excessive noise within the city in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers, between the hours of 10:00 p.m. and 7:00 a.m.
9. Construction or repair of buildings. The erection (including excavating), demolition, alteration, or repair of any building within the city located on a lot zoned for residential use or used for residential use between the following hours: a. Eastern Standard Time: Monday through Saturday 6:00 p.m. to 7:00 a.m. Sunday 7:00 p.m. to 10:00 a.m. b. Eastern daylight Savings Time: Monday through Saturday 8:30 p.m. to 7:00 a.m. Sunday 7:00 p.m. to 10:00 a.m.
10. Schools, courts, churches, hospitals. The creation of any excessive and unreasonable noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which reasonably interferes with the working of such institution, or which disturbs or unduly annoys patients in the hospital; provided that conspicuous signs are displayed in such streets indicating that school, hospital, church, or court is nearby and the hours of operation. Noise caused by school events in conjunction with sports activities, public performances and related activities shall not be deemed excessive and unreasonable noise during the event.
11. Hawkers, peddlers, vendors. The shouting and crying of peddlers, hawkers, or vendors within the city which unreasonably disturbs the peace and quiet of the neighborhood.
12. Noises to attract attention. The use of any drum or other instrument or device within the city for the purpose of attracting attention to any performance, show or sale by creation of the noise.
13. Pile drivers, hammers, similar equipment. The operation within the city between the hours or 10:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by unreasonably loud sounds or noises.
14. Blowers. The operation within the city of any noise-creating blower, vacuum, or power fan between the

hours of 10:00 p.m. and 7:00 a.m., the operation of which causes unreasonable sounds or noises.

15. Sound trucks. The use within the city of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other commercial purposes or when used at such an unreasonably loud volume so as to unreasonably disturb persons in their residences, offices, schools, hospitals, churches, or courts; or for noncommercial purposes when used between the hours of 10:00 p.m. and 7:00 a.m.

16. Alarms and Emergency Warning Systems.

- a. Except in a case of an emergency, the intentional sounding of any alarm between the hours of nine (9:00) p.m. and eight (8:00) a.m.
- b. The testing of any alarm for a period in excess of sixty (60) seconds at any time.
- c. The testing of a complete emergency warning system, including the signaling device and the personnel response to the signaling device, more than once in each calendar month, and the sounding of said emergency warning system for a period in excess of fifteen (15) minutes.

C. Temporary Permit Procedures and Requirements.

1. Sound Amplification Devices.

- a. General. Except as otherwise provided for in this chapter, no person shall use or operate, or cause to be used or operated, any sound amplification device in any location within the city where the sounds therefrom may be heard in any public place or public street without first having obtained a permit from the city. For purposes of this chapter, "sound amplification device" shall mean means the speaker or mechanism from which amplified sound emanates.
- b. Separate Permits. A separate permit and fee shall not be required for each sound amplification device but shall be required for each day during which a sound amplification device is used; provided, however, where authorized by this chapter, a single permit may be issued which will extend for the two-hour period between 12:01 a.m. and two (2:00) a.m. of the subsequent day. This restriction shall not apply where the permit is requested to use or operate a sound amplification device in a park or in connection with an activity for which the city council has approved a street closure.
- c. Frequency of Permit Issuance. No permit may be issued for the use or operation of a sound amplification device if a sound amplification permit had been obtained for the same tract of land or address within the previous thirty (30) days; provided, however, this restriction shall not apply to parks or in connection with an activity for which the city council has approved a street closure.
- d. Application Procedure. Each person desiring to use or operate a sound amplification device shall make an application in writing to the city clerk on form(s) provided by the city, requesting a permit for such use or operation. The form of such application shall be prescribed by the city clerk and shall include the name, address and telephone number of the applicant; the address or location upon which the applicant proposes to use or operate a sound amplification device; the hours during which the applicant proposes to use or operate such device; and a statement by which the applicant accepts and assumes responsibility for ensuring compliance with all terms and conditions of any permit issued to the applicant.
- e. Permit Based on Certain Conditions. The city clerk shall, upon receipt of such application and after payment of the required application fee, issue the applicant a sound amplification permit in accordance with the conditions established in this chapter:
 - (1) No permit shall be issued for the use or operation of a sound amplification device at any location within one hundred (100) feet of any property having a residential zoning designation; provided, this restriction shall not apply to public parks or a street closure approved by the city council;

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- (2) No permit shall be issued for the use or operation of a sound amplification device located for within three hundred (300) feet of a school, church or hospital; provided, however, this prohibition shall not apply if approval in writing is obtained by the applicant from the affected school, church or hospital, and included with the application;
 - (3) A permit for the use of a sound amplification device on a vehicle traveling the public streets or rights-of-way will be granted conditioned upon the use of such device between the hours of ten (10:00) a.m. and seven (7:00) p.m. only on Monday through Saturday, and between the hours of twelve (12:00) noon and six (6:00) p.m. on Sunday. Notwithstanding any other provision of this chapter, written permission of a church, school or hospital shall not be required as a condition for the issuance of a permit for the amplification of sound from a moving vehicle;
 - (4) If the sound amplification device is to be used or operated within a park, any permit shall be conditioned upon the use or operation of such device between the hours of ten (10:00) a.m. and eleven (11:00) p.m., except as provided hereinafter:
 - (A) If approval for use of the park beyond the established curfew has been obtained from the city, and the sound amplification device is to be used or operated on a permanently constructed bandstand, or within or about a building utilized for dances, performances, parties or similar activities, any permit shall be conditioned upon the use or operation of such device between the hours of ten (10:00) a.m. and two (2:00) a.m.;
 - (B) If approval for use of the park beyond the established curfew has been obtained from the city, and the amplified sound device is more than six hundred (600) feet from any property having a residential zoning designation, any permit shall be conditioned upon the use or operation of the sound amplification device between the hours of ten (10:00) a.m. and two (2:00) a.m.;
 - (C) In addition to the preceding time restrictions, no amplification device shall be used or operated within a park to produce a sound in excess of eighty-five (85) dB between ten (10:00) a.m. and eleven (11:00) p.m.; and eighty (80) dB between eleven (11:00) p.m. and two (2:00) a.m., as measured one hundred (100) feet in front of the device or at the boundary of such park in front of the device, whichever distance is lesser.
 - (5) If the tract of land or location upon which the applicant proposes to use or operate the sound amplification device is beyond one hundred (100) feet but within six hundred (600) feet of any property having a residential zoning designation, any permit will be conditioned upon such use or operation between the hours of ten (10:00) a.m. and eight (8:00) a.m. on Sunday through Thursday, and between the hours of ten (10:00) a.m. and eleven (11:00) p.m. on Friday and Saturday.
 - (6) If the tract of land or location upon which the applicant proposes to use or operate the sound amplification device is beyond six hundred (600) feet of any property having a residential zoning designation, any permit will be conditioned upon such use or operation between the hours of ten (10:00) a.m. and two (2:00) a.m.
- f. Copy for Permittee. A copy of any original permit shall be provided to the applicant.
- g. Exemptions.
- (1) The permit requirement contained in this section shall not apply to a person using a device for the amplification of sound at a permanent business location or at a stadium or ballpark,

or at a church where such device is used for the amplification of clarions. Such persons shall be governed by the provisions of this section generally.

- (2) The permit requirement shall also not apply to officers and employees of the city, the county, the state, the United States of America or any official governmental entity when such amplification of sound is being used by such officer or employee while engaged in his official duty.
- h. Fee. Applicants for permits shall pay a fee of twenty-five dollars (\$25.00) to cover expenses resulting from the processing of the application for a temporary permit.
- i. No temporary permit shall be approved unless the applicant presents adequate proof that:
 - (1) Noise levels occurring during the period of the temporary permit will not constitute a danger to public health; and
 - (2) Compliance with the chapter would impose an unreasonable hardship on the applicant without equal or greater benefits to the public.
- j. In making the determination of granting a temporary permit, the city shall consider the following factors:
 - (1) The character and degree of injury to, or interference with, the health and welfare or the reasonable use of property that is caused or threatened to be caused;
 - (2) The social and economic value of the activity for which the temporary variance is sought; and
 - (3) The ability of the applicant to apply the best practical noise control measures.
- k. The temporary permit may be revoked by the city if the terms of the temporary permit are violated.
- l. A temporary permit may be revoked by the city if there is:
 - (1) Violation of one (1) or more conditions of the temporary permit;
 - (2) Material misrepresentation of fact in the temporary permit application; or
 - (3) Material change in any of the circumstances relied on by the city in granting the temporary permit.

(Ord. 02-38 § 4, 2002)

(Ord. No. 21-489 , § 1(Exh. A), 8-31-2021)

11.26.050 Exemptions.

The following are exempt from the sound level limits of Table 2, set forth at the end of Section 11.26.030:

- 1. Domestic power tools, chain saws, lawn mowers, blowers, agricultural equipment and other domestic power-operated equipment when operated with a properly functioning muffler meeting manufacturer's standards, between the hours of seven (7:00) a.m. and eleven (11:00) p.m. on weekdays, and between the hours of eight (8:00) a.m. and nine (9:00) p.m. on Sundays.
- 2. Noises resulting from any authorized emergency vehicles when responding to an emergency.

3. Noises made by persons having obtained a parade, concert or construction permit from the city, except to the extent provided for elsewhere in Chapter 11.26, the permit conditions, or provisions of the city code regulating parades, concerts, or construction.
4. Any noise resulting from activities of a temporary duration, for which a special permit has been granted pursuant to this chapter, and which conforms to the conditions and limits stated thereon.
5. Aircraft-related noises associated with aircraft while in flight and while under the jurisdiction of the Federal Aviation Administration or the Department of Defense.
6. Railroad-related noises associated with trains while operating and while under the jurisdiction of applicable federal or state entities.
7. This will not apply to the operations of existing mining operations within the city.

(Ord. 02-38 § 5, 2002)

(Ord. No. 21-489 , § 1(Exh. A), 8-31-2021)

11.26.060 Motor vehicles.

- A. **Maximum Sound Levels.** No person shall operate a motor vehicle or motorcycle at any time on a public or private road in such a manner as to exceed the sound level limits for the category of motor vehicle shown in Table 3, which appears at the end of this section. The sound level shall be measured at a distance of at least fifty (50) feet from the centerline of the path of the vehicle being monitored and at a height of at least four (4) feet above the immediately surrounding surface. This section shall apply to the total noise from a vehicle.
- B. **Adequate Mufflers or Sound-Dissipative Devices.**
 1. No person shall operate or cause to be operated any motor vehicle or motorcycle on a public or private road which is not equipped with a muffler in proper working order and in constant operation.
 2. No person shall remove or render inoperative or cause to be removed or rendered inoperative any muffler or sound-dissipative device on a motor vehicle or motorcycle other than for purposes of maintenance, repair or replacement.
 3. The provisions of the subsections of this section apply to moving motor vehicles. Those motor vehicles operating in a stationary position or condition are governed by the provisions of Section 11.26.030 and the levels specified in Table 2.

