Stockbridge

Where Community Connects

STOCKBRIDGE

CITY COUNCIL

Mayor Anthony S. Ford

At-Large

Mayor Pro Tem LaKeisha Gantt

Council District 1

Councilmember Alphonso Thomas

Council District 2

Councilmember Kyle D. Berry, Sr.

Council District 3

Councilmember Yolanda Barber

Council District 4

Councilmember Elton Alexander

Council District 5

CITY MANAGER

Shawn Edmondson

CITY CLERK

Vanessa Holiday

CITY TREASURER

Frank Milazi

CITY ATTORNEY

Quinton G. Washington

Megan McCulloch

Council Meeting Agenda September 8, 2025 6:00 PM

STOCKBRIDGE CITY HALL

4640 NORTH HENRY BLVD.

STOCKBRIDGE, GA 30281

Website: www.stockbridgega.org

Phone: 770-389-7900

Fax: 770-389-7912

Translation and Interpretation Services are available with (7) days prior notice. Please contact the City's HR Manager at 770-389-7908 for assistance.

Stockbridge
Where Community Connects

AGENDA
COUNCIL MEETING
CITY OF STOCKBRIDGE

MONDAY, SEPTEMBER 8, 2025 6:00 PM

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

ADOPTION OF THE AGENDA

CEREMONIAL REVIEW - Proclamation: National Hispanic Heritage Month, Hidden Valley Senior Recreation Center Week, World Alzheimer's Day, and Swearing In of Youth Council Advisory Committee Member

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

ADOPTION OF THE MINUTES

1 Adoption of the Regular City Council Meeting Minutes August 11 2025
Adoption of the Millage Rate Public Hearing #1 Meeting Minutes August 11 2025
Adoption of the Millage Rate Public Hearing #2 Meeting Minutes August 11 2025
Adoption of the Millage Rate Public Hearing #3 Meeting Minutes August 18 2025
Adoption of the Special Called FLOST Meeting Minutes August 18 2025
Adoption of the Work Session Meeting Minutes August 26, 2025

PUBLIC HEARING

2 APPEAL CASE #AP-2025-01. (Council District 4.)
Consideration of an appeal of the March 17, 2025 Zoning Review Form that was used as a basis for the City of Stockbridge's discontinuance of the 2025 business license for truck parking on Parcel #S27-01016000 and Parcel #S27-01017000 on Rock Quarry Road. The property is located in the Parkway Mixed-Use (PMU) Overlay District, where truck parking and all industrial uses are not permitted. Applicant: James Raven. Property Owners: James Raven and Huddleston Concrete Company.
The business license was issued for 123 Rock Quarry Road, where the company's office is located. The property is located in Land Lots 35 and 36 of District 12. The zoning, current use, and acreage for each parcel are listed below. The parcels are not contiguous.
~ 123 Rock Quarry Road (Parcel #S27-01012000) -- Zoned 'SR' (Suburban Residential).
Current use: Office for Huddleston Concrete Company. Acreage: 1.55 +/- acres.
~ Parcel #S27-01016000 on Rock Quarry Road -- Zoned 'LI' (Light Industrial). Current use: truck parking. Acreage: 2.95 +/- acres.
~ 135 Rock Quarry Road (Parcel #S27-01017000) -- Zoned 'LI' (Light Industrial).
Current use: truck parking. Acreage: 3.44 +/- acres. - Presented by: Ryan Anderson

NEW BUSINESS

3 Council consideration to approve the annual contract (RFP 2025-0006) for on-call water & sewer emergency & operational repair/maintenance and construction services to Professional Pipeline (Primary) and Site Engineering (Secondary) in the amount of $400,000.00 from the FY2026 Stormwater budget. Contract to begin January 1, 2026. The account number is 510-42500-542515 (Stormwater Repair). - Presented by: Decius Aaron

4 Council consideration to approve the annual contract (RFP 2025-0004) for on-call sidewalk repairs and replacement to CGS, LLC in the amount of $300,000.00. Funding from SPLOST VI. Contract to begin January 1, 2026. - Presented by: Decius Aaron

5 Council consideration to approve the purchase of Phosphorous CC2050 removal chemical from CedarChem in the amount of $60,000.00. The funding source is from Sewer Department budgeted funds. - Presented by: Decius Aaron

6 Council Consideration for approval of Contract No. 2024-0004, Financial Audit Services with Mauldin & Jenkins Certified Public Accountants. - Presented by: Frank Milazi

ANNOUNCEMENTS OF UPCOMING MEETINGS & EVENTS

UPCOMING MEETINGS & ANNOUNCEMENTS: Council meetings will be held in the City Council Chamber. Meeting dates, locations and times are subject

to change or contact City Hall offices at 770-389-7900 or visit the website www.stockbridgega.org for updates.

- **Citywide Development Authority Meeting, Second Tuesday of each month, at 6:00 p.m. - City Hall Levi Meeting Room (Sep 9)**
- **Community Zoning and Information Meeting, Wednesday, Sept 10th from at 6:00 p.m. - City Hall Council Chamber (Sep 10)**
- **Main Street Advisory Board Meeting, Second Friday of each month at 9:00 a.m. at the Downtown Connection Center 130 M L King, Sr. Heritage Trail (Sep 12)**
- **Downtown Development Authority Board Meeting, Third Tuesday of each month, at 6:00 p.m. at the Downtown Connection Center 130 M L King Sr. Heritage Trail (Sep 16)**
- **Youth Council Advisory Committee Meeting, Third Tuesday of each month, at 6:30 p.m. - City Hall Levi Meeting Room (Sep 16)**
- **Planning Commission Meeting, Thursday, September 18th at 6:30 p.m. - City Hall Council Chamber (Sep 18)**
- **City Council Budget Retreat – Wed. Sep 24 thru Fri Sep 26 from 9am – 5pm at the Merle Manders Conference Center 111 Davis Rd.**
- **City Council Work Session Meeting, Last Tuesday of each month, September 30th at 6:00 p.m. - City Hall Council Chamber (Sep 30)**

UPCOMING CITY EVENTS/INITIATIVES

- **Join Main Street for the Tiny Tent Concert Series Fridays from 6pm to 8pm at the Stockbridge Connection Center, 130 M L King Sr. Heritage Trail. Bring your lawn chairs. (Weather Permitting)**
- **Join the City of Stockbridge for the Annual 9/11 Ceremony on Thursday, September 11th on the steps of City Hall at 8:00 a.m., as we honor all first responders in observance of September 11, 2001.**
- **Join Councilman Thomas & Councilman Berry in partnership for the monthly Bingo Bash on Wednesday, September 17th from 10am – noon at the Merle Manders Conference Center. Lots of fun to be had by all.**
- **Join Mayor Pro Tem Gantt for Free Line Dance Classes on Wednesday, September 17th, and September 24th from 6pm – 8pm at the Merle Manders Conference Center. All ages are welcome. Bring your own fan!**
- **Join Councilman Alexander for a District 5 Town Hall on Thursday, September 18th at the Levi @ the Bridges 1400 JR Grant Blvd. McDonough (City of Stockbridge). Topics: New Developments, Transportation/Traffic & Public Safety.**
- **Join Mayor Anthony Ford for the monthly Meet the Mayor - Monday, September 22nd from 10am – noon at City Hall. Meetings are by appointment.**
- **Join us for BridgeFest on Saturday, September 27th at Amphitheater. FREE fun activities for kids, vendors, food trucks and an amazing concert featuring Jacquees and KeKe Wyatt. City of Stockbridge**

residents will have the opportunity to obtain a limited number of tickets with a picture ID. Check the website and social media for full details.

- **The Economic Development Department host a FREE Business Health Clinic on the 2nd Thursday of every month from 9am – 12pm at the Stockbridge Connection Center 130 M L King Sr. Heritage Trail. Check the Health of Your Business with the FREE Clinic.**
- **Do you have an outstanding citation, warrant, or Failure to Appear fee? You may qualify to have the warrant resolved and late fees waived during the Stockbridge Municipal Court Amnesty Program offered during the month of September. Please visit our website for complete details. www.stockbridgega.org**
- **Councilman Thomas is honoring Veterans with a Continuous Salute all year long. Please send your pictures of Veterans with their name, branch, rank, and years of service.**
- **Join Councilman Thomas for the *Don't Trash Stockbridge* initiative centered around education, highlighting the causes and effects of Littering and Illegal Dumping. More information to follow.**
- **Sign Up for real-time alerts about severe weather, road closures and emergencies on the Regroup App. Visit the city's website or social media pages for more information on how and where to sign up. Stay Safe!**
- **2025 Municipal Election Forum taking place Tuesday, October 7th at 7:00 p.m. at the Merle Manders Conference Center.**

Please contact Rosalynd Rawls to schedule an appointment for *Meet the Mayor* and for more information on Council Initiatives at 678-833-3348 or via email: rrawls@stockbridgega.org

2025 CONCERT SEASON SCHEDULE

- **Saturday, September 13th – For Lovers & Friends featuring Tank with special guest Lyfe Jennings, and Ginuwine**
- **Saturday, October 18th, Detroit Gospel Legends featuring Fred Hammond, Donnie McClurkin, Anthony Brown, Vanessa Bell Armstrong, Lisa Page-Brooks, Carvin Winans and Bryon Cage**

MAYOR'S COMMENTS (Mayor Anthony Ford)

EXECUTIVE SESSION (Exemptions to the Georgia Open Meetings Acts)

ADJOURNMENT

Stockbridge

Where Community Connects

CITY COUNCIL MEETING
SUMMARY MINUTES
MONDAY, AUGUST 11, 2025 7:00 P.M.

Mayor & City Council

Mayor Anthony S. Ford At-Large
Mayor Pro Tem LaKeisha Gantt – Council District 1
Councilmember Alphonso Thomas – Council District 2
Councilmember Kyle D. Berry, Sr. – Council District 3
Councilmember Yolanda Barber – Council District 4
Councilmember Elton Alexander – Council District 5

Administration

Shawn Edmondson – City Manager
Frank Milazi – City Treasurer
Vanessa Holiday – City Clerk
Quinton Washington – City Attorney
Megan McCullough – Associate 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.

Invocation by Mayor Ford at 7:25 p.m.

Invocation by: Councilmember Alexander

The 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 Councilmember Thomas who attended via phone.

ADOPTION OF THE AGENDA

Motion to adopt the Agenda was made by Mayor Pro Tem Gantt; seconded by Councilmember Alexander. The motion passed unanimously 5-0.

CEREMONIAL

Mayor Ford referenced the ceremonial recognition prior to the start of the meeting where the Shacori Valentine was recognized as Miss Georgia US International; Jaylan Holman was sworn in as the new member of the Main Street Advisory Board; and new students were sworn in on the Youth Council.

PUBLIC COMMENTS

- Mr. Robert Schull made comments regarding the need for speed devices to be placed on Shields road, noting this is his 4th or 5th plea to the City Council without a resolution.
- Ms. Solanke' Bomani referenced an upcoming African Gala taking place on September 26, 2025 at the Merle Manders Conference Center and invited everyone to attend; noted the cost is $75 per person, and the group is seeking sponsors, and invited Mayor Ford to participate as a guest speaker.

APPROVAL OF THE MINUTES

1. Approval of the June 16, 2025 Special Called Meeting Minutes
   Approval of the July 15, 2025 City Council Regular Meeting Minutes
   Approval of the July 29, 2025 City Council Work Session Meeting Minutes
   Motion to approve the Minutes was made by Mayor Pro Tem Gantt; seconded by Councilmember Barber. The motion passed unanimously 5-0.

   Mayor Ford read the Public Hearing Rules

PUBLIC HEARING

2. Text Amendment Case #TX-2025-01 (Council District 4)
   Second Reading - Council consideration of a text amendment to amend Title 12 (Unified Development Code), Section 2.5.3 (e) and Section 2.5.3 (f) of the City of Stockbridge Code of Ordinances relating to the Downtown Village (DT) Overlay District, so as to add certain uses to the list of "Special Uses" requiring a Special Use Permit, and to remove certain uses from the list of prohibited uses to allow them to now be permitted uses, provided that certain requirements are met; to provide for severability; to repeal conflicting ordinances; to provide an effective date; and for other purposes.
   Presented by: Ryan Anderson, Community Development Director
   Mr. Anderson reviewed the purpose of the Downtown Overlay District, presented the map of the area, gave an overview of the current permitted uses and proposed changes; and noted applicants would be required to apply for a Special Use Permit and approval from the Governing Body for approval; and noted there are current restrictions and distance requirements in place for certain businesses.

   Councilmember Barber noted the Downtown Overlay District is located in Council District 4 that she represents, and requested the prohibited list include Vape Shops, Tattoo Parlors, Nail Salons, Hair Salons, Barber Shops, Package Stores, Cigar Lounges, and Convenience stores to prevent an over saturation of the same type of business in close proximity of each other; agreed with keeping the distance requirement in place, and noted the DDA (Downtown Development Authority) map did not include the Bed & Breakfast, Stockbridge Lakes within its boundaries; and asked what was driving the request for the text amendment.

   Mr. Anderson referenced the three acres of land across from city hall and stated that currently, apartments are not allowed.

Councilmember Barber stated the development should meet the city's standards and code and not try to fit or accommodate the developer by saturating the area; and asked that the downtown area be developed to include entertainment and dining options.

Mr. Anderson stated that the city has a downtown study that has recommended density, and that is in conflict with the city's code.

Councilmember Barber asked if staff will be making the same requests and recommendations for the fifteen acres of city-owned land at Rock Quarry Rd. and N. Henry Blvd.

Mr. Edmondson stated that it is his understanding that the Text Amendment will bring the code in alignment with the city's Comprehensive Plan; and noted that City Council always has the option to put a moratorium in place to allow staff time to study the impact and come back with a recommendation.

Councilmember Barber recommended the Text Amendment be Tabled to the upcoming Retreat for discussion to allow Mr. Edmondson an opportunity to be brought up to speed on all of the city's plans.

Mayor Pro Tem Gantt stated that she is in favor of the Text Amendment and is not in favor of restricting convenience stores, noting the convenience stores could be part of a mixed-use development; and noted young adults are attracted to certain stores, coffee shops, and convenience stores be readily accessible, and contributes to the live, work and play environment.

Councilmember Alexander stated the downtown area has been a focus of the city since his tenure on the City Council, and that the Amphitheater is driving the influx of activity, with the city being on the right track, and credits Mr. Sylvain for opening businesses in the downtown district; and opposes a moratorium, noting there are already restrictions in place that prohibit certain businesses, and there is a distance requirement in place that keeps the area from being over saturated; does not want to kill the creativity of the downtown, referencing Avalon in Alpharetta, and Trilith in Fayetteville, and wants to encourage best in class developments; stated that Councilmember Barber did not support the 114 M L King development; and noted the Council is taking its direction and vision from the community.

Councilmember Barber stated that she does not recall opposing the 114 M L King development and stated that her concerns regarding the 114 property and others was that the real estate properties that were being sold were not being appraised, nor were they were not advertised to the public, and the properties were being sold below Fair Market Value.