APPLICABLE NOISE LIMITS

TABLE 3

No person shall operate a motor vehicle or combination of vehicles of a type subject to registration by the motor vehicle laws of the State of Georgia at any time or under any conditions of grade, load, acceleration or deceleration in such a manner as to exceed the following noise limits for the category of motor vehicle within the speed limits specified below:

Sound Level in Decibels

A-scale (dBA)

Motor Vehicle Category	35 mph or less	More than 35 mph
Motor vehicles with a weight rating of 86 6,000 pounds or more		90
Any motorcycle or other than motor- driven cycle	82	86

(Ord. 02-38 § 6, 2002; Ord. No. 21-489 , § 1(Exh. A), 8-31-2021)

11.26.070 Special temporary permits.

- A. Any person desiring temporary relief from any provisions of this chapter may apply for a special permit to cause or create a noise at sound levels which would otherwise be in violation of this chapter. Applications for a special permit shall be made in writing to the city manager or his designee on forms provided for that purpose. The city manager or his designee shall conduct an investigation and make a recommendation to the mayor and city council concerning such permit. In this connection, the city manager or his designee may require the applicant for the special permit to submit reports and documents showing noise levels customarily generated by such activity, proposed means for regulating or controlling such sounds, and other such information and data as may be deemed appropriate by the building official. The fee of twenty-five dollars (\$25.00) shall accompany the application.
- B. The special permit provided in this chapter may be granted to the applicant by the mayor and city council for a period of up to fifteen (15) days following a review of the report and information complied by the building official and upon a showing of any of the following:
 - 1. Additional time is necessary for the applicant to alter or modify the sound-producing activity in order to comply with the provisions of this chapter;
 - 2. The activity operation or noise source shall be of a temporary duration, and repetitive and continuous, and cannot be done in a manner that would comply with the provisions of this chapter; or
 - 3. No reasonable economic or technological alternative, as determined by the mayor and city council in its sole discretion, is currently available to the applicant.
- C. Any permit granted pursuant to this section shall contain thereon all conditions upon which said permit shall have been granted, including but not limited to the effective date of the permit, the time of day when the noise-producing activities may be conducted by the applicant, the location in which said activities may be conducted, the duration of the permit, any sound, level limits imposed by the permit, and any equipment limitations that may be imposed.
- D. Any special permit granted hereunder may be extended upon new application made for additional fifteen (15) day intervals by the mayor and city council provided good cause is shown.

(Ord. 02-38 § 7, 2002)

(Ord. No. 21-489 , § 1(Exh. A), 8-31-2021)

11.26.080 Enforcement responsibility.

- A. Upon receipt of a complaint brought by a citizen or property owner or upon their own motion following independent investigation of possible infractions of this chapter, the mayor, or his or her authorized designees, and all city law enforcement personnel, including members of the Henry County Police Department, shall be authorized to enforce the provisions of this chapter.

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- B. The expenses of sound level testing performance by the city in checking the sound levels produced by a particular land use or activity may, at the discretion of the city, be assessed against the producer of such sound or against the complaining party if the complaint is found to be wholly frivolous and without merit.

(Ord. 02-38 § 8, 2002)

(Ord. No. 21-489 , § 1(Exh. A), 8-31-2021)

11.26.090 Penalties.

- A. Any person violating the terms of this chapter shall be punished in municipal court as provided for in Section 1.04.080.
- B. Each day any violation of this chapter shall continue shall constitute a new and separate offense.
- C. In addition to the penalties provided in this section, any condition caused or permitted to exist in violation of any provisions of this chapter shall be deemed a public nuisance and may be abated by the city or its designee as provided by law or ordinance, either summarily by a restraining order or by a court of competent jurisdiction.

(Ord. 02-38 § 9, 2002)

(Ord. No. 14-345, § 26, 5-12-2014; Ord. No. 21-489 , § 1(Exh. A), 8-31-2021)

11.26.100 Inconsistent provisions.

Insofar as the provisions of this chapter are inconsistent with any other title of the city code, or any other rule or regulation of the city, then the provisions of this noise control ordinance shall be controlling.

(Ord. 02-38 § 10, 2002)

(Ord. No. 21-489 , § 1(Exh. A), 8-31-2021)



City of Stockbridge

AGENDA ITEM

MEETING DATE

June 29, 2021

FUNDING SOURCE

- ☐ RESOLUTION
- ☐ ORDINANCE
- ☐ CONTRACT APPROVAL/RENEWAL
- ☐ PUBLIC HEARING
- ☐ PRESENTATION
- ☐ BID SELECTION/AWARD
- ☒ TASK ORDER
- ☐ CHANGE ORDER
- ☐ BUDGET AMENDMENT
- ☐ BUDGET TRANSFER
- ☐ PAYMENT APPROVAL
- ☐ OTHER

- ☐ GENERAL FUND
- ☐ FUND BALANCE
- ☐ SPLOST IV
- ☐ TSPLOST
- ☐ GRANT FUNDING
- ☐ COUNCIL INITIATIVE
- ☐ PARTNER/SPONSOR
- ☐ DEPARTMENT FUND BALANCE
- ☐ BONDING
- ☒ OTHER—Multiple Funding sources

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER: Frederick Gardiner City Manager

DEPARTMENT: Executive

ITEM/PROJECT/EVENT:

Council Consideration and approval of the funding option or not on the Cultural Arts Center.

BACKGROUND INFORMATION:

Council authorized the funding and construction of the Cultural Arts Center in 2020. \$14 million dollars was set aside to design, engineer and construct the facility. To date the cost has increase to \$25.7 million and staff was tasked with evaluating potential funding to address the short fall.

SIGNATURES:

CITY MANAGER

CITY TREASURER

CITY ATTORNEY

☒ FINANCIAL IMPACT ☐ N/A

ATTACHMENTS:

Stockbridge Cultural Art Center Funding Options



6/22/2022

Stockbridge Cultural Arts Center Potential Funding Sources

- General Fund on an annual fiscal year budgetary basis
- City General Fund Cash Fund Balance
- Bond Finance via the Market over a 20-25 period
- SPLOST VI in 2025 if approved by the voters at the end of SPLOST V in 2025
- Community Development Block Grant (CDBG) Funds
- Private Sector Grants
 - Ford Foundation
 - Andrew W. Mellon Foundation
 - Bernard Osher Foundation
 - Andy Warhol Foundation
 - Robert W. Woodruff Foundation
- Combination of All Above Referenced Sources

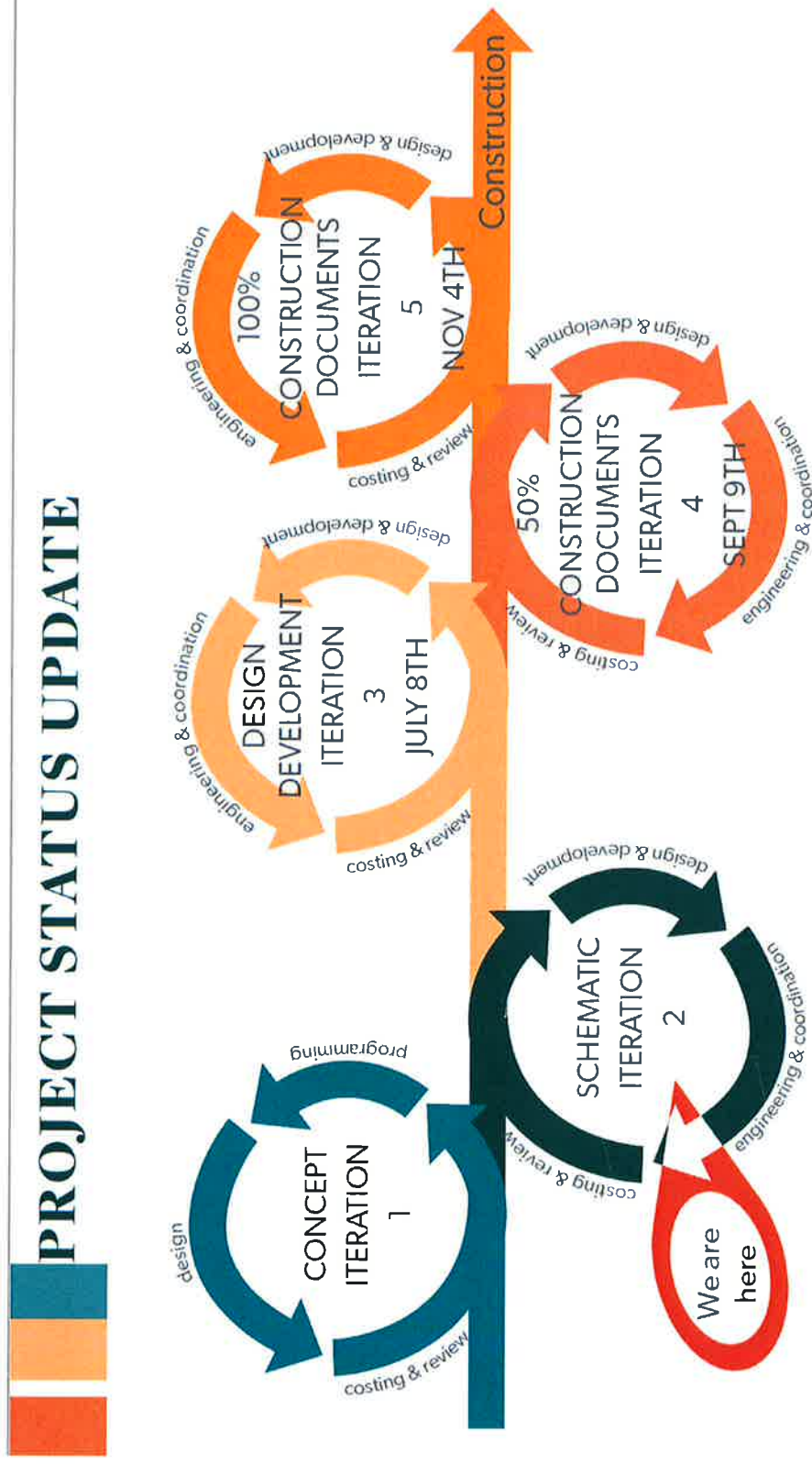


Stockbridge Cultural Arts Center Current Funds

- Public Facilities Authority 2021 Series C Bonds:
 - Borrowed \$14,865,000 Dedicated as follow:
 - \$11,100,000 to the Cultural Arts Center
 - \$3,000,000 to the Police Equipment
- Borrowed \$2,900,000 Series B Bonds from SPLOST V
- Total Available Funds = \$14,000,000

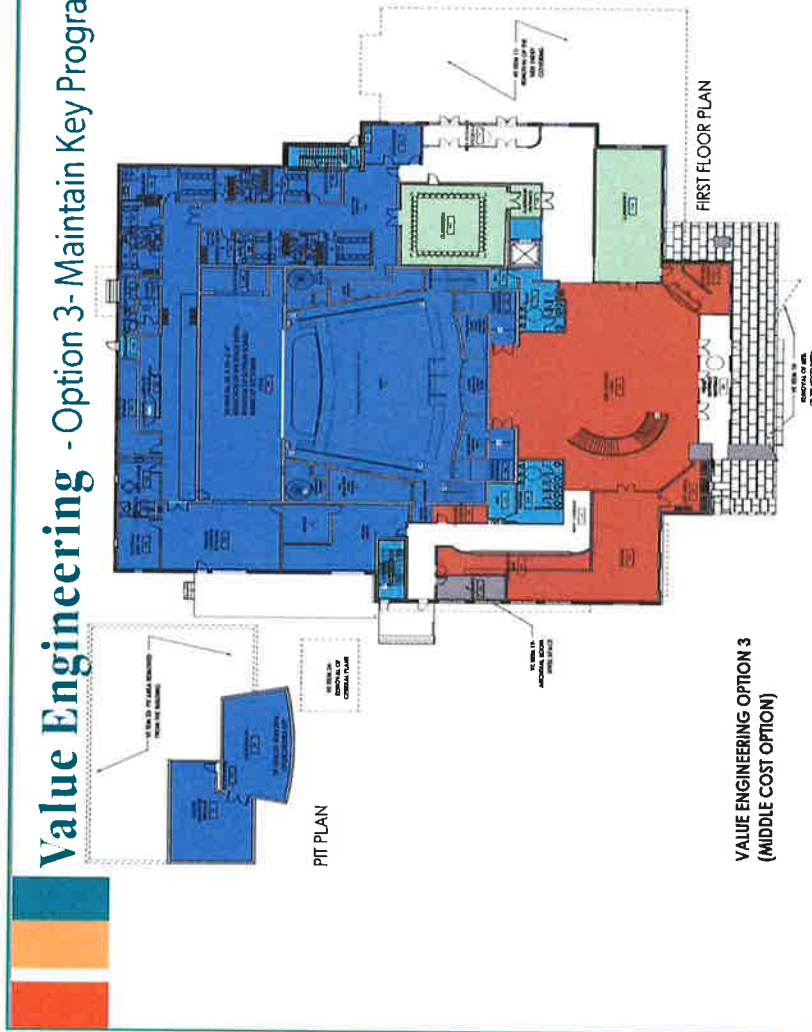


Stockbridge Cultural Arts Center Timeline



Stockbridge Cultural Arts Center Funding Option 1

Value Engineering - Option 3- Maintain Key Program \$25.3



Funding Option 1:

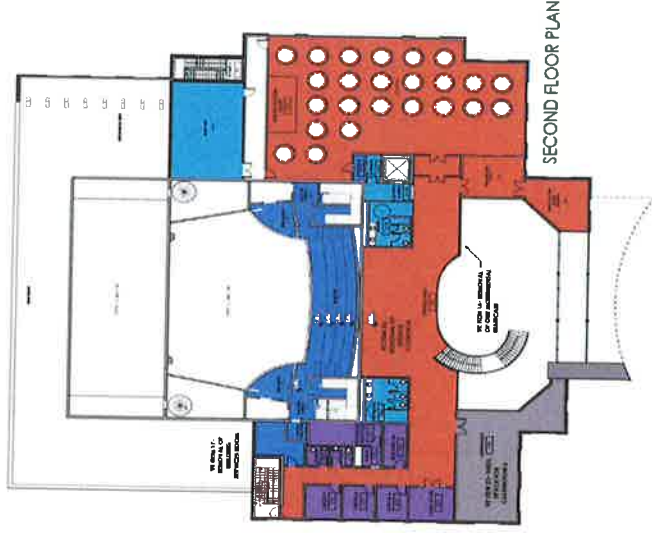
- Utilized existing \$14 million dollars to fund the facility.
- Bond Finance the \$11 Million Dollars to fund the gap
- Repay Bond with Future SPLOST VI in 2026
- City would have to pay interest on Bond for up to one (1) year until SPLOST is approved
- Portion of SPLOST revenue will be dedicated to off the Bond over a four to five year period (Pay Go Format)

Risk of Option 1:

- If SPLOST VI is not approved, the City will have to make payments via the City's General Fund
- The General Fund would be strained due to other obligation such as the existing City Hall, Amphitheater, Police Department, etc.

Stockbridge Cultural Art Center Funding Option 2

Value Engineering - Option 3- Maintain Key Program \$25.3



VALUE ENGINEERING OPTION 3
(MIDDLE COST OPTION)

Funding Option 2:

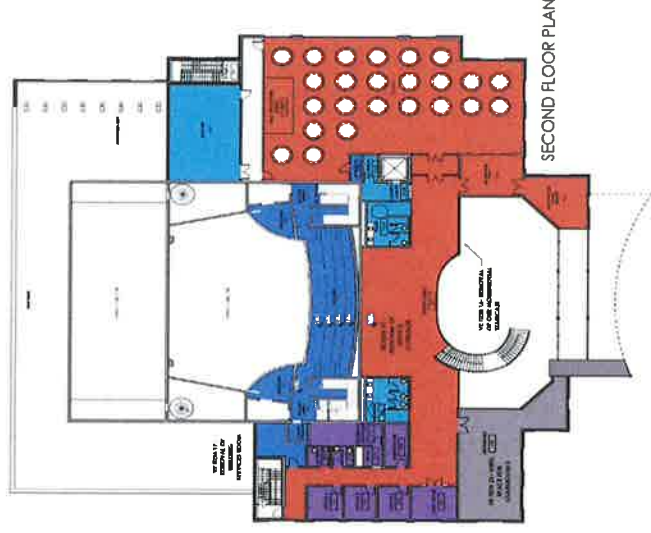
- Utilized existing \$14 million dollars to fund the facility.
- Bond Finance the \$6 Million Dollars to fund the gap
 - Repay Bond with Future SPLOST VI in 2026
- CDBG Funding \$3 Million Dollars
 - Request use of County CDBG funds under the ESG Program
- Grant Funding from Private Sources up to \$2 Million

Risk of Option 2:

- SPLOST VI is not approved by the voters in 2025/26
- General Fund is strained to repay Bonds due to other funding obligations
- Paying a higher interest rate on funds borrowed to inflationary times
- Henry County does not approve to obligation CDBG Funds to the Project if eligible
- Grant funding is very competitive and there is no guarantee the City's application would be funded

Stockbridge Cultural Arts Center Funding Option 3

Value Engineering - Option 3- Maintain Key Program \$25.3



VALUE ENGINEERING OPTION 3
(MIDDLE COST OPTION)

Funding Option 3:

- Utilized existing \$14 million dollars to fund the project up to construction documents iteration.
- Hold off on Bond Financing for 2-3 years to get a handle on combined projects impact on General Fund.
- Hold off on Bond Financing to see if Inflation subsides whereby the Federal Reserve to lower interest rates on short and long term borrowing.
- Apply for Grant Funding from Private Sources up to \$2 Million

Risk of Option 2:

- Inflation continues and interest rates on short and long term lending increases beyond where they are today
- Cost of construction and materials continue to increase beyond present day cost

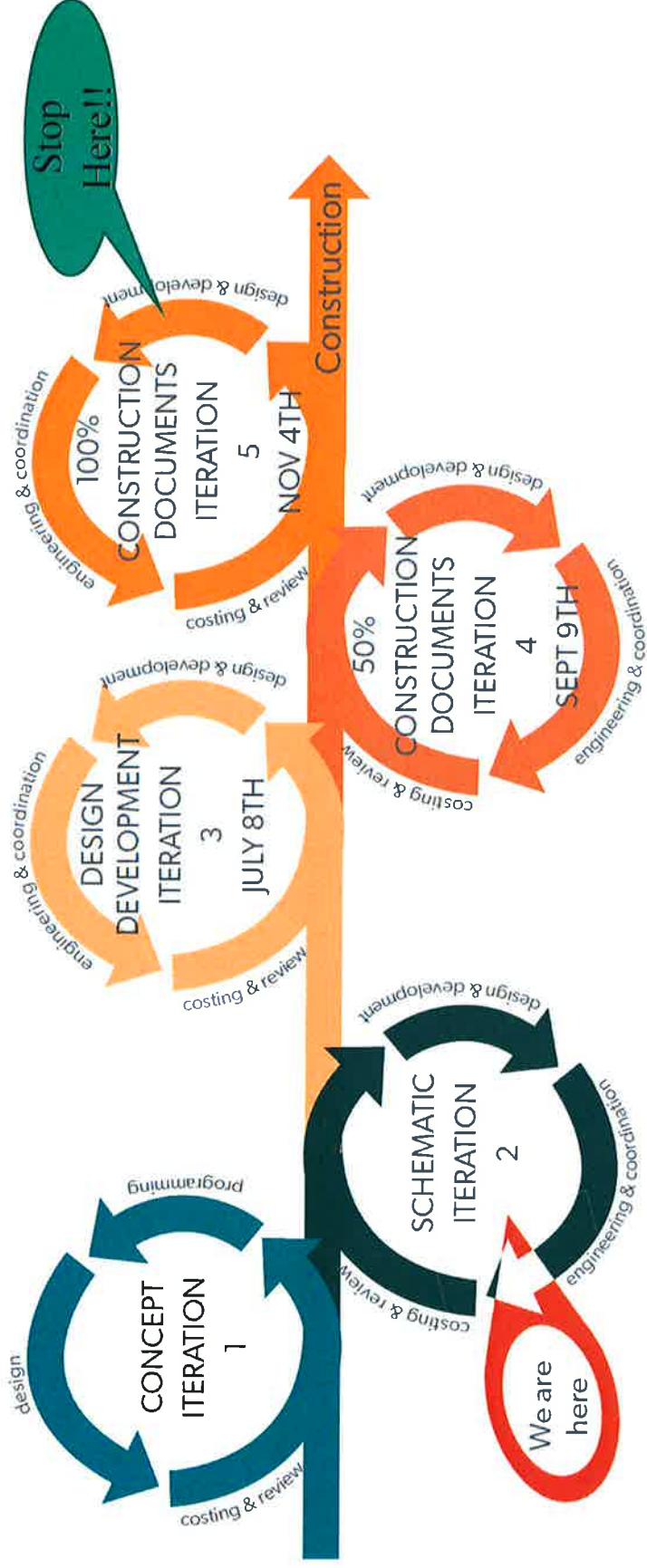
Recommendation:

- In the interim conduct a feasibility study on the cost benefit of the Cultural Arts Center viability at this time

Stockbridge Cultural Arts Center Timeline



PROJECT STATUS UPDATE



Questions and Answers



Stockbridge Amphitheater

Stockbridge, Georgia



Amphitheater Location:

4650 North Henry Blvd
Stockbridge, Georgia 30281

Administrative Offices:

4640 North Henry Blvd
Stockbridge, GA 30281
kjordan@cityofstockbridge-ga.gov

Stockbridge Amphitheater

Stockbridge, Georgia

Thank you for your interest in the Stockbridge Amphitheater located at City Hall in beautiful downtown Stockbridge, Georgia!