Councilmember Barber recommended that the 3-acre space across from city hall remain green space, noting she is the District 4 Representative, and has requested that the new City Manager review the plans for the area, noting the 2013 plans that have been referenced should have included the Rock Quarry Rd. Extension, and suggested that the plans be reviewed and updated to include infrastructure with an investment in new roads to accommodate all of the growth that has taken place in District 4 with nine council-approved developments; and stated there does not need to be another mixed-use development squeezed onto a 3-acre lot, but rather there needs to be a pause to move forward with a planned vision. Councilmember Barber stated that she wants business owners and residents to know that she plans to address the infrastructure needs that may impact the community, and will make sure there is adequate parking; and noted there are already two convenience stores across from each other at the corner of Rock Quarry Rd. and N. Henry Blvd., and another convenience store across from Gardner Park on East Atlanta Rd., and suggested the Council revisit this Text Amendment request at the upcoming Retreat in September.

Councilmember Berry suggested everyone step back and pause, noting the downtown district has been overlooked for a long time with no character, and that there needs to be a central gathering place in the city; noted both recommendations are true, there needs to be development in the downtown, and there needs to be green space in the downtown, and that there needs to be a strategy about doing it; noted that members need to listen and hear what each other is saying, and mix it together and make gumbo so that every piece of the culture can get a piece of it; noted that when everyone can get beyond their pride and egos, and do the that work, you will truly be serving the community and giving them what they need; noting that when you drive down Hwy. 138, the question remains, where is the downtown, the beacon of light that lets you know that you are in Stockbridge; and that members of Council need to collaborate and communicate and foster as sense of community that will make everybody proud; noted the city does not need to press pause right now, as he has been on the City Council one and a half years and been waiting for things to come forward, and does not want another meeting or another set of drawings, or another plan, but rather wants to see the ideas that of all members that have been already expressed put together and move things forward with action, and create the best downtown in the south.

Mayor Pro Tem Gantt agreed, stating it is her desire to see dirt moving, and that there is an infrastructure plan, and also a master trail plan that starts in the downtown, along with a sidewalk plan; thanked Mr. Anderson and the Community Development team for laying the groundwork by bringing these recommendations forward so that the plans can be implemented, which can be discussed at the Retreat; and noted this text amendment is a tool for the city to determine what businesses can and cannot come in; noted there have been several studies done with community input; and agrees it is time to get things started.

Councilmember Alexander agreed stating he wants to get something done and hears about it during the DDA and Main Street meetings; noted the city has spent millions of dollars on stormwater infrastructure around the Amphitheater project, $3 million dollars around city hall, a turning lane on East Atlanta Rd. with streetlights and noted Mr. Edmondson has been charged with moving the Alleyway project forward.

Councilmember Barber requested the prohibited uses that she named be included in the list presented by Mr. Anderson as a condition, if the Council is amenable, and also asked that the Rock Quarry Rd. Extension be moved up on the city's priority list, and does not want to keep building in one concentrated area near the Amphitheater, noting the downtown extends further than just the Amphitheater and includes the fifteen acres of land at the intersection of Rock Quarry Rd. and North Henry Blvd. and expands beyond Gardner Park, and all of these areas need development and improvement to the infrastructure and should also be a priority, not just centralized around the Amphitheater.

Mr. Anderson stated intent of the Text Amendment is to line up the UDC with the city's Zoning Ordinance, noting that otherwise the studies and plans that the city has paid for cannot be implemented because there is conflict with the Code.

Mr. Edmondson noted that this Text Amendment is being more restrictive, and applicants will be required to obtain a Special Use Permit for Council approval.

Councilmember Barber noted that her intent is to place the restrictions in the Code, specifically convenience stores, and therefore the applicant would not need to make a request.

Mr. Edmondson noted that although a prohibited use may be in place, an applicant can always have the option to make a request for a Special Use Permit which must be approved by the Governing Body.

Councilmember Barber asked what the purpose is of having a list of prohibited uses if a Special Use Permit can still be made for prohibited businesses.

Mr. Edmondson noted the applicant can make the request to the Governing Body, and it does not mean that it will be approved; noting the list makes staff aware of the prohibited businesses used for their day to day processes and operations, and flags matters that must go before a board for recommendation for approval along with staff recommendations and approval, before coming before the City Council for the final vote.

Councilmember Barber asked that the list of prohibited uses be added to the list for day-to-day processes and operations to include Convenience Stores, Vape Shops, Tattoo Parlors, Nail Salons, Hair Salons, Barber Shops, Package Stores, and Storage Facilities.

Mr. Edmondson noted following the public hearing, the motion can be made as is or to include those prohibited and restricted items.

Public Hearing was Opened.
Speakers in Favor: Ms. Karen Singh and Mr. Jayden Williams
Speakers Opposed: Ms. Karen Charmaine
Public Hearing was Closed.

Councilmember Alexander made a motion to approve Text Amendment # TX-2025-01 as recommended by staff, noting the new Vape Shop on North Henry Blvd. should not have been allowed in the PMU, and is prohibited along major highways.

Mr. Anderson stated the business is a convenience store that sells tobacco products and will recommend a change in the businesses' signage; and noted legislation is in the works.

Councilmember Alexander stated he does not agree with the restriction of the Hookah Bar and Cigar Lounges; and noted convenience stores would be required to come to the City Council for a Special Use Permit.

Mr. Edmondson stated that a moratorium is used when there are gaps in legislation being in place, so that applications don't slip through while legislation is in process.

Councilmember Alexander noted that with approval of the Text Amendment, a convenience store would need Council Approval of a Special Use Permit, and without approval of the Text Amendment they would not.

Mr. Edmondson confirmed.

Councilmember Alexander made a motion to approve Text Amendment TX-2025-01 as recommended by staff and does not support restrictions of Hookah and Cigar Lounges in the entertainment district.

Councilmember Barber noted the Text Amendment request is for the district that she represents, and that the City Council has shown a pattern of approving matters within her district, noting there does not need to be another package store or convenience store in District 4, as those businesses will not attract people to the downtown and that to garner her support, the motion needs to include all of the restrictions she has named, and requested the motion be amended by Councilmember Alexander to include the restrictions and prohibited uses, and the distance requirement remain in place.

Mr. Edmondson stated those businesses can be added to the Special Use Permit List.

Councilmember Alexander stated the distance requirement already restricts those businesses, and any other businesses not in the distance requirement has to come to the Council for approval; however, he does agree with adding the Storage Facilities to the use and wants to exclude Cigar Lounges in the Entertainment District which will require a Special Use Permit.

Mayor Pro Tem Gantt noted Storage Facilities are not zoned for the Downtown Overlay District.

Councilmember Alexander stated those businesses are already covered.

Mr. Edmondson stated that if the businesses are already covered, then it doesn't hurt anything to name them.

Councilmember Alexander amended his motion to approve Text Amendment TX-2025-01 to include listing the prohibited uses:

Councilmember Barber read the suggested businesses to include in the motion: Car Repair Shops Tires Shops, Convenience Stores, Nail Salons, Barber Shops, Package Stores, Hookah Bars, Vape Shops, Hair Salons, Storage Facilities, and Tattoo Shops.

Councilmember Alexander agreed with adding to the motion the prohibited businesses as presented by Councilmember Barber, noting any of those uses would require a Special Use Permit to be approved by the City Council; Mayor Pro Tem Gantt seconded the motion. The motion passed unanimously 5-0.

3. TEXT AMENDMENT CASE #TX-2025-02. (Citywide.) SECOND READING
Council consideration of a text amendment to amend the City of Stockbridge Code of Ordinances to create a new section to establish supplemental use standards for personal care homes for one to six unrelated adults; to identify zoning districts where such uses are permitted by special use permit; to establish compliance, operational, and development standards; to amend the home occupation section; and for other purposes.
Presented by Ryan Anderson, Community Development Director
The Application was withdrawn at the Applicant's Request.
Mr. Anderson noted this is the Second Reading for the Text Amendment 2025-02, and that the request is due to the conflict between the city's Code of Ordinance and the Unified Development Code, and the amendment will remedy the conflict and put regulations in place for Personal Care Homes in the City of Stockbridge.

Mr. Anderson reviewed the Definitions, Regulatory Use, Code of Ordinances, Development Standards, Use Standards, Compliance Requirements, Security, Annual Permits Required, Procedures for Permit Denials & Revocations, Occupational Tax Certificate Issuance, and the city's Unified Development Code.

Public Hearing was Opened.
No Speakers in Favor
Speakers Opposed
Public Hearing was Closed.

Mr. Edmondson recommended a Generator be added as a Condition.

Councilmember Barber proposed the distance requirement change from 1500 feet to five miles.

Mr. Edmondson noted the restrictions placed in the Personal Care Home language are reasonable, and that the applicant is already looking at around $100,000 to bring the home into compliance with the proposed conditions, noting any additional requests from other applicants will require a Special Use Permit to come before the Governing Body for approval.

Councilmember Barber stated she would compromise with a two-mile distance requirement and therefore does not want the neighborhoods saturated with Personal Care Homes, and requested the home have quality fencing such as wrought iron or something similar.

Mayor Pro Tem Gantt stated she was okay with the one-mile distance requirement that is in place for other types of businesses in the city, noting there is a requirement of one acre; and asked how many bedrooms are required.

Mr. Edmondson noted the facility must be in compliance with State code and regulations to operate.

Councilmember Alexander stated he is okay with the one-mile distance requirement and needs to know if the parking requirements are adequate, and ADA compliant; and asked who the client will be.

Mr. Anderson noted the residents are expected to be disabled individuals, disabled veterans and seniors who require assistance.

Councilmember Barber stated all the other Districts in the City have HOA's where Personal Care Homes are prohibited, and that 95% of District 4 is comprised of neighborhoods that don't have HOA subdivisions, meaning a Personal Care Home would be allowed every 1500 feet, and that is why the request is made for a two-mile distance requirement.

Councilmember Barber motioned to approve Text Amendment No. TX-2025-02 with staff recommendations with the distance requirement of two square miles distance requirement and require a generator. The motion failed for lack of a second.
Councilmember Berry asked Councilmember Barber if the motion could be amended to one square mile, noting Personal Care Homes are very much needed for a vulnerable population and does not want to come across as

being too restrictive, understanding that we don't want to have an abundance of the facilities, and also does not want it to appear as though Stockbridge is too harsh towards a very vulnerable population of people.

Councilmember Barber stood by the motion with the two-mile distance requirement and generator.
Councilmember Alexander motioned to approve Text Amendment #TX-2025-02 with staff recommendations with a one-mile distance requirement and generator; seconded by Mayor Pro Tem Gantt. The motion passed 3-0-2 (Alexander/Berry/Gantt Approved) (Barber/Thomas Abstained). Councilmember Barber stated her abstention for the Text Amendment noting Personal Care Homes mostly affect District 4, her District, and that the other City Council Districts have HOA's or apartments that prohibit Personal Care Homes and stated that she prefers that wrought iron fencing to be a requirement.

4. Special Use Permit Case #SP-2024-03. (Council District 4.)
Consideration of a request for a Special Use Permit to allow a personal care home to operate on property at 270 Shields Road, within an existing single-family detached residence. Applicant/Agent: Shona John. The property is located in Land Lot 70 of District 12, and it contains 1.47 +/- acres.
Presented by: Ryan Anderson, Community Development Director
Mr. Anderson noted because the City Council has approved Text Amendment TX-2025-02, staff recommends approval of the Special Use Permit with the applicant meeting all of the requirements.

Attorney Michele Battle of Battle Law, who represents the applicant, noted the fact that there are no Personal Care Homes in the City of Stockbridge; noted that she also runs a non-profit for adults who cannot care for themselves. Attorney Battle spoke about the needs of those who are vulnerable to have a place such as a Personal Care Home is critical, noting none of us knows if we ourselves, or anyone from our families will be in need of care from this type of facility, and asked the members of Council to consider that, and not who will be a resident, the number of bedrooms or fencing, but to rather focus on the needs of the community.

Attorney Battle noted there are State regulations already in place that would apply to this Personal Care Home, and that this facility meets those requirements; noted the request is properly zoned and will employ two full-time staff personnel, and the residents will primarily be seniors.

The applicant, Ms. Shona John, noted that the State has visited the home and noted she complies and has met all the requirements and wants to serve the community.

Mayor Ford noted he drove by the location and noticed there is not a fence around the property.

Ms. John stated the property is fenced on three sides - both sides and the rear.

Mr. Anderson noted a business license will not be issued until they are in full compliance.

Councilmember Barber noted she is the City Council representative for District 4.

Mayor Pro Tem Gantt thanked Attorney Battle for her truth and noted the Personal Care Homes are regulated by the State and supports the Special Use Permit.

Councilmember Berry stated that there are times where we tend to over politicize, and that we have the ability to serve and see people and to the simplest things for the elderly, mentally ill, and the sick, and to foster to the most vulnerable of our population; and stated that you cannot expect grace when you don't give grace.

Ms. John stated that the stipulations that have been placed by the City for Personal Care Homes will be a challenge, financially, and asked if the stipulations that were just approved by the City Council apply to her location in order for her to move forward, noting she previously had a Personal Care Home in Riverdale, GA, and asked if she has to comply with the stipulations the City of Stockbridge has just approved, or is the approval for those applications going forward; noting that when she applied for Zoning, those stipulations and requirements were not in place, including the request for additional parking, and the State was not requiring.

Mr. Anderson stated that in order to be exempt from the requirements, he would need a legal opinion from the City's Zoning Attorney, and that his understanding is that when the applicant applied, there was no permitted use in place, and that the law to allow the Permitted Use was just approved during this meeting, and that for him, that means everyone would need to be in compliance with the approved law.

Councilmember Berry asked Ms. John what part of the guidelines or law are problematic for her.

Attorney Battle stated that Ms. John applied for a Land Use Permit based on the Ordinance that was in place at the time, and that the City of Stockbridge did not have in place an Ordinance for regulations to issue a business license, therefore the question to the city's legal counsel, technically, the applicant applied before the stipulations and requirements were put into place.

Mr. Anderson stated that he needs to confer with the City's Zoning Attorney and does not want to put the city in a liability situation as it relates to health and wellness.

Attorney Washington stated that the applicant has vested rights for what she has applied for up to this point for a business license because what the City Council just approved affects business licenses this year, and that because she has her application in, the applicant would be grandfathered in to the process up to that point, but if she does not get it this go round, it would apply for her next go round.
Attorney Washington restated his legal option stating that because the applicant has applied, she is grandfathered under what she applied under, so if the applicant completes everything now, then she is fine, and when it rolls back around and she has not, then the new Ordinance and standards for the business license that the City Council just passed would kick in.

Councilmember Alexander recommended approval and allowing the applicant to comply with the stipulations within twelve months.

Mr. Edmondson stated that at a minimum, the applicant would be required to meet State Code and comply.

Public Hearing was Opened.
No Speakers in Favor
Speakers Opposed – Mr. Robert Schull
Public Hearing was Closed.

Councilmember Barber noted that she is in full support of Personal Care Homes, noted there are unique needs in District 4, considering most of the homes are in established neighborhoods and many are the city's legacy residents, and there is also a safety concern of the pond directly across the street from the Personal Care Home and is not fully fenced; and noted the Personal Care Home location is also not fully fenced, and that presents a safety concern as well; and noted the Personal Care Home location is on Shields Road where there are no sidewalks or curb & gutter along the roadway and has great safety concerns for the area, and questioned why she has to continuously fight for the safety concerns and the needs of the residents of District 4; noted there is no HOA in place and Shields Road was addressed earlier in public comments regarding speeding issues that have been brought to the Council several times; reiterated that she supports Personal Care Homes, however, the safety concerns need to be addressed; and asked Mr. Edmondson what is needed from her to ensure that the residents along Shields Road will be safe.