Constructed in 2021, the Stockbridge Amphitheater space consists of 2.7 of the park's 3.5 total acres. Terraced, stadium style, lawn seating areas, with sufficient slope, provides proper sight lines to the band stand for events.

The Amphitheater may be reserved and used for special events and performances with an expected attendance of 3,500 guests or less. Rental includes permanent restrooms, plaza, stage, dressing room, green room, loading area and terraced lawn seating areas.



Hours and Days of Availability

Page

1. Availability Schedule.....	1
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Reservation Procedures

2. Rental Application.....	1
3. Rental Agreement	2
4. Applicant Responsibilities	2

Amphitheater Use Fees and Policies

5. Payment of Fees and Deposits.....	3
6. Security/Damage Deposits.....	3
7. Returned Check Policy	4
8. Facility Rental and Deposit Rates	4
9. Rate Categories and Fees.....	4
10. Coordination of Services (Exclusive Services)	6
11. Detail Pay	6
12. Ticket Sales/Admission Fees	6
13. Payment for Emergency Medical and Police Personnel	6

Cancellations and Refunds

14. Cancellations and Refunds	7
15. Force Majeure.....	7
16. Inclement Weather.....	7

Insurance and Indemnification

17. Indemnification.....	8
18. Hold Harmless	8
19. Insurance Requirements.....	8

Event Safety and Security

20. Occupancy Limits.....	10
21. Access by Facility/City of Stockbridge Personnel	10
22. Courtesy Credentials.....	10
23. Fire, First Aid and Emergency Medical Services	11
24. Fire Safety, Pyrotechnics and Use of Lasers	11
25. Security and Law Enforcement.....	12
26. Crisis Communications	12
27. General Safety Requirements.....	13

Amphitheater Use and Maintenance Policies

28. Use of Space	13
29. Common Areas	13
30. “Back of House” Amenities and Hospitality	13
31. Clean Up and Custodial Services	14
32. Waste Removal.....	14
33. Storage	14
34. Amphitheater Property	14
35. Applicant’s Property	14
36. Lost, Found or Abandoned Property	15
37. Property Loss or Damage	15
38. Facility Alterations	15
39. Damage or Defacement of Facility, Equipment and Property	15
40. Inspections	16
41. Compliance with Cherokee County, State and Local Laws	16
42. Accommodations for Guests with Disabilities	16
43. Licenses and Permits	17
44. Business Licenses	17
45. Taxes.....	17
46. Move-in/Move-out (Load-In/Load-Out)	17
47. Deliveries	17
48. Building and Electrical Permits	17
49. Contractors.....	18
50. Sound and Lighting	18

51. Electrical Use.....	18
52. Rigging	18
53. Amplified Sound and Noise	19
54. Curfew, Time Limitations of Performances and Sound Checks/Rehearsals.....	19
55. Smoking and Tobacco Products	19
56. Confetti, Glitter and Streamers	20
57. Tents	20
58. Animals.....	20

Advertising and Sponsorship

59. Advertising	21
60. Event Sponsorship	21
61. Banners and Signs.....	21
62. Artist/Performer Contracts.....	21
63. Copyrights and Royalties.....	22
64. Filming	22

Concessions – Food, Beverages and Merchandise

65. Alcoholic Beverages.....	22
66. Concessions/Merchandise Sales	22
67. Food and Beverage	22

Traffic Control and Parking

68. Parking and Traffic Control	23
---------------------------------------	----

Guests Rules and Regulations

69. Allowable Items or Activities	24
70. Prohibited Items or Activities	24
71. Violations of Guest Rules and Regulations	25

Hours and Days of Availability

1. Availability Schedule

- a. The Amphitheater is available for rental during the following hours:

Sunday 9:00 am – 9:00 pm

Monday through Thursday 7:00 am – 10:00 pm

Friday and Saturday 7:00 am – 11:00 pm

- b. There will be no concerts or other special events scheduled on City of Stockbridge holidays.

New Year's Day

Good Friday

Memorial Day

Juneteenth

Labor Day

Martin Luther King's Day

Independence Day

Thanksgiving Day

Day after Thanksgiving

Christmas Eve

Christmas Day

- c. Non-City of Stockbridge Sponsored Events will be limited to **one (1) event per month**.

Reservation Procedures

2. Rental Application

- a. Reservations are accepted on a first come, first served, first pay basis. The full facility may be reserved up to 6 months in advance upon receipt of a signed Rental Agreement and all fees. All prospective Applicants must complete and submit a Rental Application and pay the application review fee of \$ 50.00 to the City of Stockbridge. The application must contain all required attachments, including an event proposal and proposed event site plan.
- b. The City of Stockbridge has the exclusive right to determine whether to allow an individual or organization to use the facility. The decision to approve or deny facility use is based on whether or not the planned event is in the best interest of the City of Stockbridge. All facility reservation requests will be evaluated on the following factors:
- Availability on the requested date(s)
 - Nature and character of the proposed event
 - Financial condition of the Applicant to undertake the event
(The City reserves the right to request financial statements and references)
 - Ability of the Applicant to properly manage the event
 - Ability of the facility to safely accommodate the event without damage to the facility
 - Applicant's prior rental history at the Amphitheater or other venues
 - Ability of the City of Stockbridge to adequately support the event
 - Safety concerns
 - Financial return to the City of Stockbridge
 - Impact on the surrounding community
 - Other events previously scheduled by the City or its entities.

- c. No oral agreements for use of the Amphitheater are valid. Reservations are valid when confirmed in writing with the approval of the Rental Application and Rental Agreement. If the request is rejected, the Applicant will be notified in writing from when the application is submitted.
- d. Rental Fee must be paid in full at the signing of the Rental Agreement. With few exceptions, all other fees are due at the signing of the Rental Agreement.
- e. Reservations are tentative and not final or binding in any manner until a Rental Agreement is signed by the Applicant, executed by the City of Stockbridge, and all appropriate fees are paid. The agreement must contain all required attachments, including an event proposal, proposed event site plan, licenses, and insurance documentation.
- f. The City of Stockbridge's Events Manager will work with each Applicant to provide the coordination necessary to hold events at the Amphitheater. All communications between the Applicant and the City of Stockbridge shall be through the Events Manager.

3. Rental Agreement

- a. Once the Rental Application is approved, the Amphitheater Office will prepare a Rental Agreement. An Applicant, or any other person, firm, or corporation may not advertise an event, sell tickets or use any space or facilities at the Amphitheater without a properly executed Rental Agreement. The Rental Agreement will provide the terms and conditions of the rental, fee information, insurance requirements, event dates, facility use restrictions, ticket sales information, and any other special conditions associated with the rental. Rental Agreements do not cover any space or accommodations other than those listed in the document.
- b. The Rental Agreement is solely between the Applicant and the City of Stockbridge; therefore, no other party/parties are allowed to represent the contracted parties. All persons signing the agreement must be at least 21 years of age, and shall be legally and financially liable and responsible for any damages and injuries that occur during the rental period.
- c. Applicants cannot sublease or assign its reservation to another individual, group, or organization without the prior written approval of Events Manager.
- d. Any misrepresentation as to the nature of the event, expected number of attendees, contact, or payment information, or any other falsification of permit documents will result in immediate cancellation of the event and forfeiture of all fees paid, and may also result in denial of future permit requests and/or legal action.
- e. **Equal Opportunity:** No person shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination in connection with an event held at the Amphitheater based on the grounds of race, religion, color, creed, national origin, sex, marital status, age or the presence of any sensory, mental or physical disability.

4. Applicant Responsibilities

- a. Applicants are solely responsible for organizing, financing, advertising, and conducting the event and activities stated on the Rental Application. Neither the City of Stockbridge nor the Amphitheater shall be a sponsor or supporter of an event unless agreed to in writing.

- b. Applicant shall pay for talent, sound and lights, stagehands, publicity, advertisements, backstage catering, event security, medical services, ASCAP/BMI, transportation, trash removal, equipment (to include a bucket lift, portable lighting, fencing and barricades etc.), telephones, event maintenance, crowd sanitation, runners, personnel and services necessary for the efficient and safe presentation of events at the Amphitheater.
- c. Rentals may require the provision of additional portable toilets at the sole cost of the Applicant depending on the scope and nature of the proposed event. Final determination of the number of portable toilets is at the discretion of the Events Manager.
- d. Applicant shall obtain or shall require its agents and contractors to obtain all necessary permits, licenses, and liability insurance. Applicant shall abide by all applicable laws and ordinances and these rules and regulations.
- e. Applicant shall provide the Events Manager with a list of event staff and their designated areas of responsibilities. The staff list should include a clear indication of those staff members authorized to access the facility. Applicant shall identify an authorized representative to obligate Applicant for charges for services, personnel, and equipment.
- f. Applicant is responsible for obtaining an efficient form of communication for its event staff.

Amphitheater Use Fees and Policies

5. Payment of Fees and Deposits

- a. All fees payable to the City of Stockbridge in connection with renting the Amphitheater shall be paid with a corporate check, money order, cashier's check or credit card (MasterCard, Discover or VISA). The full Rental Fee is due upon the signing of the Rental Agreement. If full payment is not received by this time, The City of Stockbridge will cancel the reservation and will retain all deposits paid by Applicant. Failure to pay all fees may also result in denial of future permit requests.
- b. For events booked within 30 days of the event date, payment will be due in full immediately, and will only be accepted in the form of money order, cashier's check or major credit card.