Attorney Battle stated that none of the residents will have cars, most of the residents will be ambulatory, there will be staff 24/7, they will not be walking along the roadway, and that they will primarily be wheelchair bound, they will not be wandering out of the home except to go out on supervised day trips off site; and stated that a fence is not a typical in a residential context, and that a gate would be an issue.

Councilmember Barber asked if the city did not have the proper Ordinance and requirements in place a year ago with the request was made, why did it take so long to get to this point? And asked why District 4 continues to be politicized and asked what needs to be done regarding Personal Care Homes.

Mr. Edmondson stated that going forward, applicants will be required to adhere to the rules that are in place, and that staff will be more engaged. Councilmember Barber made a motion to approve Special Use Permit #SP-2024-03; seconded by Councilmember Alexander. The motion passed unanimously 5-0.

NEW BUSINESS

5. The Stockbridge Municipal Court is offering an amnesty program for individuals with outstanding traffic violation cases. The program specifically waives failure-to-appear (FTA) arrest warrants for traffic offenses, allowing people to resolve their cases without fear of arrest. The program will run from September 1 to September 30, 2025.
   Presented by: Genea Stanley, Court Administrator
   Ms. Stanley made a request for the City Council to approve an Amnesty Program to take effect September 1 – September 30, 2025, and would continue annually. Ms. Stanley gave an overview of the program noting this to be an initiative offering individuals with outstanding fines, warrants, or unresolved cases an opportunity to resolve their matters for a lime time with reduced penalties and/or waived fees; noted the benefits of the program for the individuals and the court; reviewed the program structure and eligibility to participate, noting the school safety zone will not be included; noted the waived fees would be the $100 FTA (Failure to Appear) and the $150 Warrant Fees, and refenced the payment options; reviewed the implementation of the program via public outreach and communication; referenced other municipalities who have implemented amnesty programs, noting her research shows that courts are able to clear 5 – 25% of old citations; and summarized that implement the Amnesty Program would create a positive impact on individuals, courts and communities by giving individuals a fresh start, assisting with clearing cases from the court's backlog and by fostering a sense of accessibility and equity within the justice system.

   Motion to approve was made by Councilmember Barber; seconded by Councilmember Berry. The motion passed unanimously 5-0.

6. Council Consideration to approve the selection of an Entertainment Attorney.
   Presented by: Shawn Edmondson, City Manager
   Mayor Pro Tem Gantt requested the item to be heard following Executive Session.

DISCUSSION

7. Council Discussion for approval of an Ordinance to amend the Stockbridge Municipal Code Section 3.30.222 (b) Approval of Contracts and Section 3.30.223 (B) City Manager Authority, returning the spending and contracting authority to $25,000 without City Council Approval. Councilmember member Barber stated that she made the request for this Agenda item due to the Mayor signing contracts for the Amphitheater and concerts and does not believe the discussion is now necessary under the direction of the newly hired City Manager and need to allow him the opportunity to show fiscal responsibility.

   Councilmember Alexander motion to remove the item from the Agenda; seconded by Mayor Pro Tem Gantt. The motion passed unanimously 5-0.

   Councilmember Thomas exited the meeting.

UPCOMING MEETINGS & ANNOUNCEMENTS: Council meetings will be held in the City Council Chamber. Meeting dates, locations and times are subject to change or contact City Hall offices at 770-389-7900 or visit the website www.stockbridgega.org for updates.

- Citywide Development Authority – Meetings are held on the second Tuesday of each month (unless otherwise noted) in the Levi Room at 6:00 p.m. (Aug 12)
- Community Zoning Information Meeting – Wednesday, August 13th in the City Hall Council Chamber at 6:00 p.m. (Aug 13) CANCELLED
- The Third and Final Millage Rate Public Hearing and Adoption has been rescheduled and will take place on Monday, August 18th at 10:00 a.m. – City Hall Council Chamber (Aug 18)
- Downtown Development Authority – Meetings are held on the third Tuesday of each month at the Downtown Connection Center 130 M L King Sr. Heritage Trail at 6:00 p.m. (Aug 19)
- Youth Council Advisory Committee – Meetings are held on the third Tuesday of each month – City Hall Levi Room at 6:30 p.m. (Aug 19)
- Planning Commission – Meetings are held on the third Thursday of each month at City Hall in the Council Chamber at 6:30 p.m. (Aug 21) CANCELLED
- City Council Work Session – Meeting are held on the Last Tuesday of each month at City Hall in the Council Chamber (Aug 26)

UPCOMING CITY EVENTS/INITIATIVES

- Join Main Street for the Tiny Tent Concert Series Fridays from 6pm to 8pm at the Stockbridge Connection Center, 130 M L King Sr. Heritage Trail. Bring your lawn chairs. (Weather Permitting)
- Join Councilman Thomas & Councilman Berry in partnership for the monthly Bingo Bash on Wednesday, August 20th from 10am – noon at the Merle Manders Conference Center. Lots of fun to be had by all.
- Join Mayor Pro Tem Gantt for FREE Line Dance Class on Wednesday, August 20th from 6pm – 8pm at the Merle Manders Conference Center. Bring your own fan!
- Join Mayor Anthony Ford for the monthly Meet the Mayor - Monday, August 25th from 10am – noon at City Hall. Meetings are by appointment.

- The Economic Development Department host a FREE Business Health Clinic on the 2nd Thursday of every month from 9am – 12pm at the Stockbridge Connection Center 130 M L King Sr. Heritage Trail. Check the Health of Your Business with the FREE Clinic.
- Councilman Thomas is honoring Veterans with a Continuous Salute all year long. Please send your pictures of Veterans with their name, branch, rank, and years of service.
- Join Councilman Thomas for the Don't Trash Stockbridge initiative centered around education, highlighting the causes and effects of Littering and Illegal Dumping. More information to follow.
- Sign Up for real-time alerts about severe weather, road closures and emergencies on the Regroup App. Visit the city's website or social media pages for more information on how and where to sign up. Stay Safe!
- Municipal Election Qualifying takes place Monday August 18 – Friday August 22 from 8:30am to 4:30pm (closed from 12-1). More information is available on the City Clerk's Department page on the city's website at stockbridgega.org.

Please contact Rosalynd Rawls to schedule an appointment for Meet the Mayor and for more information on Council Initiatives at 678-833-3348 or via
email: rrawls@stockbridgega.org

2025 CONCERT SEASON SCHEDULE

- Saturday, August 16 – Stockbridge Jazz Festival hosted by Tommy Davidson, featuring David Benoit, Jazz Funk Soul, EFX Allstars, Chandra Currelley, Sonny Emory, Norman Brown, Jennifer Holliday, Karen Briggs, Eric Darius, and Keiko Matsui

- Saturday, August 30th – Jimmy Jam and Terry Lewis celebrating 40 years of iconic music featuring performances by Reuben Studdard, Deborah Cox, MC Lyte, Jordan Knight, Yolanda Adams, Chante Moore, Morris Day & Jerome Benton, Cherrelle, and Ann Nesby

- Saturday, September 6th & Sunday, September 7th, Southern Soul Weekend featuring King George, Tucka, West Love, Pokey Bear, TK Soul Tywaun Moore, and Tonio Armani

- Saturday, September 13th – For Lovers & Friends featuring Tank with special guest Lyfe Jennings, and Ginuwine

MAYOR'S COMMENTS

Mayor Ford noted summer has ended and asked that everyone be lookout for the students and keep our children safe; be aware of the RedSpeed cameras and noted football season is in full effect with high school games on Friday night.

Mayor Ford called for a motion to convene Executive Session for Personnel, Real Estate, Litigation and CyberSecurity.

Motion to convene Executive Session as stated was made by Mayor Pro Tem Gantt; seconded by Councilmember Alexander. The motion passed unanimously 4-0.

Motion to adjourn Executive Session and sign an Affidavit was made by Councilmember Berry; seconded by Councilmember Barber. The motion passed unanimously 4-0.

Motion to reconvene the meeting was made by was made by Mayor Pro Tem Gantt; seconded by Councilmember Berry. The motion passed unanimously 4-0.

Motion to a contract between the City of Stockbridge and Walker & Associates was made by Councilmember Berry; seconded by Councilmember Alexander. The motion passed unanimously 4-0.

Motion to adjourn the meeting at 11:46 p.m. was made by Mayor Pro Tem Gantt; seconded by Councilmember Berry. The motion passed unanimously 4-0.

Respectfully submitted by:

_____ _____

Vanessa Holiday, City Clerk Anthony S. Ford, Mayor

MILLAGE RATE PUBLIC HEARING #1
SUMMARY MINUTES
MONDAY, AUGUST 11, 2025 10:00 A.M.

Mayor & City Council

Mayor Anthony S. Ford At-Large
Mayor Pro Tem LaKeisha Gantt – Council District 1
Councilmember Alphonso Thomas – Council District 2
Councilmember Kyle D. Berry, Sr. – Council District 3
Councilmember Yolanda Barber – Council District 4
Councilmember Elton Alexander – Council District 5

Administration

Shawn Edmondson – City Manager
Frank Milazi – City Treasurer
Vanessa Holiday – City Clerk
Quinton Washington – 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.

Invocation by Mayor Ford at 10:06 a.m.

Invocation by: Councilmember Berry

The Pledge of Allegiance was recited by all in attendance.

City Clerk, Vanessa Holiday was asked to proceed with a verbal roll call. All the members were present except Mayor Pro Tem Gantt and Councilmember Thomas.

ADOPTION OF THE AGENDA

Motion to adopt the Agenda was made by Councilmember Alexander; seconded by Councilmember Berry. The motion passed unanimously 3-0.

PUBLIC HEARING #1

1. Council Consideration of Millage Rate Presented by Frank Milazi, City Treasurer/CFO
   Mr. Milazi noted this is the first of three Millage Rate Public Hearings; noted the home values have increased with the Tax Digest increasing from $1.94 billion dollars to $2.1 billion dollars or 5.6%.

Mr. Milazi noted the rollback will not be implemented, and is recommending a millage rate of 3.77, the same rate as was implemented in 2023 and 2024.

Mr. Milazi noted the city has offered its homeowners tax relief Homestead Exemption in the amount of $10,000, with an additional exemption for residents who are age 65 and older or have septic tanks in the amount of $15,000 for a maximum exemption of $25,000.

Mr. Milazi noted the 3.77 millage proceeds allows for the city to continue with services for residents and businesses for Public Works, Police, Citywide Projects, Economic Development, and other operational services.

Mr. Milazi gave examples of the taxes assessed for homes with values of $100,000 and $300,000, and if the resident had an exemption of $10,000 or $25,000.

Mayor Pro Tem Gantt joined the meeting at 10:17 a.m.

Mr. Milazi noted the city's millage rate has been the same since 2023, and 2024 and that even with the homestead exemptions, the proposed millage rate for 2025 is recommended at 3.77; and noted the exemptions for the city have increased from $24,000 (for standard exemptions such as churches and non-profits) to $119,000; and noted the city collected $6 million in taxes for 2023, $7 million for 2024 and anticipates collection 7/3 million for 2025; and noted 2023 was a 100% increase because it was the first year of the millage; 2024 had an increase 4 % increase, and 2025 has an increase of 1.83% or $131,000 overall.

Councilmember Alexander requested the number of homes in the city, and to divide the number of homes by $131,000 for an estimate of taxes per household.

Mr. Milazi noted that he would advise on the actual number of homes, and noted the calculation would be very small compared to the services that residents are receiving.

Councilmember Alexander noted the city did not have a police department in 2022, and instead paid down the city tax with $4 million dollars from fund balance as a rebate to citizens for public safety and adding 60+ officers on the street.

Mayor Pro Tem Gantt noted the city's Tax Digest increased due to the increased number of developments that were added in the city; and noted that the city taxes, which include sanitation and recycling services, are lower than county taxes.

Councilmember Berry noted the city needs to increase advertising of the city's homestead exemption and to make more of an effort to inform more residents about this tax-saving measure, to include the window in which homeowners are able to apply.

Mr. Milazi noted the information will go out beginning in December, and the timeframe to apply is January 1 – April 1 of each year; and noted the exemptions are exclusive to city of Stockbridge residents only.

Councilmember Barber requested the detail breakdown of the total homeowners who applied for the homestead exemption, and the number of homeowners who applied with septic.

Mr. Edmondson cautioned being able to honor the request, noting the exact information may be a challenge considering the numbers change frequently from year to year.

Mayor Ford introduced Mr. Harris, the Henry County Tax Commissioner who thanked Mr. Milazi and staff for assistance in preparing for the Millage Rate Hearings, noting this to be a challenging year with the passing of HB591 and HB92; noted the millage adopted last year for Henry County was 39.733 and 38.503 for the City of Stockbridge; and noted the school board plans to reduce the millage to 19.8, and that his office is finalizing the digest, and thanked the city for its flexibility and cooperation with the millage rate public hearing dates.

Councilmember Alexander noted the State of Georgia has committed to reducing taxes and referenced the FLOST (Floating Local Option Sales Tax) item for the November ballot, noting GMA (Georgia Municipal Association) has stated that the 1% sales tax could be used to pay down the city tax and reduce the county tax.

Mr. Harris noted the provision from HB581 allowed for cities and counties to opt in or opt out and noted that Henry County was one of thirty counties with a frozen exemption provision.

Mr. Harris referenced the Option for opting in which would equal 3% valuation, and the frozen exemption option would be capped at 0%.

Mr. Harris noted the cities and county need to choose which option would be more beneficial for the residents, noting his office is evaluating each parcel, and it looks like the vast majority of would benefit from the current frozen option; and noted the sales tax collected from the FLOST, which works similar to the SPLOST (Special Purchase Local Options Sales Tax) however, the revenue collected can only be used to benefit the homeowners with an assessed millage to further reduce their tax burden.

Councilmember Alexander noted the FLOST Referendum will be on the November ballot in 2025 and per GMA, if approved, it could eliminate the Stockbridge city tax.

Mayor Ford read the Public Hearing Rules and Procedures

Public Hearing Opened
No Speakers in Favor
No Speakers Opposed
Public Hearing was Closed.

Councilmember Alexander stated it is his desire to have the millage rate of 3.77 remain for 2025.

Mr. Milazi noted there were 1,729 total homestead applications for 2025 and 70 septic applications.

Motion to adjourn the meeting at 10:52 a.m. was made by Mayor Pro Tem Gantt; seconded by Councilmember Berry. The motion passed unanimously 4-0.

Respectfully submitted by:

_____	_____
Vanessa Holiday, City Clerk	Anthony S. Ford, Mayor

MILLAGE RATE PUBLIC HEARING #2
SUMMARY MINUTES
MONDAY, AUGUST 11, 2025 6:30 P.M.

Mayor & City Council

Mayor Anthony S. Ford At-Large
Mayor Pro Tem LaKeisha Gantt – Council District 1
Councilmember Alphonso Thomas – Council District 2
Councilmember Kyle D. Berry, Sr. – Council District 3
Councilmember Yolanda Barber – Council District 4
Councilmember Elton Alexander – Council District 5

Administration

Shawn Edmondson – City Manager
Frank Milazi – City Treasurer
Vanessa Holiday – City Clerk
Quinton Washington – 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.

Invocation by Mayor Ford at 6:30 p.m.

Invocation by: Mayor Pro Tem Gantt

The Pledge of Allegiance was recited by all in attendance.

City Clerk, Vanessa Holiday was asked to proceed with a verbal roll call. All the members were present except Councilmember Berry and Councilmember Thomas.

ADOPTION OF THE AGENDA

Motion to adopt the Agenda was made by Councilmember Alexander; seconded by Mayor Pro Tem Gantt. The motion passed unanimously 3-0.

PUBLIC HEARING #2

1. Council Consideration of Millage Rate
   Presented by Frank Milazi, City Treasurer/CFO
   Mr. Milazi noted this is the second of three Millage Rate Public Hearings; noted the millage rate is based on the Fair Market Value of homes, set annually by the

   Governing Body, and the tax is based on the assessed value; noting the values of properties can increase or decrease.

Mr. Milazi noted home values in the city have increased with the Tax Digest increasing from $1.94 billion dollars to $2.1 billion dollars or 5.6%, noting new developments in the city, and noted that if you were to sell your home today, you would receive a greater profit because home values have increased.

Mr. Milazi noted the rollback will not be implemented, and is recommending a millage rate of 3.77, the same rate for three consecutive years.

Mr. Milazi noted the city has offered its homeowners tax relief Homestead Exemption in the amount of $10,000, with an additional exemption for residents who are age 65 and older or have septic tanks in the amount of $15,000 for a maximum exemption of $25,000, and reminded homeowners who have not applied for the homestead exemption to apply between January 1 and April 1, 2026.

Mr. Milazi noted the 3.77 millage proceeds allows for the city to continue with services for residents and businesses for Public Works, Police, Citywide Projects, Economic Development, and other operational services.

Mr. Milazi gave examples of the taxes assessed for homes with values of $100,000 and $300,000, and if the resident had an exemption of $10,000 or $25,000.

Mayor Pro Tem Gantt joined the meeting at 10:17 a.m.

Mr. Milazi noted the city's millage rate has been the same since 2023, and 2024 and that even with the homestead exemptions, the proposed millage rate for 2025 is recommended at 3.77; and noted the exemptions for the city have increased from $24,000 (for standard exemptions such as churches and non-profits) to $119,000; and noted the city collected $6 million in taxes for 2023, $7 million for 2024 and anticipates collection 7/3 million for 2025; and noted 2023 was a 100% increase because it was the first year of the millage; 2024 had an increase 4 % increase, and 2025 has an increase of 1.83% or $131,000 overall.

Mayor Pro Tem Gantt noted that it was a consensus of the City Council that the millage rate will remain the same at 3.77, and that taxes are lower than unincorporated Henry County, and that while the value of the homes has increased, the millage rate will remain the same, noting an increase of development throughout the city.

Mayor Ford noted the final adoption of the millage rate will take place on Monday, August 18th at 10:00 a.m. following the third public hearing.

Councilmember Barber asked Mr. Milazi to cite the breakdown of homestead exemption applications as referenced in the first public hearing.

Mr. Milazi noted there were 1,729 total homestead applications for 2025 and 70 septic applications, noting there were no rejected applications, and noted unincorporated Henry County residents do not qualify for the City of Stockbridge

homestead exemption, although they may have a Stockbridge address, noting they must be city of Stockbridge taxpaying residents.

Councilmember Berry arrived at 6:54 p.m.

Councilmember Alexander noted that with the $131,000 increase, on an average $300,000 home, the estimated net tax increase is around $7.58 per household, and that the FLOST, if approved by the voters would be a tax savings.

Councilmember Alexander noted the city did not have a police department in 2022, and instead paid down the city tax with $4 million dollars from fund balance as a rebate to citizens for public safety and adding 60+ officers on the street.

Councilmember Berry noted as previously stated during the 10 a.m. meeting earlier, the city needs to increase advertising of the city's homestead exemption so that others, who have not applied, can take advantage of tax savings.

Mr. Milazi noted that he would advise on the actual number of homes, and noted the calculation would be very small compared to the services that residents are receiving.

Mr. Edmondson noted that other municipalities are implementing millage rate increases and commends the Governing Body for the bold move of smart growth and building smart with a strong foundation and keeping the residents in mind with regard to keeping the millage rate the same.

Mr. Harris noted the FLOST (Floating Local Option Sales Tax) is tied to the CPI (Consumer Price Index), and that the County and four cities opted in; noted the FLOST is similar to SPLOST, and that all of the revenue must go toward the reduction of the millage rate; noted the school board opted out, however, the school board is not required to opt in for the county and cities to move forward.

Councilmember Alexander noted that 60% of the taxes assessed are from the school board.

Mr. Harris confirmed, and noted the school board has proposed a millage reduction from 20 mils to 19.8 mils; and noted the county's frozen exemption does not apply to the school board's portion of county taxes, however, the school board does have exemptions based on age.

Councilmember Barber stated that when the millage rate was originally adopted in 2023, she was told how the millage rate would be used, noting the police department and public works do not consume of the 3.77 millage revenue; and stated that the 3.77 revenue should not go toward the operations of the

Amphitheater, and that the revenue should only go towards the essential operations of the city; and noted the presentation from the City Treasurer does not show a breakdown of how the 3.77 revenues will be distributed or how the funds will be used.

Mayor Ford read the Public Hearing Rules

Public Hearing Opened
No Speakers in Favor
No Speakers Opposed
Public Hearing was Closed.

Motion to adjourn the meeting at 7:15 p.m. was made by Mayor Pro Tem Gantt; seconded by Councilmember Berry. The motion passed unanimously 4-0.

Respectfully submitted by:

_____ _____

Vanessa Holiday, City Clerk Anthony S. Ford, Mayor

MILLAGE RATE PUBLIC HEARING #3
SUMMARY MINUTES
MONDAY, AUGUST 18, 2025 10:00 A.M.

Mayor & City Council

Mayor Anthony S. Ford At-Large
Mayor Pro Tem LaKeisha Gantt – Council District 1
Councilmember Alphonso Thomas – Council District 2
Councilmember Kyle D. Berry, Sr. – Council District 3
Councilmember Yolanda Barber – Council District 4
Councilmember Elton Alexander – Council District 5

Administration

Shawn Edmondson – City Manager
Frank Milazi – City Treasurer
Vanessa Holiday – City Clerk
Quinton Washington – 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.

Invocation by Mayor Ford at 10:00 a.m.

Invocation by: Ms. Judy Neal

The Pledge of Allegiance was recited by all in attendance.

City Clerk, Vanessa Holiday was asked to proceed with a verbal roll call. All the members were present except Councilmember Berry and Councilmember Thomas.

ADOPTION OF THE AGENDA

Motion to adopt the Agenda was made by Councilmember Alexander; seconded by Councilmember Barber. The motion passed unanimously 3-0.

PUBLIC HEARING #3

1. Council Consideration of Millage Rate
   Presented by Frank Milazi, City Treasurer/CFO
   Mr. Milazi noted this is the third and final of the 2025 Millage Rate Public Hearings where the City Council will be asked to adopt the millage rate following the public hearing.

Mr. Milazi noted the millage rate is based on the Fair Market Value of homes, set annually by the Governing Body, and the tax is based on the assessed value.

Councilmember Berry joined the meeting at 10:03 a.m.

Mr. Milazi noted home values in the city have increased with the Tax Digest increasing from $1.94 billion dollars to $2.1 billion dollars or 5.6%, noting new developments in the city, and noted that if you were to sell your home today, you would receive a greater profit because home values have increased; and noted the proposed millage rate is 3.77, the same rate for three consecutive years.

Mr. Milazi noted the city has offered its homeowners tax relief Homestead Exemption in the amount of $10,000, with an additional exemption for residents who are age 65 and older or have septic tanks in the amount of $15,000 for a maximum exemption of $25,000.

Mr. Milazi noted the 3.77 millage proceeds allows the city to continue with services for residents and businesses for Public Works, Police, Citywide Projects, Economic Development, and other operational services.

Mr. Milazi gave examples of the taxes assessed for homes with values of $100,000 and $300,000, and if the resident had an exemption of $10,000 or $25,000.

Mr. Milazi referenced the city's Tax Digest and 5-year history of levies the $119,100.56 represents homeowners who are receiving the homestead exemptions, and noted the next enrollment period to apply for exemptions is January 1 – April 1 of 2026, noting in 2023 there was a 100% increase because it was the first year of the millage; 2024 had an increase 4% increase, and 2025 has an increase of 1.83% or $131,000 overall, and equates to approximately $7.00 per homeowner.

Councilmember Barber noted the city caps the exemptions at $25,000 and asked what the city can do locally to allow citizens to receive the standard $10,000 exemption, the $15,000 exemption for age 65+ and the $15,000 exemption for residents on septic, for a total exemption of $40,000, and would like to have a discussion at the Retreat for Council to consider implementing.

Mr. Edmondson noted the County offers exemptions such as veterans and disability, and that the Governing Body always has the discretion of setting exemptions.

Councilmember Alexander stated that most Stockbridge residents receive water from the Henry County Water Authority.

Mr. Harris thanked the Council and staff for being cooperative and flexible, noting there were some challenges this year based on the new legislation, noting many of the local municipalities are adopting their millage rate over the next couple of days.

Councilmember Alexander noted the City Council approved a FLOST Resolution that was passed by the City Council and asked Mr. Harris to provide an update on the FLOST.

Mr. Harris noted the FLOST (Floating Local Option Sales Tax) is a provision of HB581 allows all members who opted in to be eligible to participate in FLOST; noted the County and four cities opted in whereas the collection is in ½ cent increments up to one cent, and is similar to SPLOST with funding going toward projects, however, all of the revenue collected from FLOST must go toward the reduction of the millage rate; noted the school board opted out, however, the school board is not required to opt in for the county and cities to move forward; and noted the County and the four cities are currently in negotiations to determine the distributions; noted the law mandates that all revenues collected by the FLOST must go toward the reduction of property taxes, and if approved by the voter on the November 2025 ballot, collections would begin in 2026 and will be applied in 2027, will be a strong tool for everyone to utilize.

Mayor Ford read the Public Hearing Rules

Public Hearing Opened
No Speakers in Favor
No Speakers Opposed
Public Hearing was Closed.

Motion to adopt the millage rate at 3.77 was made by Mayor Pro Tem Gantt; seconded by Councilmember Alexander. The motion passed unanimously 4-0.

Motion to adjourn the meeting at 10:36 a.m. was made by Mayor Pro Tem Gantt; seconded by Councilmember Berry. The motion passed unanimously 4-0.

Respectfully submitted by:

_____ _____

Vanessa Holiday, City Clerk Anthony S. Ford, Mayor

SPECIAL CALLED FLOST MEETING
SUMMARY MINUTES
MONDAY, AUGUST 18, 2025 9:00 A.M.

Mayor & City Council

Mayor Anthony S. Ford At-Large
Mayor Pro Tem LaKeisha Gantt – Council District 1
Councilmember Alphonso Thomas – Council District 2
Councilmember Kyle D. Berry, Sr. – Council District 3
Councilmember Yolanda Barber – Council District 4
Councilmember Elton Alexander – Council District 5

Administration

Shawn Edmondson – City Manager
Frank Milazi – City Treasurer
Vanessa Holiday – City Clerk
Quinton Washington – City Attorney
Megan McCullough – Associate 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.

Invocation by Mayor Ford at 9:26 a.m.

Invocation by: Mayor Ford

The Pledge of Allegiance was recited by all in attendance.

City Clerk, Vanessa Holiday was asked to proceed with a verbal roll call. All the members were present except Councilmember Berry and Councilmember Thomas.

ADOPTION OF THE AGENDA

Motion to adopt the Agenda was made by Councilmember Alexander; seconded by Mayor Pro Tem Gantt. The motion passed unanimously 3-0.

NEW BUSINESS

1. Council Consideration to approve a Resolution Encouraging the Obtainability of FLOST Tax Relief and Collaboration Between Henry County and its Respective Cities. Presented by: Shawn Edmondson, City Manager

Mr. Edmondson noted the City Managers and Finance Directors from each of the cities, along with the County's Administration and Finance Team met over the last several weeks negotiating FLOST (Floating Local Option Sales Tax) with

substantive conversations regarding the collection and distribution; noted the FLOST is a dedicated sales tax with restricted use that can only be collected and used to lower the millage rate for homeowners; and noted the cities are in agreement of using the LOST (Local Option Sales Tax) model, while a consultant hired by the county recommended a different model; noted each city is aware of the county's position.

Mayor Ford noted the Resolution is the first step and will require voter's approval in favor of the FLOST Referendum on the November ballot.

Mr. Edmondson noted the Resolution formalizes the city's desire to adopt the LOST model, to be submitted to the Board of Commissioners, with the hope that the County will also adopt the Resolution in agreement.
Councilmember Alexander thanked the legislatures for the FLOST measure, noting this is an opportunity to reduce property taxes to the homeowners, and noted during the recent Municipal Dinner, there was a spirit of collaboration to get this done for the homeowners in the county and in each of the cities; noted GMA (Georgia Municipal Association) has made an assessment that should FLOST be approved by the voters, cities could reduce property taxes to the homeowners, and in some cases, have the taxes eliminated.

Mayor Pro Tem Gantt noted she sees the calculations as fair and agrees with the Resolution.

Motion to approve the Resolution Encouraging the Obtainability of FLOST Tax Relief and Collaboration Between Henry County and its Respective Cities was made by Councilmember Barber; seconded by Councilmember Alexander. The motion passed unanimously 3-0.

Motion to adjourn the meeting at 9:48 a.m. was made by Mayor Pro Tem Gantt; seconded by Councilmember Alexander. The motion passed unanimously 3-0.

Respectfully submitted by:

_____ _____

Vanessa Holiday, City Clerk Anthony S. Ford, Mayor

Stockbridge
Where Community Connects

CITY COUNCIL WORK SESSION MEETING
SUMMARY MINUTES
TUESDAY, AUGUST 26, 2025 6:00 P.M.

Mayor & City Council

Mayor Anthony S. Ford At-Large
Mayor Pro Tem LaKeisha Gantt – Council District 1
Councilmember Alphonso Thomas – Council District 2
Councilmember Kyle D. Berry, Sr. – Council District 3
Councilmember Yolanda Barber – Council District 4
Councilmember Elton Alexander – Council District 5

Administration

Shawn Edmondson – City Manager
Frank Milazi – City Treasurer
Vanessa Holiday – City Clerk
Quinton Washington – City Attorney
Megan McCullough – Associate 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 at 6:06 p.m.

Invocation by: Dr. Renee Gourdine

The 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 Councilmember Thomas.

ADOPTION OF THE AGENDA

Motion to adopt the Agenda was made by Mayor Pro Tem Gantt; seconded by Councilmember Berry. The motion passed unanimously 4-0.

PUBLIC COMMENTS

Mr. Willie Carter referenced the 2024 Budget Amendment of $32.9 million dollars; asked the City Council not to ignore the Ethics Board recommendation sent to the Council in July 2025 regarding the city's finances from Councilmember Barber's Ethics Complaint; and asked for the status of the $6 million Tye Street area improvements that he worked for with Councilman Thomas and the city's Public Works Department.

REVIEW OF THE MINUTES

1. Review of the August 11, 2025 Council Meeting Minutes
   Review of the August 11, 2025 Millage Rate Public Hearing #1 Meeting Minutes
   Review of the August 11, 2025 Millage Rate Public Hearing #2 Meeting Minutes
   Review of the August 18, 2025 Millage Rate Public Hearing #3 Meeting Minutes
   Review of the August 18, 2025 Special Called FLOST Meeting Minutes
   No Action Taken

CONSENT AGENDA

2. Council Consideration to approve the Henry County 2025 Early Voting Dates and Locations as approved by the Henry County Elections Board on August 19, 2025.
   Motion to approve the Consent Agenda was made by Mayor Pro Tem Gantt; seconded by Councilmember Berry. The motion passed unanimously 4-0.