6. Security/Damage Deposits

- a. The minimum security/damage deposit (Dollar value equal to 1/2 of the Rental Fee) is required at the signing of the Rental Agreement. Depending upon the scope and nature of the proposed event, the City may use its discretion to increase the amount of the security/damage deposit.
- b. Deposits shall be used to repair, replace, or pay for any property damage that occurs during the rental either by the Applicant or any participant at the event produced by the Applicant. The unused portion of the deposit may be refunded to the Applicant after the event. However, the deposit may be held at the City's discretion for any period of time necessary to determine the full extent of damages and to make all repairs and/or secure replacements. The deposit shall be returned upon the following conditions:
 - 1. All terms of the contract have been met.
 - 2. All facilities are left in good and clean condition.

3. Cancellation procedures have been followed.

- c. An advance security/damage deposit does not relieve the Applicant of the obligation to provide a Certificate of Insurance as outlined in the Rental Agreement and these policies, nor does it limit the City's right to charge the Applicant for the full amount of damages incurred.
- d. If no damage is found, or if the deposit posted exceeds the damage claim, the excess security/damage deposit will be applied to any outstanding charges for rental, equipment, or services. Any remaining deposit will be refunded by City of Stockbridge check or credited to the original credit card.

7. Returned Check Policy

Any returned checks on a security/damage deposit or rental fee will result in a \$35 service fee. Upon receipt of a returned check, any and all reservations will be immediately cancelled.

8. Facility Rental and Deposit Rates

- a. All fees for the Amphitheater are established by the City of Stockbridge City Council and are subject to change.
- b. Rental charges refer to the rental of the facility and do not include the cost of any labor or other costs not explicitly stated otherwise. User costs vary depending on the nature of the event.

9. Rate Categories and Fees

Civic and Educational Events

\$2,500

(Per 6 Hour Minimum)

- Events that are held by a public, civic, educational, religious or charitable organization.
- A private, non-profit group must be registered with the Georgia Secretary of State and have a 501 (c) (3) status.
- No admission, entry, or any other fees, donation or revenue producing activities may be utilized or charged.
- Any costs for services provided by and incurred by the City of Stockbridge for the operation of the event must be paid.
- Each additional hour of rental time required beyond the six-hour minimum will incur a fee of \$200 per hour.

Non-Profit Benefit Events**\$2,500****(Per 6 Hour Minimum)**

- Events that are held by a public, civic, educational, religious or charitable organization.
- A private, non-profit group must be registered with the Georgia Secretary of State and have a 501 (c) (3) status.
- Event is Open to the Public.
- Admission or entry fees may be charged
- The Primary focus of the event is to raise funds for a charitable purpose.
- Political action groups, political parties, and political candidates do not meet the qualifications for the non-profit or civic group rate.
- Any costs for services provided by and incurred by the City of Stockbridge for the operation of the event must be paid.
- Each additional hour of rental time required beyond the six-hour minimum will incur a fee of \$200 per hour.

Private Events**\$7,500****(Per 6 Hour Minimum)**

- Closed to the public with no admission or entry fees charged
- Non-revenue producing event
- Any costs for services provided by and incurred by the City of Stockbridge for the operation of the event must be paid.
- Each additional hour of rental time required beyond the six-hour minimum will incur a fee of \$500 per hour.

Commercial / For Profit Events**\$10,000****(Per 6 Hour Minimum)**

- Open to the public where the primary objective is making a profit
- Admission or entry fees are charged
- Any costs for services provided by and incurred by the City of Stockbridge for the operation of the event must be paid.
- Sponsor signage
- Each additional hour of rental time required beyond the six-hour minimum will incur a fee of \$500 per hour.
- Commercial / For Profit Events require payment in full at the time of reservation.

10. Coordination of Services (Exclusive Services)

To best serve its guests and to maintain the integrity of the Amphitheater facilities, it is the policy of the City of Stockbridge that certain services shall be provided by the City or its authorized agent(s) with the Applicant reimbursing the City for all costs associated with the provision of such services. These services MAY include and are not limited to:

- Concessions
- Janitorial
- Building/grounds trash collection
- Parking management
- Emergency medical
- Law enforcement
- Fire protection
- Event Monitoring

11. Detail Pay

Fire Personnel:	\$ 55.00/hour per employee
Police Personnel (Security):	\$ 55.00/hour per employee
Police Personnel (Traffic):	\$ 55.00/hour per employee
Police Car Fee	\$ 10.00/car per hour
Electrician (Contractor):	\$ 45.00/hour per employee
Event Staff (Public Works):	\$ 40.00/hour per employee

12. Ticket Sales/Admission Fees

Tickets (if sold for the event) may not be sold prior to approval of the Rental Agreement. Applicant may charge an admission fee to guests in the form of ticket sales. Ticket sales shall not exceed the capacity of the Amphitheater and shall be limited to 3,500. Admission fees collected are subject to a \$2 per ticket facility fee to support maintenance, repairs, and improvements to the facility. All for profit renters must provide Events Manager with a valid settlement sheet from their ticket sales company after the box office has closed day of show.

13. Payment for Emergency Medical and Police Personnel

- a. Applicant shall employ, at its sole expense, police, fire and emergency medical personnel as required by the City of Stockbridge to assure the safety and security of the event, guests, and staff. The work is considered outside voluntary employment which is scheduled by the City of Stockbridge and is not considered overtime.
- b. When City of Stockbridge extra/off-duty public safety personnel are to be provided, the Stockbridge Police Department will make a determination to the number and cost of extra/off duty personnel.
- c. All City of Stockbridge personnel fees are to be paid at the signing of the Rental Agreement. Any personnel hour overages will be invoiced to the Applicant after the event with all charges due within 14 days of receipt of invoice.

Cancellations and Refunds

14. Cancellations and Refunds

- a. Applicants, their guests, and contractors are bound by these Policies and Procedures. The City reserves the right to terminate any approved use of the facilities should these policies not be followed. The failure by the City to terminate use of the facility or to exercise any right, power, or authority shall not constitute a waiver of the terms or conditions of the Rental Agreement and shall not affect the rights of the City to enforce against any other or subsequent breach by the applicant.
- b. Refunds of fees and deposits require written notice of cancellation 90 days or more prior to rental date. Cancellation notices of less than 90 days of scheduled date will result in a complete forfeiture of security deposit and rental fees. City personnel fees will be refunded in full up until 14 days prior to event. Cancellation of event within 14 days of scheduled date will result in a complete forfeiture of personnel fees.
- c. In the event that the Amphitheater is unable to deliver possession of the facilities, it will refund all deposits and rental payments to the Applicant in their entirety.

15. Force Majeure

The City of Stockbridge is not responsible for any event that is prevented, rendered impossible or infeasible by any act or regulation of any public authority, civil tumult, strike, epidemic, interruption in or delay of transportation services, war conditions, emergencies, or other cause beyond the control of the City of Stockbridge. The City will not make any refunds for, or reschedule any events cancelled as a result of a force majeure.

16. Inclement Weather

- a. The Amphitheater is an outdoor venue subject to changing and inclement weather conditions. **No refund will be made due to weather.** Events are not postponed unless the National Weather Service issues a severe thunderstorm watch or warning for the time of the event. If an event is postponed due to inclement weather, the City will attempt to reschedule the event. In the case of rain on the day of the event, it is the Applicant's responsibility to contact Events Manager to receive information about whether the facility conditions are conducive to holding the event, or to reschedule. The decision of Events Manager is final. The Amphitheater does not reserve dates for inclement weather back-up.
- b. The intent of this policy is to ensure the safety of City of Stockbridge residents, employees, and visitors and ensure efficient operation of the Stockbridge Amphitheater or parks during severe/hazardous weather. Inclement weather may be described as stormy, severe, tempestuous, harsh, or merciless.
- c. Whenever it is determined that weather conditions may endanger, or place at risk, the health or safety of our residents, employees or visitors, or that conditions or events prevent performance of regular operations, services or responsibilities assigned to a scheduled event, closure of the park and/or amphitheater may be deemed necessary.
- d. The Events Manager shall make decisions regarding the conditions affecting the closure of all parks and facilities in the Events Department. This may include the cancellation of activities or events scheduled at any of the locations including the Amphitheater.

Insurance and Indemnification

17. Indemnification

- a. The City of Stockbridge assumes no responsibility for any property placed on or in its facility or grounds. The Rental Agreement shall indemnify, save and hold harmless the City, its officers, agents, and employees from any and all claims for losses, injuries, damages, and liabilities to persons or property, caused wholly or in part by the acts or omission of users, its agents, officers, employees, guests, or any person or persons admitted to the premises by the Applicant.
- b. The Applicant assumes full responsibility for character, acts, and conduct of all persons admitted to the premises by the consent of the Applicant, its officers, employees, or agents.
- c. The Applicant shall indemnify and save harmless the City from all suits brought against the City on account of any injuries or damages received or sustained by any party or parties by and from the Applicant, its officers, agents, employees, members, or any person admitted to the premises by the Applicant in the exercise or right and privileges granted here or on account of any admission of the Applicant.

18. Hold Harmless

- a. Applicant agrees to hold the City of Stockbridge, its officers, officials, employees and agents harmless from any and all claims, demands or liability for injuries to person or damage to property, including claims by employees of Applicant or claims by any contractor or sub-contractor which damages or injuries are occasioned by or in any way arising out of use or occupancy of the premises by the Applicant, its agents, invitees, officers and employees.
- b. Applicant further agrees to the fullest extent permitted by law, to defend, indemnify and hold harmless the City of Stockbridge and its employees from and against all claims, damages, losses, and expenses, direct or indirect, or consequential damages, including, but not limited to, attorney's fees arising out of, or resulting from, the use or occupancy of the premises.

19. Insurance Requirements

- a. A certificate of insurance is required from Applicants evidencing insurance with policy limits equal to or greater than the limits described below. Insurance must be written by a licensed agent in a company authorized to do business in the state of Georgia. Certificates must name the City of Stockbridge as additional insured, in an amount specified by the City of Stockbridge and must be in effect for the duration of Applicant's occupancy of the facility, including move-in, move-out, and rehearsal dates.
- b. Applicant shall obtain and maintain at their expense, insurance with policy limits equal to or greater than the limits described below for the duration of the event. Proof of insurance must be received by the City of Stockbridge within 30 days of the signing of the Rental Agreement.

c. Accordingly the Applicant and/or User shall provide a certificate evidencing the following:

1. Workers Compensation / Employers Liability Insurance – Statutory

- a. Employers Liability Insurance by Accident, Each Accident: \$1,000,000
- b. Employers Liability Insurance by Disease, Policy Limit: \$1,000,000
- c. Employers Liability Insurance by Disease, Each Employee: \$1,000,000
- d. Must comply with the Georgia Workers Compensation Acts and any other State or Federal Acts or Provisions in which jurisdiction may be granted
- e. Must cover all Applicant's personnel performing work in connection with the rental

2. Commercial General Liability Insurance (Including Contractual Liability Insurance)

- a. Bodily Injury and Personal Property Damage Liability, Each Occurrence: \$1,000,000
- b. Products Completed Operation Aggregate Limit: \$2,000,000
- c. Personal and Advertising Injury Limits: \$1,000,000
- d. Fire Damage Limits: \$300,000
- e. Commercial General Liability Insurance covering all operations (including product / completed operations and personal injury), and Fire Legal Liability of property damage and bodily injury (including death).