OLD BUSINESS

3. Council consideration to approve the renewal of the landscape maintenance services contract with Yellowstone Landscape in the amount of $350,000.00. Funding sources are from Government Buildings Department and Amphitheater budgeted funds.
   Presented by: Decius Aaron, Public Works Director
   Mr. Aaron requested approval of the contract renewal for Yellowstone Landscape in the amount of $350,000.00.

   Councilmember Barber noted the actual contract amount is $327,216.00 and that is what needs to be approved,

   Mr. Aaron stated there is additional funding in case there are requested landscape services.

   Councilmember Barber noted the contract was awarded at $327,216 and that any additional services would need to be either approved by the City Manager if it is within his spending authority or brought to the City Council for approval.

   Councilmember Alexander noted he appreciates the level of service provided by Yellowstone with the change out of pine straw and the upkeep of the landscape around the city buildings; and asked who is responsible for landscaping services in the alleyway and along Burke and M L King, Sr. Heritage Trail.

   Mr. Aaron noted those landscaping services are provided by Public Works staff, and that the city can add those areas to Yellowstone's scope of work.

Councilmember Alexander suggested that the city should consider amending the contract to include those areas.

Councilmember Barber noted that the city's procurement process requires that all contracts expire December 31st of each year, and that the contract renewal form states $300,000; the contract states $327,216, and the staff recommendation form is requesting $350,000, noting there are three inconsistent dollar amounts.

Mr. Edmondson noted that he pulled this item from the Agenda when it was originally presented last month because he wanted an opportunity to review the scope of work with Mr. Aaron; and noted that upon review of the contract, there is a clause to renew or terminate the contract. Mr. Edmondson stated that he met with Mr. Aaron and the vendor expressing service delivery concerns, noting there needs to be improvements; and noted this is the last year of a 5-year contract.

Councilmember Barber noted that several Agenda items involving contracts are missing documents that should be presented to the City Council for review, and this is a concern that she has been raising for five years; and stated that the request to the City Council is to approve the renewal of the contract, which is $327,216, however, Mr. Aaron is requesting the Council approve $350,000, the budget amount, and that is not proper.

Mayor Pro Tem Gantt referenced the prior contract and Resolution information noting the contract in 2021 was $200,000, and $250,000 in 2022, and increased to $327,216 in 2023 to include the Amphitheater and other buildings that were added due to the city's growth, and noted Resolution R24-1713 Section 1 was approved for $350,000 for a five year agreement with four one-year options to renew and that this is the fourth and final renewal and expires 9/30/2025 and further noted that the contract shall be brought before the Council by 180 days before expiration, reiterating that the City Council approved the contract in 2024 in the amount of $350,000.

Councilmember Alexander stated that the meetings are bogged down because the speaking rules states that you are permitted to speak twice on one item up to five minutes; and agreed with Mayor Pro Tem Gantt's reading of the information provided in the Resolution made a Motion to approve the renewal of the contract for Yellowstone Landscape in the amount of $350,000 to include the additional scope of landscaping services in the downtown area of M L King Sr. Heritage Trail and the extra pine straw; seconded by Mayor Pro Tem Gantt. The motion passed 3-0-1 (Alexander, Berry, Gantt Approved) (Barber Abstained, citing there was confusion with the same contract item last year, and asked that staff provide accurate information when placing items on the Agenda for Council approval, and reiterated the Yellowstone Contract amount is $327,316, and the department budget amount is $350,000, and stated that the City Council should approve the contract renewal amount, not the amount in the budget; and recommended the item be placed out for bid).

NEW BUSINESS

4. Council Consideration to fill a vacancy and appoint a member to the Youth Council Advisory Committee and fill the remainder of the term through 12/31/2025.
   Presented by: Cassandra Lester, Youth Council Staff Liaison, and Dr. Renee Gourdine, Youth Council Advisory Board Chair.
   Dr. Gourdine noted the Committee is submitting the applicant Denita Minnis for the Council's appointment to fill an unexpired term through December 31, 2025.

   Motion to appoint Denita Minnis to fill the vacancy of an unexpired term on the Youth Council Advisory Board was made by Councilmember Berry; seconded by Councilmember Alexander. The motion passed unanimously.

5. Council consideration to review and approve donated commercial space to the City of Stockbridge Police Department, for the purpose of opening a Satellite Precinct.
   Presented by: Frank Trammer, Police Chief
   Chief Trammer presented the donated commercial location for a police satellite precinct at no charge for 10 years in the Bridges of Jodeco and requested approval from the City Council, noting the Developer, Jeff Grant, was present.

   Mr. Grant noted this satellite location will be good and beneficial for everyone; noted the stores in the development are doing very well, and that the residents, patrons are business owners, will be thankful for the increased safety of the police presence.

   Mr. Grant commended Ryan Anderson, and the Community Development Director and his team for expediting requests during permitting process, noting this is a selling point for potential merchants, and noted he meets with staff and Councilmember Alexander on a bi-weekly basis.

   Mr. Grant noted First Watch, Jim N Nick's and Bubba 33 have been permitted in the development with a seafood restaurant coming, 78 cottages, and a proposed 12-story hotel with fee simple condominiums and a rooftop steakhouse restaurant with Atlanta skyline views.

   The Mayor and members of Council thanked Mr. Grant for donating the space, commemorating the occasion with a photo.

   Motion to approve the 10-year contract for the donated commercial space for a satellite police precinct was made by Councilmember Alexander; seconded by Mayor Pro Tem Gantt. The motion passed unanimously 4-0.

6. Council Consideration to approve a Resolution to enter into a 10-year contract with Norfolk Southern Parking Lot Project in the amount of $15,000 annually.
   Funding Source: Economic Development Department Budget
   Presented by: Gerald Sanders, Economic Development Director
   Mr. Sanders presented a request to approve the Norfolk Southern 10-year contract, which will allow for 25-30 spaces in the downtown area.

Mr. Sanders noted the contract does not include removal or relocation of the Staging Shed, and that Norfolk Southern is unyielding to compromise on that.

Councilmember Alexander stated that the goal was to clean up the area and remove the unsightly shed as that was part of an agreement with Norfolk Southern also encompassing the Quiet Zone and the closing the Nolan Street crossing, and the city would not place a structure in the area.

Mr. Sanders noted the agreement pre-dated his tenure, emphasizing the Norfolk Southern officials are not willing to remove the staging area/shed, and asked the city's legal counsel to follow up on the agreement.

Councilmember Berry asked Mr. Sanders if there were any time constraints with responding back to Norfolk Southern.

Mr. Sanders noted Norfolk Southern is pushing the execution of the contract.

Mayor Ford noted it may be due to news of a merger between Norfolk Southern and Union Pacific.

Councilmember Barber noted that per the Staff Agenda Request Form, the City's Legal Counsel has reviewed the contract; and noted that all contracts are to coincide with the calendar year and the budget.

Mr. Milazi confirmed.

Councilmember Barber suggested the lease agreement be revised; and noted discussions should be had between the city staff and the vendor prior to presenting these items to the City Council, noting contracts are legal and binding documents.

Mayor Pro Tem Gantt read the Retreat Minutes of February 19, 2020 referencing the former City Manager, Randy Knighton's comments where he referenced his conversation with Mr. Connor Poe of Norfolk Southern who is willing to work with the City by offering $50,000 and removal of the storage yard and $7,500 match from GDOT with the potential of closing the Nolan Street railroad crossing; and that Mr. Knighton noted the City has applied for a Quiet Zone an paid the $5,400 application fee which is being process by the City's Project Manager, Keck & Wood.

Mr. Edmondson asked that the item be Tabled until further review.

Motion to Table the item and review the 2020 Minutes and associated documents related to the City of Stockbridge/Norfolk Southern Agreement was made by Councilmember Alexander; seconded by Councilmember Barber. The motion passed unanimously 4-0.

7. Council consideration of a Resolution to approve the second 1-year renewable option for Civil Engineering services for Whitley Engineering in the amount of $5,000 monthly or $60,000 annually. The contract was approved on Resolution R24-1721, and the funding source is Community Development Department account number 100-721-521203.
   Presented by: Ryan Anderson, Community Development Director
   Mr. Anderson noted Mr. Whitley is doing an excellent job for the city, and attends the Jodeco Development meeting, and is very involved and makes a point to protect the city's interests.

   Motion to approve the Whitley Engineering contract was made by Councilmember Alexander; seconded by Councilmember Barber. The motion passed unanimously 4-0.

8. Council consideration of a Resolution to approve the second 1-year renewable option for Permitting, Licensing and Inspections software with Sages, Inc., in the amount of $58,318 annually. The contract was approved through Resolution R24-1765, and the funding source is Community Development Department account number 100-721-521310.
   Presented by: Ryan Anderson, Community Development Director
   Mr. Anderson presented the Sages Software renewal contract for approval, noting this is the first renewal.

   Councilmember Barber asked Mr. Anderson if the cost proposals and price schedule are included, not to overlook the documents.

   Mr. Anderson stated that he was unaware, but that they should be there.

   Motion to approve was made by mayor Pro Tem Gantt; seconded by Councilmember Berry. The motion passed 3-0-1 (Alexander, Berry, Gantt Approved) (Barber Abstained citing the lack of adequate supporting documents for City Council review was not included to make an informed decision).

9. Council consideration to approve the FY2026 LMIG (Local Maintenance & Improvement Grant) list.
   Presented by: Decius Aaron, Public Works Director
   Mr. Aaron noted GDOT (Georgia Department of Transportation) has opened the window for municipalities to apply for the FY26 road paving funds; and noted the city will resurface on average 5 miles annually.

   Mayor Ford asked Mr. Aaron to expound on the rating system used to determine which streets are resurfaced.

   Mayor Pro Tem Gantt referenced Agenda Item #8, noting the contract can be found on page 7 of the document; and asked how the resurfaced roads are determined.

Mr. Aaron noted the city uses an outside consultant, and the ratings are based on a rating from 1-5 with 1 being the lowest rating and will be prioritized.

Councilmember Alexander asked Mr. Aaron to display the list of roads scheduled for repaving on the FY26 list.

Mr. Aaron reviewed each road by District; noting there were additional funds in 2025, and the city was able to resurface more streets; and that those additional funds were released by the State and are not a guarantee to repeat.

Motion to approve the FY2026 LMIG List was made by Mayor Pro Tem Gantt; seconded by Councilmember Barber. The motion passed unanimously 4-0.

10. Council consideration to approve the renewal of Request For Proposal RFP Number 2022-0006, On Call Annual General Engineering Services, for the City of Stockbridge with Carter & Sloope, Inc. This is the third (3rd) contract renewal option, and the budgeted amount is $200,000. The 2nd contract renewal option expires on December 31, 2025.
    Presented by: Decius Aaron, Public Works Director
    Mr. Aaron noted Carter & Sloope serves as the city's on-all Engineer and provides assistance with civil engineering, stormwater, and sanitation billing.

    Councilmember Barber noted the fee schedule showing the cost of the fees to be paid to the vendor was not included.

    Motion to approve was made by Mayor Pro Tem Gantt; seconded by Councilmember Berry. The motion passed 3-0-1 (Alexander, Berry, Gantt Approved) (Barber Abstained citing cost proposals for the vendor's fee were not included in the documents for City Council review to make an informed decision.

11. Council consideration to approve the renewal of Request For Proposal RFP) Number 2022-0006, On Call General Engineering Services, for the City of Stockbridge with Falcon Design Consultants, LLC.
    Presented by: Decius Aaron Public Works Director
    Mr. Aaron noted Falcon Design Consultants is working on several projects for the city providing engineering and design services.

    Councilmember Barber noted the fee schedule Exhibit B showing the cost of the fees to be paid to the vendor was not included.

    Councilmember Alexander noted for full disclosure that Falcon Design Consultants has contributed to and supported his non-profit and that he has been advised by the city's Legal Counsel that as long as he puts out the full disclosure, he is able to participate in the vote.

Motion to approve was made by Mayor Pro Tem Gantt; seconded by Councilmember Berry. The motion passed 3-0-1 (Alexander, Berry, Gantt Approved) (Barber Abstained citing cost proposals for the vendor's fee and Exhibit B were not included in the documents for City Council review to make an informed decision.

12. Council consideration to approve the renewal of Contract No. RFP No. 2018-0010Q – Non-Hazardous Special Waste Disposal Services with Republic Services in the amount of $65,000.00. Funding source is from the Sewer Department Budget.
Presented by: Decius Aaron, Public Works Director
Mr. Aaron noted the vendor accepts sludge from the city's Wastewater Treatment Plant for disposal and requested approval.

    Mayor Ford asked if the increase in fees is due to inflation.

    Mr. Aaron noted that is a part of the increased cost, but also the loss of land and the amount of sludge, noting farmland is being sold, and there are fewer places to take the sludge.

    Councilmember Barber asked when this service was last bid out.

    Mr. Aaron noted that the next closest location to discard the sludge is in Taylor County, and that Republic is currently taking the sludge to Lamar County.

    Councilmember Alexander noted there would be additional cost if the sludge were taken to Taylor County.

    Motion to approve was made by Councilmember Alexander; seconded by Councilmember Berry. The motion passed 3-0-1 (Alexander, Berry, Gantt Approved) (Barber Abstained, citing her question to Mr. Aaron if the last time this item was bid out was 2018, he failed to respond).

13. Council consideration to approve the final contract renewal for RFP (Request for Proposal) 201508-02, Sanitation Collections Services Contract with Wrangler Holdings Corp /GFL Environmental (formerly Waste Industries) in the amount of $2,600,000.00. Funding Source: Sanitation Department Budget. This is the fifth and final renewal. Contract would expire on December 31, 2026 and staff is requesting an extension to February 28, 2027 due to the holidays.
Presented by: Decius Aaron, Public Works Director
Mr. Aaron noted this is the fifth and final renewal, noting the contract is due to expire on December 31, 2026, and that he is requesting a contract extension through February 2027 to assure the 13,000 carts and 3,000 recycling bins are delivered timely, considering the contract will end during the holidays.

Councilmember Barber referenced the 2023 renewal period where the City Council was told this sanitation item was being placed out for bid following the annexation of new residents, noting the bid has not gone out, and has not been bid out for ten years; noted it was on the vendor and city staff need to properly plan for the rollout of carts and bins without a contract extension, and noted that this vendor has had the city's sanitation contract for ten years and that this is not best practice.

Mr. Aaron noted this is the final renewal, and that you will see an increase in the renewals, noting long-term contracts get better pricing; and the RFP has already been prepared.

Mr. Edmondson noted a number of contracts are be constructed for re-bide, noting the city is trying to minimize any disruption of services; and agreed that typically, contracts are placed back out for bid every 3 – 5 years; and noted staff has been instructed to present all department contracts to him to review and compare.

Councilmember Barber restated that the City Council was told in 2023 that this item was going out for bid, and that should have happened, and it did not.

Councilmember Berry stated that he has a problem with the request for an additional two months for a transition and does not want this to become a norm on any other contracts and does not want to make an exception to this one.

Mr. Edmondson noted that is a fair point, and agrees the city needs to be consistent with what we do.

Mayor Pro Tem Gantt noted the transition may be challenging with the increased trash during the holidays and asked Mr. Aaron if there will be an increase in the billing sanitation fees.

Mr. Aaron noted residents are currently paying $22/month for sanitation services; however, GFL has a clause in their contract where they are authorized to increase rates 3 – 5%, and that the city has been absorbing those fees; noting there will be an increase from GFL to the city, and it is up to the City Council to pass the increase along to the residents.

Councilmember Alexander suggested a 30-day extension for transition instead of a 60-day extension.

Councilmember Barber asked what the contract final end date was.

Mr. Edmondson stated the contract end date is December 31, 2026.

Councilmember Berry stated that the extension will offset the contract by one month.

Councilmember Barber asked for clarification, noting as she understands it right now, the request is to renew the GFL contract through the end date of December 31, 2026, and that the sanitation service did not go back out for bid in 2023 as was stated, nor has the contract gone out for bid in ten years, and that the request includes a request for an additional extension of 60 days, noting the departments and vendor need to plan better with this much notice; and noted that it was at her recommendation that the city bring contracts to the City Council at least 120 days prior to expiration to give the governing body an opportunity to review and decide to renew, rebid or cancel the contract.

Mayor Pro Tem Gantt asked Mr. Aaron why the contract did not go out for bid.

Mr. Aaron responded that the Procurement Manager stated we had a good contract.

Councilmember Alexander noted for full disclosure that GFL Sanitation has contributed to and supported his non-profit and that he has been advised by the city's Legal Counsel that as long as he puts out the full disclosure, he is able to participate in the vote.

Motion to approve the renewal of the GFL contract through December 31, 2026 with a 30-day extension for receptable replacement through January 31, 2027 was made by Mayor Pro Tem Gantt; seconded by Councilmember Berry. The motion passed 3-1. (Alexander, Berry, Gantt Approved). (Barber Opposed, citing the contract was awarded in 2015 for 5 years with up to five one-year renewals making this a 10-year contract with no competitive bidding, and this is not best practice).

14. Council Consideration to approve the renewal of Request for Proposal (RFP) 2024-0005 for Janitorial Maintenance Services with Intercontinental Commercial Services, Inc. in the amount of $143,100.00. Funding Source: Government Buildings Department Budget. This is the second renewal.
Presented by: Decius Aaron, Public Works Director
Mr. Aaron presented the Janitorial services contract for renewal and reviewed the buildings that are currently being serviced.

Councilmember Alexander requested improvements with the cleaning of the restrooms.

Motion to approve was made by Councilmember Alexander; seconded by Councilmember Barber. The motion passed unanimously. 4-0.

DISCUSSION

15. Rock Quarry Road Extension Update

Presented by: Decius Aaron, Public Works Director, and Falcon Design Consultants.

Mr. Aaron introduced Mr. Adam Price, of Falcon Design Consultants, who would present an overview of the Rock Quarry Road Extension Project.

Mr. Price advised that he would be presenting two concepts, noting the next steps would include a traffic study.

Concept 1 was an extension of Rock Quarry Rd. to Old Conyers Rd.
Concept 2 was an extension of Rock Quarry Rd. with arterial roads connecting the extension to Carrera and then to East Atlanta Rd. or the extension to Duval to Old Conyers Rd. with would cross over wetlands, requiring a bridge, with an expensive price tag.

Councilmember Alexander noted this would be a long-term project and suggested the road be phased.

Mr. Price noted the road would provide relief to the Amphitheater traffic and could not provide an estimated cost without further analysis.

Mayor Ford noted the ultimate goal of the road extension was to connect to Rock Quarry Rd. to have easier access to the hospital.

Councilmember Barber noted she is the District Representative, noting the residents of the area will be most impacted, and stated she prefers the original plan that was to provide access for emergency vehicles to travel to/from the hospital, without travelling along E. Atlanta Rd. and then to Old Conyers Rd. Councilmember Barber made a request to the Council to invest in the city's infrastructure and not just pictures and a good time, noting that the city needs to seek federal funding to assist with the project.

Councilmember Berry noted he is leading toward the option to Old Conyers Rd. and asked if there are arterial roads that can be connected to; and equated the Rock Quarry Rd. Extension to the Western Parallel Connector as the Eastern.

Mr. Price referenced Duval and Bryant Street.

Mayor Pro Tem Gantt asked if the area was in a floodplain.

Mr. Price confirmed there is water there.

Mayor Pro Tem Gantt noted the former District 5 Commissioner placed funds toward the project and later removed the funding.

Councilmember Alexander stated the project appears to be estimated at $30 million dollars, and noted it took the county 25 years to get the Rock Quarry Rd. Widening Project going and suggested the Rock Quarry Rd. Extension project be phased; and noted Flippen Road needs to be widened now.

Mayor Ford noted Right-of-Ways will need to be acquired, and a cost for the traffic study.

Mr. Price noted he would provide the information to Mr. Aaron.

Mayor Pro Tem Gantt referenced the Rock Quarry Road Widening Project noting the project is estimated at $53 million dollars with $4 million from the City of Stockbridge, $20.4 million from GDOT and the balance from the County, and an estimated completion in 2028.

Mr. Price noted he did not believe the Rock Quarry Rd. Extension project would be that costly due to the fact that there are several different utilities along the Rock Quarry Rd. Widening Project that need to be removed and replaced, whereas the Rock Quarry Rd. Extension is raw land.

Councilmember Barber asked that the discussion continue during the upcoming Retreat, noting the city needs roads, and the priority for the city needs to be infrastructure.

Mr. Edmondson noted that based on what he has heard from the discussion, this will be a regional project that enhance everyone, and everyone needs to get on board with federal and state funding and solicit partnerships.

Mr. Edmondson asked the Council to be mindful that the city wants smart growth, and needs to review the Comprehensive Plan, the Trail Plan and other plans, and also review the list of projects, noting he has tasked his team with bringing forward all projects so that this can all be mapped out; and does not want to just continue adding projects, as that is the fastest way to get nothing done; and need to recalibrate and truly find out what the priorities are, and that will be a challenge for us all as we enter into budget season where we will all need to roll up our sleeves and get serious about the projects and the funding of the projects, keeping in mind there may be low-hanging fruit, and noting we must be intentional, and will be discussed at the Retreat.

Councilmember Alexander stated there is $2 million dollars allocated toward the Rock Quarry Rd. Extension Project is likely a $40 to $50 million dollar project, and noted the Council voted at the Retreat in March of this year to make the Youth/Sr. Center the priority project, a long-termed project; and the Rock Quarry Widening Project is in progress and is fully funded; noted TSPLOST List with Transportation projects were approved by the voters, by priority, and the city is fulfilling those projects in that order; noted that the City cannot afford to do these

projects in silo, and if the County and/or State is not on board to assist with these regional projects, they are dead; noting the city could not have done the Western Parallel Connector alone, and noted the City of Stockbridge will need assistance from the County and the State on the Rock Quarry Rd. Extension Project, noting the city can plant the seed, but will not likely get to enjoy the shade from that tree, and until there is a subsequent vote from the Council, the priority list will remain the same.

Councilmember Barber stated that she wanted to remind everyone that during the Council Retreat in March of this year, the priority list of projects was voted on based on what was known as it relates to the city's revenues; noted when she voted on the project priority list with the Youth/Sr. Center being the top priority project for her, and that it will remain a priority, everything else on the list has a question mark because the City Council learned after the Retreat, and after the vote was taken, that $32.9 million dollars had been mismanaged, and that now that it is known that the city's financial situation has changed, so should the priorities; noted it would be irresponsible of her, knowing that the city's financial situation has changed since the vote on the project list at the retreat, and to continue as if things are the same would be irresponsible to have the priority voted on in March to remain the same; and asked that the projects be discussed at the upcoming Retreat to realign the list of priorities based on what the city's financial situation is now, and give a directive to Mr. Edmondson for a clear path forward to be fair to him; and stated that no matter how much you hear about an approved priority list from any member of Council to keep in mind that list was approved prior to knowing about the $32.9 million dollars that were mismanaged, and that changes everything; noted her high hopes for the Rock Quarry Rd. Extension, but recognizes the priorities have changed.
Mayor Ford noted the Budget Retreat is scheduled to take place near the end of September.

Mr. Edmondson noted the city has invested money on studies and spent money starting various projects; and that the next steps would be to roll up our sleeves and work on what has been approved by a vote, noting what you were tracking in March is different from what you are tracking today.

UPCOMING MEETINGS & ANNOUNCEMENTS: Council meetings will be held in the City Council Chamber. Meeting dates, locations and times are subject to change or contact City Hall offices at 770-389-7900 or visit the website www.stockbridgega.org for updates.

- Join us for a Meet and Greet of the new City Manager, Shawn Edmondson, on Thursday, September 4th at City Hall in the Council Chamber from 6 – 8 p.m.
- Citizens Police Advisory Council – Meetings are held on the first Thursday of each month in the Stockbridge PD Community Room at 6:30 p.m. (Sep 4)
- City Council Meeting, Second Monday of each month, at 6:00 p.m. - City Hall Council Chamber (Sep 8)

- Youth Council Meeting, Second Monday of each month, at 6:30 p.m. - City Hall Levi Meeting Room (Sep 8)
- Citywide Development Authority Meeting, Second Tuesday of each month, at 6:00 p.m. - City Hall Levi Meeting Room (Sep 9)
- Community Zoning and Information Meeting, Wednesday, Sept 10th at 6:00 p.m. - City Hall Council Chamber (Sep 10)
- City Council Meeting, Second Monday of each month, at 6:00 p.m. - City Hall Council Chamber (Sep 8)
- Main Street Advisory Board Meeting, Second Friday of each month at 9:00 a.m. at the Downtown Connection Center 130 M L King, Sr. Heritage Trail (Sep 12)
- Downtown Development Authority Board Meeting, Third Tuesday of each month, at 6:00 p.m. at the Downtown Connection Center 130 M L King Sr. Heritage Trail (Sep 16)
- Youth Council Advisory Committee Meeting, Third Tuesday of each month, at 6:30 p.m. - City Hall Levi Meeting Room (Sep 16)
- Planning Commission Meeting, Thursday, September 18th at 6:30 p.m. - City Hall Council Chamber (Sep 18)
- City Council Budget Retreat – Wed. Sep 24 thru Fri Sep 26 from 9am – 5pm at the Merle Manders Conference Center 111 Davis Rd.
- City Council Work Session Meeting, Last Tuesday of each month, September 30th at 6:00 p.m. - City Hall Council Chamber (Sep 30)

UPCOMING CITY EVENTS/INITIATIVES

- Join Main Street for the Tiny Tent Concert Series Fridays from 6pm to 8pm at the Stockbridge Connection Center, 130 M L King Sr. Heritage Trail. Bring your lawn chairs. (Weather Permitting)
- Join us for the annual 9/11 Ceremony honoring all first responders in observance of September 11, 2001, at Stockbridge City Hall at 8am.
- Join us for BridgeFest on Saturday, September 27th at Amphitheater. FREE fun activities for kids, vendors, food trucks and an amazing concert featuring Jacquees and KeKe Wyatt
- Join Councilman Thomas & Councilman Berry in partnership for the monthly Bingo Bash on Wednesday, September 17th from 10am – noon at the Merle Manders Conference Center. Lots of fun to be had by all.
- Join Mayor Anthony Ford for the monthly Meet the Mayor - Monday, September 22nd from 10am – noon at City Hall. Meetings are by appointment.
- The Economic Development Department host a FREE Business Health Clinic on the 2nd Thursday of every month from 9am – 12pm at the Stockbridge Connection Center 130 M L King Sr. Heritage Trail. Check the Health of Your Business with the FREE Clinic.
- Councilman Thomas is honoring Veterans with a Continuous Salute all year long. Please send your pictures of Veterans with their name, branch, rank, and years of service.
- Join Councilman Thomas for the Don’t Trash Stockbridge initiative centered around education, highlighting the causes and effects of Littering and Illegal Dumping. More information to follow.
- Sign Up for real-time alerts about severe weather, road closures and emergencies on the Regroup App. Visit the city’s website or social media pages for more information on how and where to sign up. Stay Safe!

- Stockbridge 2025 Candidate Municipal Election Forum taking place Tuesday, October 7th at 7:00 p.m. at the Merle Manders Conference Center.

Please contact Rosalynd Rawls to schedule an appointment for Meet the Mayor and for more information on Council Initiatives at 678-833-3348 or via email: rrawls@stockbridgega.org

2025 CONCERT SEASON SCHEDULE

- Saturday, August 30th, A legendary evening fearing Jimmy Jam and Terry Lewis, and friends celebrating 40 Years of iconic hits and music of the ATL.
- Saturday, September 6th & Sunday, September 7th, Southern Soul Weekend featuring King George, Tucka, West Love, Pokey Bear, TK Soul Tywaun Moore, and Tonio Armani
- Saturday, September 13th – For Lovers & Friends featuring Tank with special guest Lyfe Jennings, and Ginuwine
- Saturday, October 18th, Detroit Gospel Legends featuring Fred Hammond, Donnie McClurkin, Anthony Brown, Vanessa Bell Armstrong, Lisa Page-Brooks, Carvin Winans and Bryon Cage

MAYOR'S COMMENTS

Mayor Ford noted we are approaching the Labor Day Holiday and asked everyone to be safe; noted COVID-19 cases are on the rise and reminded everyone to stay protected and healthy with vaccines and boosters; noted he and Councilman Alexander attended the Chris Tucker Foundation Annual Charity Golf Event at the Eagles Landing Country Club and presented a proclamation from the city, honoring his foundation for all of the great work in the community.

Mayor Pro Tem Gantt announced two free Line Dancing classes taking place at the Merle Manders Conference Center on Wednesday, September 10th and Wednesday, September 17th from 6 – 8pm; and announced the Downtown Development Authority has agreed to sponsor a Southern Soul Kickback Fest Night on Main Street, Friday, September 5th that lines up with the Southern Soul concert series.

Motion to adjourn the meeting at 9:05 p.m. was made by Councilmember Barber; seconded by Councilmember Alexander. The motion passed unanimously 4-0.

Respectfully submitted by:

_____ _____

Vanessa Holiday, City Clerk Anthony S. Ford, Mayor

City of Stockbridge

AGENDA ITEM

MEETING DATE

JULY 14, 2025

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

FUNDING SOURCE

- [ ] GENERAL FUND
- [ ] FUND BALANCE
- [ ] SPLOST or TSPLOST
- [ ] ARPA
- [ ] GRANT
- [ ] HOTEL/MOTEL TOURISM
- [ ] COUNCIL INITIATIVE
- [ ] PARTNER/SPONSOR
- [ ] DEPARTMENT FUND BALANCE
- [ ] BONDING

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER: Community Development Staff

DEPARTMENT: Community Development

ITEM/PROJECT/EVENT:

Appeal Case #AP-2025-01 for 123 & 135 Rock Quarry Road, & Parcel #S27-01016000. (Not for a public hearing.) The applicant, James Raven, is appealing the Zoning Review Form that was used as a basis for discontinuing the 2025 business license for truck parking on the property. A citation was issued on March 4; Business Services sent a letter to the applicant on March 14; the Zoning Review Form was prepared on March 17; and the applicant is scheduled to appear in Municipal Court on July 18, 2025..

BACKGROUND INFORMATION:

Staff Recommendation—Denial. The applicant has not produced evidence that any previous business license was ever issued to allow truck parking specifically at 135 Rock Quarry Road (Parcel #S27-01017000) or on Parcel #S27-01016000. The parcels are zoned 'LI' and 'PMU', and neither district allows truck parking. Research shows that the parcels have always been zoned as Light Industrial or Light Manufacturing. The business license was only issued for 123 Rock Quarry Road, where Huddleston Concrete Company's office building is located (and it, by the way, has no license for office use in the SR (Suburban Residential) district).