3. Business Automobile Liability Insurance

- a. Combined Single Limits Each Occurrence \$1,000,000
- b. Including operation of non-owned, owned and hired automobiles
- c. The policy shall cover loss due to bodily injury or death and any person, or property damage arising out of the ownership, maintenance, operation or use of any motor vehicle whether owned, non-owned, hired or leased

4. Liquor Law Liability

- a. Each Occurrence: \$1,000,000
- b. Required if authorized to sell or serve alcoholic beverages

d. It is understood that insurance in no way limits the liability of the Applicant and/or User of the Amphitheater facility.

e. Certificates of Insurance are to list the City of Stockbridge, its officers, officials and employees as an Additional Insured (except for Workers' Compensation) and shall conform to all terms and conditions (Including coverage of the indemnification and hold harmless agreement) contained within the Rental Agreement.

- 1) This insurance for the additional insured shall apply as Primary Insurance before any other insurance or self-insurance, including any deductible, non-contributory, and Waiver of Subrogation provided to the Additional Insured.
- 2) Additional Insured under the General Liability, Auto Liability, Umbrella Policies (with exception of Workers Compensation), with no Cross Suits exclusion.
- 3) Such certificates shall be provided to the Events Manager and must identify the "Certificate Holder" as follows:

The City of Stockbridge, Georgia
4640 North Henty Blvd
Stockbridge, GA 30281

- f. The City of Stockbridge must approve all insurance certificates, endorsements and/or policies prior to the start of any activities or events.
- g. The City of Stockbridge reserves the right to cancel any event upon failure of the Applicant and/or User to provide such proof of insurance within the specified time period.

Event Safety and Security

20. Occupancy Limits

No Applicant shall schedule an event, which will have an attendance larger than the posted maximum occupancy of 3,500 guests for the Amphitheater. All capacity limits will be enforced. The City of Stockbridge reserves the right to monitor the attendance and to limit admission - should the Amphitheater reach capacity.

21. Access by Facility/City of Stockbridge Personnel

- a. In performance of their duties, Rental Facility/City of Stockbridge personnel shall have the right to enter the areas contracted by the Applicant. Any working staff person representing the Facility/The City of Stockbridge may have access to the premises as deemed necessary to address facility issues. At all times, Applicant will honor the official identification credentials worn by Facility/City of Stockbridge personnel.
- b. Nothing contained in the Rental Agreement shall be construed to prohibit the City of Stockbridge, its Police Department, Henry County Fire Department, Health Department, Henry County or any other State agency, its agents or its employees from entering the rented premises for the purpose of discharging their lawful duties.

22. Courtesy Credentials

Applicant shall provide courtesy credentials in order for Events Manager and City of Stockbridge personnel to attend and monitor the event. Applicant will also insure that all staff, contractors and guests working with the Applicant have visible identification credentials and provide a list of those contractors for staff and security.

23. Fire, First Aid and Emergency Medical Services

- a. On-site emergency medical support is the responsibility of the Applicant and may be required for all public events. The following guideline will ensure appropriate medical coverage:

1 – 1,000 Guests	At discretion of Fire Department based on type of event.
1,000 +	At least Two (2) EMS Personnel also based on type of event and total number of participants.
2,500 – 3,500	One (1) Basic First Aid Site Three (3) EMS Personnel

- b. Off-duty and/or on-duty Henry County Fire Department Personnel or its contracted ambulance service provider personnel shall provide first aid and emergency medical services during the public hours of the event. Application and payment due with approved Rental Agreement.
- c. The Henry Fire Department reserves the right to increase or decrease the level of emergency medical coverage for events, depending on the nature of the event and its associated risks.
- d. Personal injuries must be reported to Events Manager immediately. Neither the City of Stockbridge, its officials, officers, employees nor agents shall be liable for any personal or property damage or injury occurring at the Amphitheater. Nothing herein shall be construed as a waiver of any immunity or defenses available to the aforementioned parties.

24. Fire Safety, Pyrotechnics and Use of Lasers

- a. All events must comply with the City of Stockbridge Fire Code and are subject to inspection by the Stockbridge Fire Marshall Department. Events Manager may, at its sole discretion, require the presence of the City of Stockbridge Fire Marshal and/or Fire Department during certain events. Personnel are scheduled at the Applicant's expense.
- b. Open flames, welding, candles and fireworks, or smoke emitting material as part of a performance or display or incorporating a large amount of combustible materials must be individually reviewed by the City of Stockbridge Fire Marshal and are prohibited in the Amphitheater without specific approval by Events Manager.
- c. Laser shows and spotlights are permissible, though each situation must be individually pre-approved in writing by Events Manager and the Fire Marshal. If approved, the use of lasers or spotlights will be strictly controlled and continuously monitored by the Fire Marshal.
- d. All drapes, curtains, or any materials used during events or performances must be flame retardant.
- e. Fire hose cabinets, fire extinguishers, sprinklers, fire exit doors, route of egress and any other fire safety device must not be hidden, obstructed or otherwise disturbed.
- f. Crates, packing material, wooden boxes and other highly combustible materials may not be stored in any building.

25. Security and Law Enforcement

- a. Applicant is responsible for providing the necessary number of uniformed security personnel as determined by the City of Stockbridge Police Department and bears all costs of event security. The Stockbridge Police Department will determine required security based on the type of the event and projected attendance. The Stockbridge Police Extra/Off Duty Employment policy is attached.
- b. The City of Stockbridge, through its Police Department, may also require Applicant to employ, at Applicant's expense, uniformed law enforcement officer(s) from at least one hour prior to the beginning of the event until one hour after the event. The City reserves the right to, and shall have the authority to, require a reasonable number of law enforcement officers which it deems necessary for a

particular event to ensure the safety of the public and premises at all times during which the facility is used and occupied by Applicant, or by persons authorized by Applicant.

- c. Applicant is required to contract with the Stockbridge Police Department for services provided on an hourly basis. Service will be provided with a two-hour minimum fee. Application and payment due with approved Rental Agreement. Application will be included with the Rental Agreement.
- d. Additional security personnel may be utilized by or with approval of the Events Manager and the Stockbridge Police Department and are made available through City of Stockbridge contracted vendors.
- e. A security plan shall be prepared by the Applicant in consultation with the City of Stockbridge Police Department. The plan shall specify the number of off-duty officers and/or private security personnel, if applicable, to be provided by the Applicant at Applicant's expense. At the option of the Applicant, the entire security requirement may be comprised of off-duty police personnel.
- f. Security / Law Enforcement Officer Staffing Guidelines

Low Impact Events

With attendance less than 500 guests
No alcoholic beverages sold or consumed
No on-site cash
Private event without public participation

Two (2) Security Officer

Gate/Pit

Moderate Impact Events

Attendance of 501 – 1,000 guests
No alcoholic beverages sold or consumed
On-site cash collection

Four (4) Law Enforcement Officers

Gate/Platform/(2) Pit

High Impact Events

Attendance of greater than 1,000 guests

Alcoholic beverages sold or consumed
On-site cash collection
Evening events

Nine (9) Law Enforcement Officers

Per 1,000 Guests

Gate(3)/Platform(3)/Pit(3)

26. Crisis Communications

The Events Manager and the Fire Chief shall be notified immediately if a major incident occurs during the event that threatens the safety or welfare of guests, employees, or equipment including incidents that require assistance from an emergency agency such as fire rescue or police. Once notified and if deemed necessary, the City of Stockbridge will take the lead in handling all media inquiries regarding the incident. Events Manager will work with Applicant to develop communications materials and manage the media effectively and in a timely manner.

27. General Safety Requirements

- a. Sidewalks, passageways, halls, stairways, seating areas or exits may not be obstructed by any object or person.
- b. No person will be allowed to bring in or keep anything that may create a fire hazard or be detrimental to the fire protection of the facility. All decorative material must be flame proof and only use of water-

based, non-flammable paint is allowed in set preparation. Open flames of any type, i.e. candles, grills, flash pots, etc. are not allowed.

- c. No gasoline, explosives, oils or artificial lights are permitted in the buildings or on the grounds without the consent of Events Manager.
- d. The number, amperage and wattage of lights, fixtures or equipment for any event may be limited, subject to availability.
- e. The loading areas are to be kept clear of debris. Parking in this area shall be limited to the time necessary for loading and unloading. Loading zone regulations will be strictly enforced.
- f. Fire lanes must remain open at all times.

Amphitheater Use and Maintenance Policies

28. Use of Space

- a. Applicant shall only have use of the space for which a Rental Agreement was granted. Unauthorized use of any facilities on the amphitheater grounds for which authorization was not specified may result in immediate suspension of the use of the facility.
- b. All portable restrooms, dumpsters, fencing, generators, trailers, etc., must be removed by the next business day following the event.

29. Common Areas

Common areas of the Amphitheater including paths, sidewalks, and parking lots are to remain open to the public unless prior approval has been given by the City of Stockbridge.

30. “Back of House” Amenities and Hospitality

Applicant is solely responsible for any amenities and hospitality for dressing rooms, green room and general “back of house” areas. This includes supplying any food, drinks, towels, or other items. Applicant is responsible for all damage.

31. Clean Up and Custodial Services

- a. The Applicant will receive the facility in a “broom clean” condition prior to the move-in period. During the event, the Applicant will provide the necessary janitorial and grounds staff to maintain all guest areas in a clean and presentable condition. This includes removal of trash, cleaning and maintenance of all public areas, public restrooms, maintaining event aisles, emptying and relining trash cans, mopping up spills, clearing and cleaning of patron seating areas.
- b. Applicant is responsible for the cost of removal of trash, crates, pallets, packaging material, staging material, and lumber, prior to the event opening and during move-out. In order to secure the deposit, the facility should be left as it was found.

32. Waste Removal

- a. The Applicant is responsible for the costs of providing sufficient trash dumpsters of adequate size based on the anticipated number of event attendees. Applicant is responsible for the costs of each dumpster as well as the costs of all trash hauls. Applicant must use the City's Commercial Waste Franchisee.
- b. Applicant is responsible for proper and regulated disposal of any and all toxic biohazard goods, material and substances, and must comply with all applicable laws.

33. Storage

- a. Limited storage is available at the Amphitheater.
- b. All materials (other than backdrops) and equipment must be removed immediately after each event.
- c. The City of Stockbridge is not responsible for damage to any materials or equipment. Any costs incurred by the City for disposal of materials left on the premises will be subtracted from the deposit.

34. Amphitheater Property

Property belonging to the Amphitheater may not be removed or repositioned from stage, dressing rooms, green room, warm-up room, plazas or offices. Furniture, benches, planters or other features may not be moved from their locations. If re-arrangement of features or furniture is necessary, such re-arrangement must be approved by Events Manager prior to the event and will be performed by Amphitheater personnel.

35. Applicant's Property

The City of Stockbridge shall assume no responsibility for any property placed on its facilities or grounds. Further, the City of Stockbridge, its officers, agents and employees, are released and discharged from any and all liability for the loss, injury or damage to persons or property that may be sustained by the use or occupancy of the facility and its environs.

36. Lost, Found or Abandoned Property

The Amphitheater is not responsible for the theft, loss, or damage to any items left in the Amphitheater. The Lost and Found is located at the Stockbridge Events Department Administration Offices located at the Amphitheater. The City of Stockbridge assumes no responsibility for items left by users or lost and found items. The City reserves the right to remove from the building all property remaining in the building after the contracted time has lapsed or to charge the Applicant a storage fee of \$100.00 for the first day and \$25.00 each additional day up to 30 days. All abandoned, lost, or unclaimed property will be disposed of at the discretion of Events Manager.

37. Property Loss or Damage

Applicant is responsible for any loss, damage or theft of personal property that is incurred by the Applicant. Applicant is also responsible for restoring damaged premises to pre-event conditions.

38. Facility Alterations

Temporary or permanent alterations of the facility in any way, including adjustments to electrical power or modifications to the stage area, dressing room, green room or other areas, is prohibited. Drilling or hammering stakes into concrete or paved surfaces is not permitted.

39. Damage or Defacement of Facility, Equipment and Property

- a. The Applicant accepts the Amphitheater in good order and agrees to return it to the City of Stockbridge in the same condition, normal wear and tear excepted. The Applicant is responsible for any damages to permanent fixtures, trees, plants, furniture, fixtures, equipment or any Amphitheater structure or property. In the event that damages are sustained or policies are not followed, the event may be terminated and future requests for use of the facilities may be denied.
- b. The Amphitheater will not furnish any tools or materials.
 - a. Nails, tacks, staples, brads, etc. may not be driven into or used on any portion of the Amphitheater; and, no changes, repairs, painting, staining or alterations that will change the finish, appearance or contours of the buildings will be permitted.
 - b. Use of tape on City equipment or building structures is prohibited unless prior authorization by Events Manager and only gaffer, spike or glow tape may be used. No exhibit may be displayed around the Amphitheater or suspended from permanent fixtures or beams without the permission of Events Manager.
 - c. Decorations are not permitted on ceilings, painted surfaces, columns, fabric, decorative walls or fire sprinklers.
 - d. All decorative materials must be flameproof in accordance with fire regulations.
 - e. Adhesive backed decals, event signs, flyers, postcards and stickers may not be distributed anywhere on the premises.
 - f. The construction of sets is limited to designated areas. The work area must be kept clean and be cleared upon completion of construction.

40. Inspections

- a. A facility rental inspection must be conducted by the Events Manager prior to and following each reservation and must be signed by the Applicant.
- b. The Applicant is required to notify the Events Manager when they have completed use of the reserved area in order to commence the Check-In/Check-out procedure. Failure to checkout with Events Manager will result in forfeiture of the damage deposit.
- c. The Applicant or his/her representative must remain at the Amphitheater until the event is over and all participants, audience, equipment and/or property have been removed. Events Manager must pre-approve any exceptions to this policy, in writing.

41. Compliance with All Applicable Laws

The Applicant, guests and other persons connected with this event, shall observe and comply with all laws, statutes, ordinances, rules and regulations of the Government of the United States, State of Georgia, and the City of Stockbridge including but not limited to the Americans with Disabilities Act. Applicant shall indemnify, defend (at the City's option) and hold harmless the State of Georgia, the City of Stockbridge, its officials, officers, employees and agents from all damages, costs and expenses in law or equity arising out of the Applicant's failure to comply with applicable laws, statutes, ordinances, rules, regulations or acts. The cost of such compliance is the responsibility of each Applicant, exhibitor or patron.

42. Accommodations for Guests with Disabilities

- a. The Amphitheater provides three accessible seating areas for guests with disabilities. Each of these areas has a limited number of wheelchair accessible seats and one companion seat for each. These seats are available on a first come, first served basis.
- b. Service animals are permitted and must remain in close proximity to the guest with a disability at all times and may not block accessible paths of travel.
- c. All flyers and written promotional materials for the event should be made accessible to people with disabilities, including those with hearing and visual impairments. It is recommended that the following statement be included on promotional materials: "If you require a reasonable accommodation due to a disability, including information about this event in an alternative format due to a communication-related disability, please contact [your number followed by word "voice"] for the Georgia Relay Service for the hearing impaired at".

43. Licenses and Permits

Applicant shall ensure that all contractors and vendors obtain the necessary permits and licenses required by any City ordinance or state law. The Applicant and all vendors shall be required to comply with and acquire any and all applicable federal, state and county permits or licenses for doing business within the State of Georgia, Henry County and the City of Stockbridge.

44. Business Licenses

Any individual or entity intending on selling tickets, concessions, or merchandise, or performing any services, before, during, or after the event must be properly licensed to operate in the State of Georgia.

45. Taxes

Applicant is responsible for collecting all applicable taxes, including federal, state, county and City of Stockbridge taxes where applicable.

46. Move-in/Move-out (Load-In/Load-Out)

- a. The Applicant is responsible for all activities related to setting up for, and cleaning up after, an event. The Amphitheater must be returned to the condition prior to setting up an event.

- b. Move-in or move-out activities are not permitted during event hours or while guests are in the facility. Move-in/out time must be completed within the hours provided for in the Agreement. Additional time must be approved by Events Manager and will be charged at the appropriate rate.
- c. City of Stockbridge personnel are not available to assist with loading or unloading event equipment or materials.

47. Deliveries

Applicant is to have an approved agent available to receive and ship all freight within contracted hours of use. Freight will not be accepted prior to contracted dates and Events Manager will not be responsible for any freight shipped to or from the Amphitheater. Similarly, all event materials must be removed during move-out.

48. Building and Electrical Permits

The City's Building Department must issue a building permit for all events involving temporary construction or the use of temporary electrical power. Examples of temporary construction include, but are not limited to, freestanding tents, stages, fences, bleachers and electrical connections.

49. Contractors

- a. Applicants must provide a list of contractors upon the signing of the Rental Agreement. Contractor staff shall conduct themselves in a professional manner at all times, which includes following all policies and procedures governing the Amphitheater.
- b. All contractors must be properly licensed to do business in the state of Georgia.
- c. Events Manager reserves the right to review any contracts between Applicants and other parties involved in the event.

50. Sound and Lighting

No on-site lighting and sound equipment is available at the Amphitheater. Therefore, the Applicant is responsible for providing all light and sound equipment necessary for their event including a lift to gain access to rig the lights and speakers. Applicant may only contract and use qualified, licensed, and insured professional sound and lighting companies. The Applicant is responsible for all costs associated with the sound and lighting company.

51. Electrical Use

- a. Adequate electrical capacity to meet the demands of the event is the sole responsibility of the Applicant. The cost of additional electrical supply beyond the permanent service in the Amphitheater is the sole responsibility of the Applicant.
- b. The Applicant will take all necessary precautions to protect the existing electrical service from overload and damage.
- c. All electrical work shall be performed by licensed personnel only. A City of Stockbridge electrician or a State of Georgia-licensed electrician is responsible for and required for all electrical hook-up and on-call duty. Electrical panels may not be modified by any outside electrician. Modifying the City's

electrical panel will result in a fine of \$1,000 plus any and all necessary repairs to the electrical panels as a result of Applicant's modification.

- d. All electrical equipment used for lighting, sound, or other effects must meet applicable National Electrical Code and facility requirements. Electrical fixtures and fittings must be UL listed and so marked. Events Manager reserves the right to withhold electrical power until the City of Stockbridge electrical inspector approves the connection. The City of Stockbridge reserves the right to inspect and approve or reject all electrical installations.

52. Rigging

- a. A licensed and insured professional rigging company must provide all rigging. The Applicant is responsible for all costs associated with the rigging company. Applicant may only contract and use rigging companies from the Amphitheater's list of qualified, licensed, insured, and approved professional rigging companies.
- b. All rigging in the Amphitheater shall be in accordance with all national, state, and local safety codes, including, but not limited to OSHA and City of Stockbridge policies.
- c. All attachments to any portion of the permanent structure of the Facility shall meet accepted engineering and safety standards. All attachments shall have sufficient strength to support weight placed on them and be secured in such a way to prevent items from falling or causing damage.
- d. Events Manager reserves the right to demand clarification of welds and safe working loads, deny installation, demand removal of questionable attachments and/or require appropriately qualified personnel to install or remove such attachments.
- e. No rigging is allowed in The Green Room or Dressing Rooms.

53. Amplified Sound and Noise

- a. The Applicant shall be subject to the general prohibitions of the City's Noise Ordinance. All outdoor concerts must end no later than 10:00 pm Monday through Thursday; 11:00 pm on Friday and Saturday and not later than 9:00 pm on Sundays.
- b. Monitoring of sound levels will be taken periodically throughout the event as well as during set-up and sound check. If sound levels exceed the established level, Events Manager will request that the volume is turned down. Failure to comply with such a request shall constitute a violation of the Stockbridge City Code and be cause for fines, immediate termination of the event, and forfeiture of deposit and rental fees.
- c. No loud, excessive or unusual noise is allowed between the hours of midnight and 7 a.m. during set-up or teardown of the event.
- d. No profane, lewd, indecent or slanderous speech or music shall be audible at the property line.

54. Curfew and Time Limitations of Performances and Sound Checks/Rehearsals

- a. All events must conclude by the designated ending time. Applicant shall be responsible for vacating the spectator, concession and parking areas not later than 11:00 p.m. on the date of the rental, or 10:00 p.m. on Sundays.