APPROVALS: CITY MANAGER on behalf

CITY TREASURER

CITY ATTORNEY

FINANCIAL IMPACT N/A

AMOUNT $

VALERIE POSS REVIEW

City of Stockbridge

AGENDA ITEM

MEETING DATE

JULY 14, 2025

☐	RESOLUTION
☐	ORDINANCE
☐	CONTRACT APPROVAL/RENEWAL
■	PUBLIC HEARING
☐	PRESENTATION
☐	BID SELECTION/AWARD
☐	TASK ORDER
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APPROVALS: CITY MANAGER_____

CITY TREASURER_____

FINANCIAL IMPACT N/A

AMOUNT $

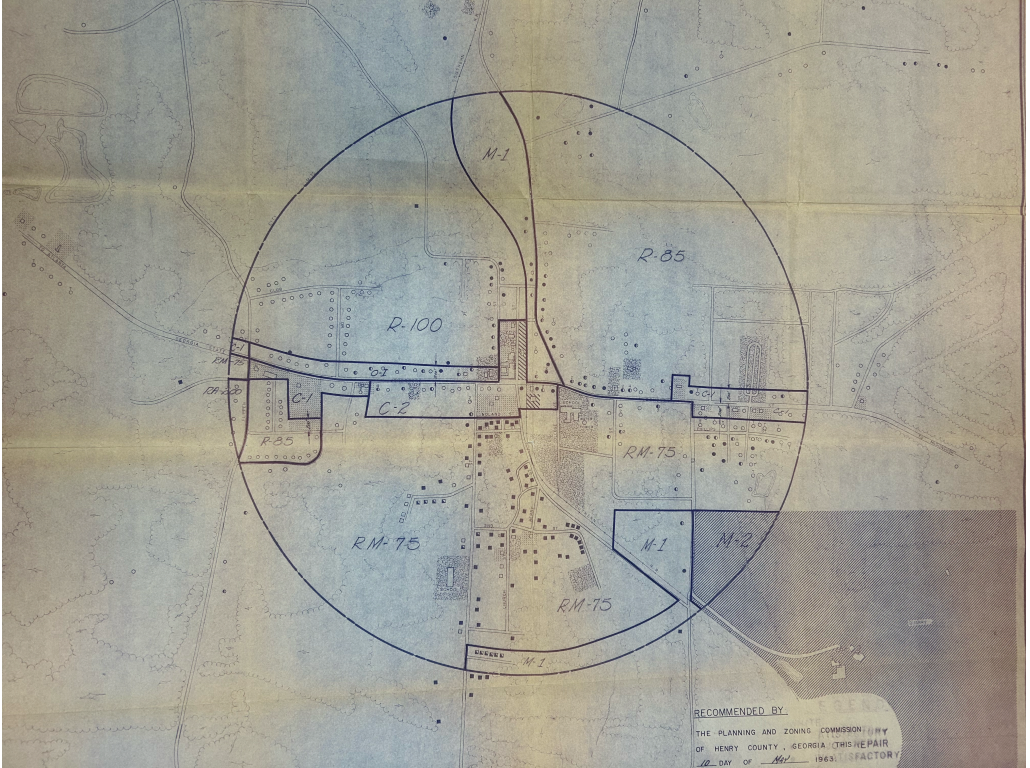
ITEM/PROJECT/EVENT:

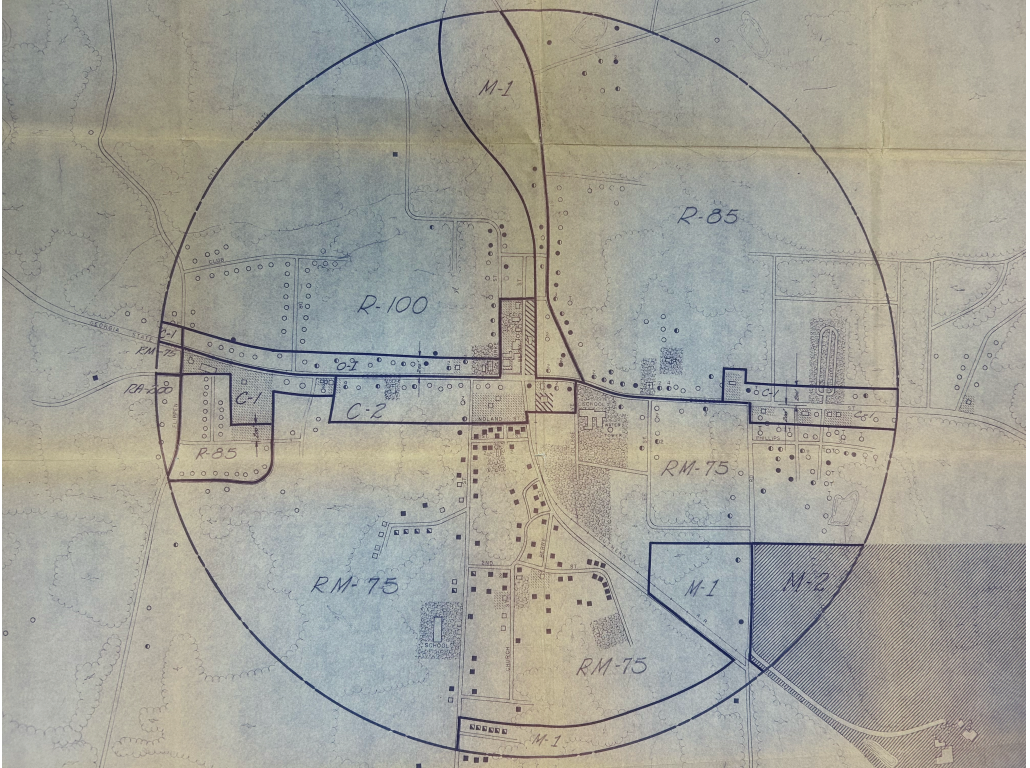
APPEAL CASE #AP-2025-01

BACKGROUND INFORMATION:

STAFF RECOMMENDATION: DENIAL.

Staff Signature_____


M-1
R-85
R-100
C-1
C-2
R-85
RM-75
RM-75
M-1
M-2
RM-75
M-1
RECOMMENDED BY
THE PLANNING AND ZONING COMMISSION
OF HENRY COUNTY, GEORGIA THIS
12 DAY OF May 1963


M-1
R-85
R-100
C-1
RM-75
RA-200
C-1
C-2
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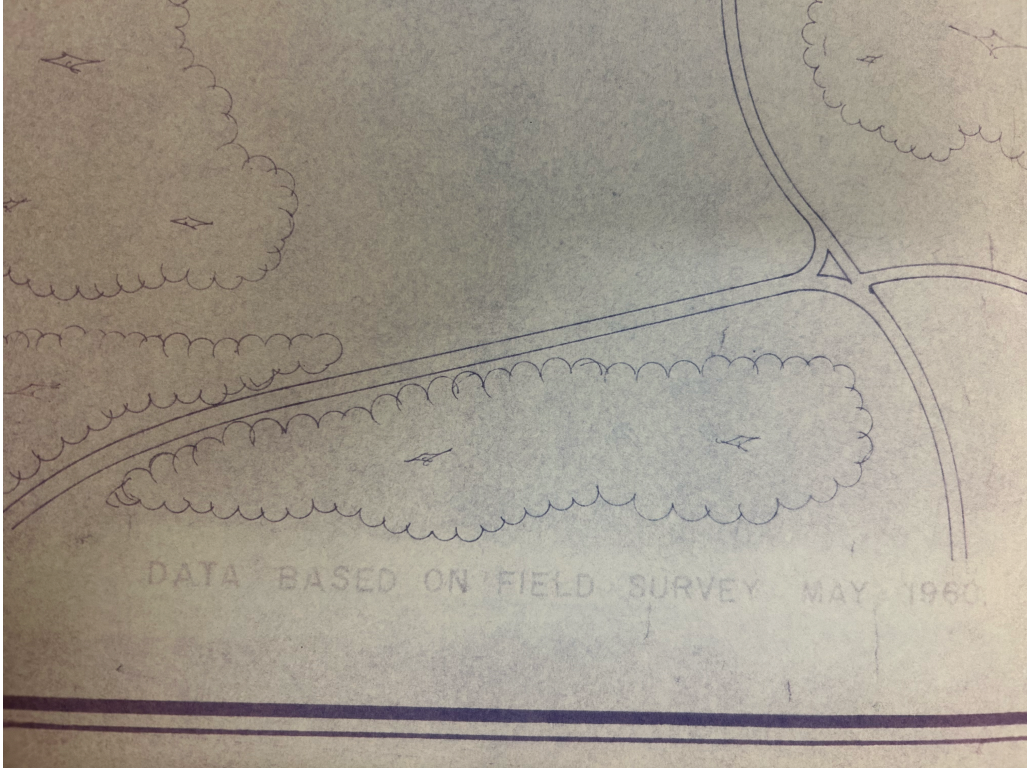
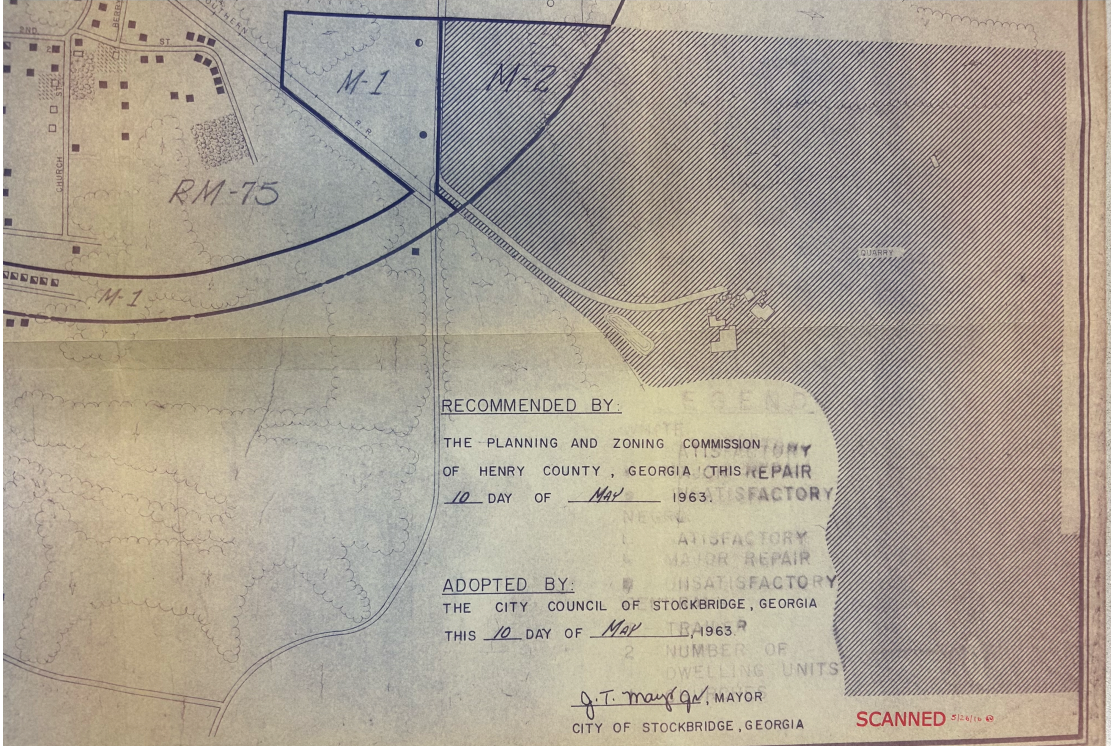
RM-75
M-1
SCHOOL
GEORGIA STATE
CLUB
WOLAND
ENG
SCHOOL


DATA BASED ON FIELD SURVEY MAY 1960.

NOLAND ST.
1ST. ST.
SCHOOL
WATER TOWER
COLLEGE
VE
ST.
EE
RD
PHILLIPS
ST.
C-1
200'
200'
C-1
RM-75
M-1
M-2
SOUTHERN
R.R.
BERRY
ST.
2ND.
ST.
CHURCH
ST.
RM-75



RECOMMENDED BY:

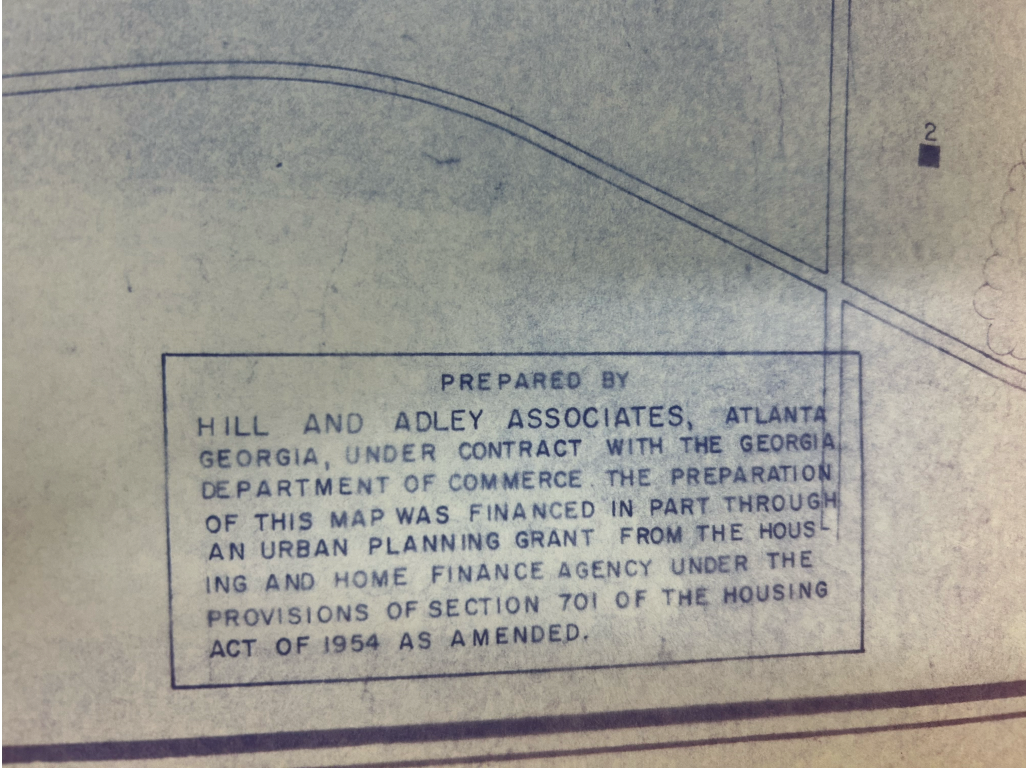
THE PLANNING AND ZONING COMMISSION
OF HENRY COUNTY, GEORGIA, THIS 10 DAY OF MAY 1963.