- b. Sound checks and rehearsals must conclude one hour prior to doors opening for the event.
- c. Individual exceptions for use of the facilities beyond normal hours of operation must be approved by Events Manager. Any additional costs associated with the extension are the Applicant's responsibility.
- d. During ticketed events, the gates open two hours prior to show time.

55. Smoking and Tobacco Products

Smoking or the use of tobacco products is not permitted anywhere on the Amphitheater property, Applicant must comply with all state and county laws, rules and regulations relating to no-smoking on public properties or within facilities.

56. Confetti, Glitter and Streamers

Confetti cannons, fireworks, pyrotechnics and streamers are prohibited from use in a performance unless specifically permitted by Events Manager. If approved by Events Manager, any confetti, streamers or glitter used must be bio-degradable and additional cleaning fees in the amount of \$5,000 will be required.

57. Tents

- a. All tents must be secured using alternative means such as water barrels, weights or sandbags. Any tent placed on sidewalks, concrete or asphalt surfaces must have rubber tips under the footings.
- b. Tents must be erected by a company licensed to do business in the state of Georgia, must furnish proof of general liability insurance, and all applicable fire/tent inspections and temporary structure permits obtained, if necessary.
- c. If event requires the use of tents, a tent permit application must be submitted for each tent that exceeds 120 square feet. Any tent that exceeds 120 square feet must be permitted and inspected by the Building and Fire Departments prior to the start of the event.

58. Animals

- a. Animals and pets are not permitted on the Amphitheater property except in conjunction with an authorized performance or event, or as aids to persons with disabilities.
- b. Where an animal is used in an authorized event or performance, all federal, state and local laws and regulations must be followed in order to insure the safety of the animals, guests, and any other persons.
- c. Animals must be confined to a specific area by means of a properly enclosed pen, cage, stall, collar or harness when not performing.
- d. Animals must be attended to and held in such a manner that they do not present a danger to the public or themselves. The animal handler must remain with the animal at all times.
- e. Adequate food and water must be provided to all animals.

- f. Provisions must be made for sanitary disposal of animal waste. Applicant is responsible for the removal of animal waste from the facility daily.

Advertising and Sponsorship

59. Advertising

- a. Advertising and/or ticket sales for an event are not permitted until a signed Rental Agreement and all applicable fees have been received and executed by the City of Stockbridge.
- b. All advertising and promotion materials, including press releases, flyers, radio and/or television spots, and website content shall be reviewed and approved by the City of Stockbridge Events Manager and Public Information Officer (PIO) prior to production.
- c. The venue shall be referred to as the “Stockbridge Amphitheater” in all marketing and promotional materials.
- d. Use of the City of Stockbridge, Stockbridge Amphitheater, Stockbridge Events Department, or its names or logos is prohibited except as a description of location, or unless approved in writing by the Events Manager or designee.

60. Event Sponsorship

Event sponsorship is permissible for events at the Amphitheater. Any signage or event sponsorship is restricted to areas designated by Management. Generally, event signage and displays are permitted around the stage area. Events Manager must approve of additional locations. The City of Stockbridge retains all venue advertising and sponsorship rights.

61. Banners and Signs

- a. Sponsorship banners and signage are allowed within the designated Amphitheater perimeter only and may be displayed only during the event with prior approval from Events Manager. All signs and banners that require tape must use banner tape to avoid damage to the property. Signs and banners must be immediately removed from the site following the event.
- b. The placement of any signs, banners, posters or placards associated with an event must be approved by Events Manager prior to installation. All banners and signs must be professionally executed and comply with any applicable ordinances, rules or regulations of the City of Stockbridge. The Amphitheater will remove – at the Applicant’s expense – any unauthorized signs.
- c. Small directional and event promotional signs may be placed in the interior entrances subject to approval in advance by the Events Manager. Any signs placed outside of the amphitheater will require a temporary sign permit.

62. Artist/Performer Contracts

Applicant shall provide, upon request by Events Manager, a copy of a fully-executed contract -with artist(s)/performer(s) scheduled to perform during its event. If a performer does not appear or perform, as advertised,

the promoter will explain to ticket holders (if applicable) why there was no performance and will make refunds, as required.

63. Copyrights and Royalties

Applicants may not violate or infringe upon any copyright, patent, right of privacy or other statutory or common law right of any person, firm or corporation. Further, Applicant shall ensure that all programs, performances, concerts, etc. to be performed involving works protected by statutory or common law copyrights or other proprietary law have been duly licensed or otherwise authorized by the owners of such works or legal representative thereof. Applicant further agrees to indemnify and hold harmless the City of Stockbridge, its agents and employees, from any and all claims, fees, expenses or costs including legal fees asserted or incurred with regard to such warranty.

64. Filming

The name "the City of Stockbridge, Georgia" must appear in the credits of any event filmed on site and must comply with City of Stockbridge Policies and Procedures.

Concessions – Food, Beverages and Merchandise

65. Alcoholic Beverages

- a. The City of Stockbridge reserves the right to restrict service of alcoholic beverages to any person or event when the City of Stockbridge determines it is in the best interest of the public and the facility. A Special Event Permit is required and must be approved by City Council a minimum of **60 days prior** to the event date.
- b. If approved, all alcoholic beverages must remain within the Amphitheater perimeter, and all sales of alcoholic beverages shall cease one hour prior to the end of the event.
- c. Alcoholic beverages sold by the Amphitheater's concessionaire must be dispensed in paper or plastic containers.
- d. The City of Stockbridge must be listed as "Additional Insured" on insurance policies when alcoholic beverages are consumed or sold at the Amphitheater.

66. Concessions/Merchandise Sales

- a. The Amphitheater shall designate concession space(s) to the Applicant for the sale of merchandise.
- b. The sale of any merchandise or products other than concession items must be disclosed on the application.

67. Food and Beverage

- a. The Amphitheater reserves all concession rights, including but not limited to food and beverages. No food or other edibles or drinks may be served or given away in buildings or on grounds by the Applicant unless authorized by Events Manager.
- b. Amphitheater guests may bring their own food and beverages into the Amphitheater. The Amphitheater Concessions will not be open unless authorized by Events Manager.

- c. The Applicant may bring in food trucks and food and beverage vendors. The food truck must have grease mats to avoid spillage onto the Amphitheater concrete or grounds.
- d. Food Vendors using grease or oil must have at their site a Class K fire extinguisher. They must also use grease mats to avoid spillage onto concrete.
- e. Food Vendors with any heating device must have a Class ABC fire extinguisher at their site.
- f. If grease is dumped down storm/sewer drains, Applicant will be responsible for cleanup costs and fines.

Traffic Control and Parking

68. Parking and Traffic Control

- a. If it is anticipated that traffic control is needed on public roadways as a result of Applicant's event, all costs associated with traffic control will be borne by the Applicant.
- b. Parking is limited at the Amphitheater. There are multiple parking areas in downtown Stockbridge. However, the Applicant may be required to utilize shuttle buses to and from parking outside of the downtown area. Designated city owned lots are available for overflow parking; Tag Office, Library, Merle Manders Conference Center lots as long as each respective location does not have their own event ongoing at the same time.
- c. Parking shall be in designated areas only. Cars may not park on turf, grassy areas or sidewalks. Service vehicles or other heavy equipment shall be allowed only in areas authorized by the City.
- d. Backstage parking is limited to Tour Bus or Production related vehicles only and must display a proper parking pass. Applicant is responsible for official identification of these vehicles.
- e. Event-related personnel must park in the designated parking area(s). Vehicles and/or trailers left on the grounds overnight will be required to purchase a \$25 overnight parking permit and are also restricted to designated parking areas. This service is not available more than 24 hours prior to move-in.
- f. During the move-in, event and move-out periods, the Amphitheater MAY need to provide the necessary parking and traffic staff to maintain all traffic and parking direction accessing on and off Amphitheater property. This includes the placement of traffic cones and directional signage on and surrounding the property and providing direction at loading/parking areas.
- g. These labor expenses are provided in the signed Rental Agreement. Any additional Amphitheater labor expenses related to these services shall be itemized and deducted from the Refundable Deposit following the event.
- h. Vehicles parked in an area not permitted or not having a valid permit shall be at risk of being towed at the owner's expense.

Guests Rules and Regulations

69. Allowable Items or Activities

- Coolers 28 quarts and smaller are permitted
- Cloth bags, soft packs 12"x17"x12" and smaller are allowed
- Food and beverages are permitted
- Camping Chairs / Bag Chairs / Blankets with no plastic backing
- Alcoholic beverages are permitted but must be kept in a cup. No glass containers allowed in the venue.
- All coolers, bags and picnic baskets are subject to search.
- Service Animals

70. Prohibited Items or Activities

- No glass bottles or containers,
- Coolers larger than 28 quarts not permitted
- No saving large areas with ropes, caution tape, tarps, blankets, etc. Individual chairs only.
- PLASTIC or TARPS on the ground.
- Stakes in the ground.
- Tents
- Tall tables over 2 feet in height.
- Sitting or standing in/on aisle ways, stairs, and walls.
- Helium filled balloons.
- Large shade/patio umbrellas or handheld umbrellas during the show.
- Smoking, vaping or use of tobacco products, illegal drugs.
- Laser pointers or recording devices, bullhorns, or noisemakers.
- Fireworks, confetti, flying objects such as, but not limited to, projectiles, beach balls, Frisbees.
- No Pets, Service Animals Only.
- Skateboards, bikes, or inline skates.
- Personal property that is a potential hazard to others.
- Fires, open flames, charcoal/gas barbecue grills, fuel powered lanterns, camping and "tailgating".
- Littering, Gambling, Loitering, Picketing or Soliciting.
- Anything that detracts from the entertainment value of the event to other participants.
- Pamphlets, inserts, advertising matter, political handbills or the like.

71. Violations of Guest Rules and Regulations

- a. Failure to abide by or violations of rules and policies may result in termination/cancellation of event or rental contract, eviction from the premises and loss of future rental privileges.
- b. The City of Stockbridge reserves the right to refuse any group the privilege of using the Amphitheater due to abuse of the policies of the facility. In addition, any group charged with an occurrence of abuse may be barred from making any further reservations and any future reservations may be cancelled in the sole discretion of the City.
- c. Failure to cooperate with Amphitheater staff, who are enforcing the policies of the City of Stockbridge and acting in the performance of their duties, could cause the event to be cancelled and the right to use the facility forfeited without refund.
- d. Anyone found abusing, destroying or removing City property could be barred from the premises.
- e. These rules and regulations are enforced by the Stockbridge Police Department and Fire Marshal within their respective discretion.