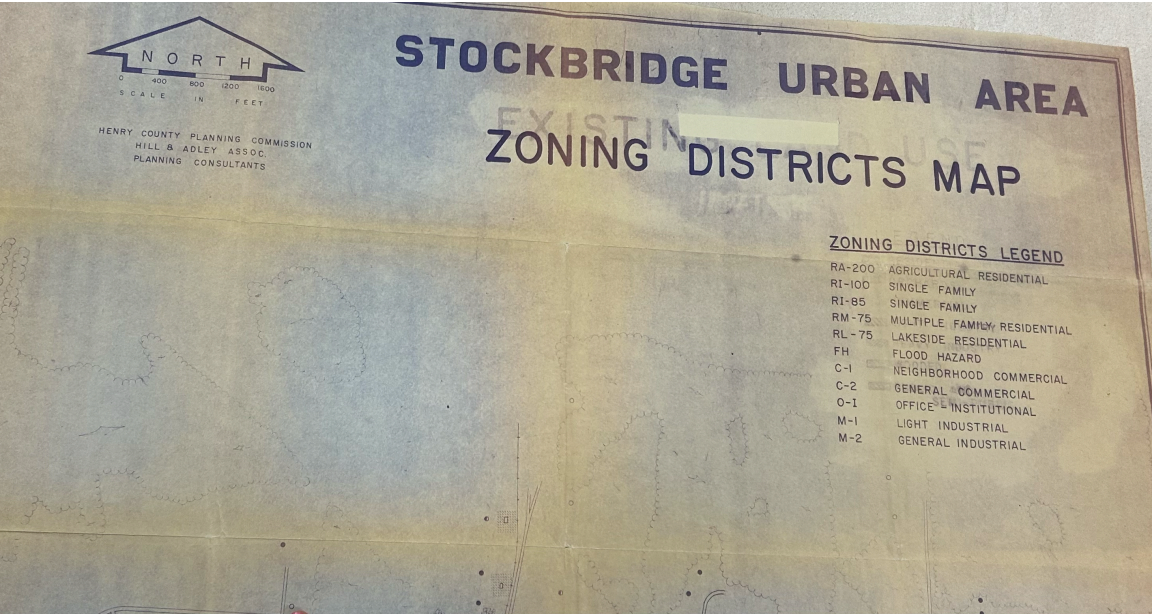
ADOPTED BY:

THE CITY COUNCIL OF STOCKBRIDGE, GEORGIA
THIS 10 DAY OF MAY, 1963.

J. T. Mayfield, MAYOR
CITY OF STOCKBRIDGE, GEORGIA

SCANNED


2
PREPARED BY
HILL AND ADLEY ASSOCIATES, ATLANTA GEORGIA, UNDER CONTRACT WITH THE GEORGIA DEPARTMENT OF COMMERCE. THE PREPARATION OF THIS MAP WAS FINANCED IN PART THROUGH AN URBAN PLANNING GRANT FROM THE HOUSING AND HOME FINANCE AGENCY UNDER THE PROVISIONS OF SECTION 701 OF THE HOUSING ACT OF 1954 AS AMENDED.


NORTH
0 400 800 1200 1600
SCALE IN FEET
HENRY COUNTY PLANNING COMMISSION
HILL & ADLEY ASSOC.
PLANNING CONSULTANTS
STOCKBRIDGE URBAN AREA
ZONING DISTRICTS MAP
ZONING DISTRICTS LEGEND
RA-200 AGRICULTURAL RESIDENTIAL
RI-100 SINGLE FAMILY
RI-85 SINGLE FAMILY
RM-75 MULTIPLE FAMILY RESIDENTIAL
RL-75 LAKESIDE RESIDENTIAL
FH FLOOD HAZARD
C-1 NEIGHBORHOOD COMMERCIAL
C-2 GENERAL COMMERCIAL
O-1 OFFICE & INSTITUTIONAL
M-1 LIGHT INDUSTRIAL
M-2 GENERAL INDUSTRIAL

City of Stockbridge
4640 North Henry Boulevard Stockbridge, GA 30281
(770) 389 7900

OCCUPATIONAL TAX CERTIFICATE

Business Name:	HUDDLESTON CONCRETE	**Business Type(s):**	484220 Gravel hauling, local
Business Location:	123 ROCK QUARRY RD STOCKBRIDGE, GA 30281	**Mailing Address:**	PO BOX 506 STOCKBRIDGE, GA 30281
Owner:	RAVEN JR, JAMES		
License Number:	0087-2018	**License Type:**	Occupational Tax Certificate
Issued Date:	1/1/2024	**Classification:**	Commercial
Expiration Date:	12/31/2024	**Fees Paid:**	$253.00

Uneeda Smith-Sellers

Occupational Tax Department

If the business moves from the location listed then the occupational tax certificate is null and void

TO BE POSTED IN A CONSPICUOUS PLACE

City of Stockbridge
4640 North Henry Boulevard Stockbridge, GA 30281
(770) 389 7900

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Uneeda Smith-Sellers

Occupational Tax Department

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TO BE POSTED IN A CONSPICUOUS PLACE

Project/Case #

APPEAL-2025.04.0499

Parcel Number(s):

S27-01017000

Supplemental Addresses:

135 Rock Quarry Road

CITY OF STOCKBRIDGE PLANNING AND ZONING APPEAL APPLICATION

4640 North Henry Blvd
Stockbridge, GA 30281
(770) 389-7900

Zoning Case Number:

Ordinance Case Number:

ALL INFORMATION MUST BE TYPED OR PRINTED. INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED.

Dear Applicant,

Please complete this application and submit with all necessary attachments to the Department of Planning and Development.

Applicant

NAME OF APPLICANT	**First Name** James	**Last Name** Raven	
ADDRESS OF APPLICANT:	2200 Keys Ferry Court		
CITY/STATE/ZIP	McDonough	Georgia	30253
BUSINESS PHONE NUMBER:	770-957-3937		
EMAIL:	awelch@smithwelchlaw.com, hpalmertree@smithwelchlaw.com		

Subject Property

Case Name Appeal of Zoning Review

Zoning of Property:	C-3 (Heavy Commercial District)
Current Use of Property	Existing
District:	District 4

Please provide written documentation specifying the alleged errors in the approval, denial, interpretation, or decision of the Planning Commission or the development director:

Please see the attached letter of intent.

Please provide the citation of the sections of the Unified Development Code pertaining to the action of the development director:

UDC 3.16.040(B) and UDC 6.1.4

Please provide a statement of the specific relief requested by the party appealing:

Please see the attached letter of intent.

Signature: Andy Welch **Date:** 04/28/2025

10.3 Appeal of Administrative Actions.

A. The Mayor and City Council shall hear and decide appeals where it is alleged by the appellant that there is error in any approval, denial, written interpretation, or decision made by the Director, based on the interpretation or enforcement of the Unified Development Code.

B. Only persons or entities that have legal standing in the challenged action shall be permitted to file an appeal under this code section.

C. Appeals under this code section shall be filed with the Director. The Director shall immediately notify the appropriate department that an appeal application and the requisite fees have been filed and shall immediately forward those documents to the appropriate department head and/or his or her designee for handling. Upon receipt of the appeal documents, the department head or his/her designee shall be responsible for notifying the City clerk via email that an appeal application has been filed and shall thereafter, be responsible for ensuring that all appeal documentation is provided to the City clerk for inclusion of the matter on a scheduled public meeting to be heard by the Mayor and City Council not later than thirty (30) calendar days from the date of filing. The notifying department shall be responsible for submitting any required legal advertisements and posting the appropriate signs. The Director shall be responsible for notifying all affected parties that an appeal has been filed and the date on which the appeal will be heard by the Mayor and City Council. The Director shall be responsible for providing an executive summary detailing the rationale for the decision in question and shall present the findings and all relevant documents pertaining to the appeal to the City clerk for presentation at the Mayor and City Council meeting in which the appeal will be heard.

D. Should the Mayor and City Council overturn the decision of staff, the applicant shall have thirty (30) calendar days from the date of the decision to request a refund of no more than seventy- five (75) percent of the appeal fee paid. A scheduled appeal may be temporarily postponed at the request of the appellant or staff; however, the party requesting such postponement shall be responsible for the cost of any legal advertisement fees prior to the matter being rescheduled for a new hearing date.

10.3.1 Applicability

A. Appeals may be filed by any person aggrieved by any written approval, denial, interpretation, decision or enforcement action of the

Director, based on or made in the enforcement of the Unified Development Code.

B. A person shall be considered aggrieved if:

1. Said person or said person's property was the subject of the action appealed from; or
2. Said person has a substantial interest in the action appealed from and is in danger of suffering special damage or injury not common to all property owners similarly situated.

10.3.2 Time for Applications and Hearings.

A. An appeal shall be filed within thirty (30) calendar days following the written approval, denial, or interpretation, of the Director.

B. A hearing before the Mayor and City Council shall be held according to the published schedule.

10.3.3 Application Requirements

An appeal request, along with the advertising and review fee per the approved fee schedule shall be filed with the Director indicating on the application in which the administrative decision originated and include a letter of intent addressing the following:

1. Completed application form, provided by the City;
2. Written documentation specifying the alleged errors in the approval, denial, interpretation, or decision of the Planning Commission or the Director;
3. Citation of the section(s) of the Unified Development Code pertaining to the action of the Director; and
4. A statement of the specific relief requested by the party appealing.

10.3.4 Stay of Proceedings.

An appeal stays all legal proceedings in furtherance of the action appealed from unless the Director certifies to the Mayor and City Council, after notice of appeal has been filed, that by reasons of facts stated in the certificate, a stay would, in the opinion of the Director, cause imminent peril to life or property. In such case, proceedings shall be stayed only by a restraining order granted by the superior court of Henry County on notice to the Director and on due cause shown.

10.3.5 Action on Appeals.

A. The hearing of the appeal shall be quasi-judicial and shall be conducted at a regular meeting, according to the published schedule, or at a special meeting of the Mayor and City Council.

B. Public Hearing. The Director shall advertise for the public hearing at the Planning Commission and the Mayor and City Council in accordance with Section 9.3, Public Notice Requirements.

C. Any party may appear at the hearing in person, by an authorized agent, or by an attorney.

D. Following the consideration of all testimony, documentary evidence, and matters of record, the Mayor and City Council shall make a determination on the appeal. An appeal shall be sustained only upon an expressed finding by the Mayor and City Council that the decision by the Director was based on an erroneous finding of a material fact, or that the Director acted in an arbitrary manner. In exercising its powers, the Mayor and City Council may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination appealed from, and to that end shall have all the powers of the Director from whom the appeal was taken and may issue or direct the issuance of a permit provided all requirements imposed by all other applicable laws are met.

10.4 Appeals of Mayor and City Council Actions.

All appeals of final decisions of the Mayor and City Council shall be as follows:

A. Any person aggrieved by a final decision of the Mayor and City Council may appeal such decision by filing a petition in writing with

the Superior Court of Henry County.

B. An appeal shall be filed within thirty (30) calendar days after the disputed final decision is rendered.

TO: Stockbridge Mayor and City Council
Stockbridge Planning Commission

FROM: Linda M. Logan, Senior Planner, Planning and Zoning Division

CC: Ryan Anderson, Community Development Director

DATE: September 8, 2025 (City Council Meeting)

SUBJECT: **Staff Report for Appeal Case #AP-2025-02: 123 and 135 Rock Quarry Road, and Parcel #S27-01016000 on Rock Quarry Road (Council District 4)**

I. PURPOSE OF THE APPEAL APPLICATION

An appeal application was submitted into SAGES on April 28, 2025 for Parcel #S27-01017000, which the applicant identified as having the address of 135 Rock Quarry Road. The applicant was James Raven with Huddleston Concrete Company, and the agent was Andy Welch, an attorney with the law firm of Smith, Welch, Webb & White. The law firm also submitted a Letter of Intent on the same date.

The stated purpose of the application was to appeal a Zoning Review Form that was completed by the Planning, Zoning, & GIS Division on March 17, 2025. Its recommendation of denial for the company's truck parking use of the property led to a decision by the City of Stockbridge's Business Services Division, in a March 28, 2025 letter, to state that "the application process for your business Huddleston Concrete 135 Rock Quarry Rd, Stockbridge, Ga 30281 is Denied for the following: Truck terminals, truck trailer storage lots, truck parking lots, and truck repair are only allowed in industrial zoning districts and are not allowed in the Parkway Mixed Use (PMU) District." Both actions occurred after a citation was issued on the subject property for not having an appropriate business license.

The Zoning Review Form was completed as part of the Business Services Division's process for evaluating the applicant's 2025 business license application for the subject property. The purpose of the Zoning Review Form was to assess the zoning compliance of the applicant's proposed use of the property for "truck parking", which currently exists on the property. The Form stated that the property was zoned 'C-3' (Heavy Commercial), and that it was located in the Parkway Mixed-Use (PMU) Overlay District, which does

not allow truck parking uses.

On March 4, 2025, the City of Stockbridge issued a citation on the subject property for not having an appropriate business license. A Municipal Court Summons was issued on March 14, 2025, requiring the applicant to appear in court on May 16, 2025. Subsequently, a letter was sent to the applicant by Business Services on March 28, 2025, stating that "the application process for your business Huddleston Concrete 135 Rock Quarry Rd, Stockbridge, Ga 30281 is Denied for the following: Truck terminals, truck trailer storage lots, truck parking lots, and truck repair are only allowed in industrial zoning districts and are not allowed in the Parkway Mixed Use (PMU) District." On April 3, 2025, the Stockbridge Police Department, Code Enforcement Division, sent a letter to the applicant, stating that the truck parking on Parcel #S27-01016000 and Parcel #S27-01017000 was a violation, and that the applicant was given 45-60 days to rectify the situation. The applicant appeared in court on May 16 and asked for a "continuance" (rescheduling) of at least 60 days, to allow his attorney time to prepare for the court hearing. The court then rescheduled the applicant's hearing date to July 18, 2025.

Now, the applicant requests that either an appeal hearing be granted before City Council, or that the Community Development Department decides that the 2025 business license which the applicant received does apply to the subject property (Parcel #S27-01017000).

II. DESCRIPTION OF THE SUBJECT PROPERTY

Parcel #S27-01017000 (referenced as 135 Rock Quarry Road) is the subject property for the appeal application, but Huddleston Concrete Company also owns the property at 123 Rock Quarry Road (Parcel #S27-01012000) and Parcel #S27-01016000. They are all located on the west side of Rock Quarry Road, south of Lee Street, but they are not contiguous. The Aerial Photo of the Vicinity below shows all three parcels, followed by a separate aerial photograph for each parcel. The parcel at 123 Rock Quarry Road is occupied by a small building that is used as the office for Huddleston Concrete Company, while the other two parcels are occupied by truck parking for numerous 18-wheel trucks. Two other parcels with different owners are located between the office parcel and the two truck parking parcels. Street photographs of the office building and truck parking are provided below, as well as a recent drone photograph showing the presence of truck parking on Huddleston Concrete Company's other two parcels. The Table of Property Facts provides property information and statistics.

AERIAL PHOTO OF THE VICINITY

AERIAL PHOTO OF 123 ROCK QUARRY ROAD
(SITE OF THE OFFICE BUILDING)

STREET PHOTO OF OFFICE BUILDING AT 123 ROCK QUARRY ROAD, OWNED BY HUDDLESTON CONCRETE COMPANY

AERIAL PHOTO OF PARCEL #S27-01016000, ONE OF THE TRUCK PARKING PARCELS

AERIAL PHOTO OF 135 ROCK QUARRY ROAD (PARCEL #S27-01017000), ONE OF THE TRUCK PARKING PARCELS

STREET PHOTO OF TRUCK PARKING PARCELS, VIEWED FROM THE EAST (QUARRY ENTRANCE); JUNE 3, 2025

DRONE PHOTO OF TRUCK PARKING: VIEWED FROM THE WEST, TOWARD ROCK QUARRY ROAD (June 3, 2025)

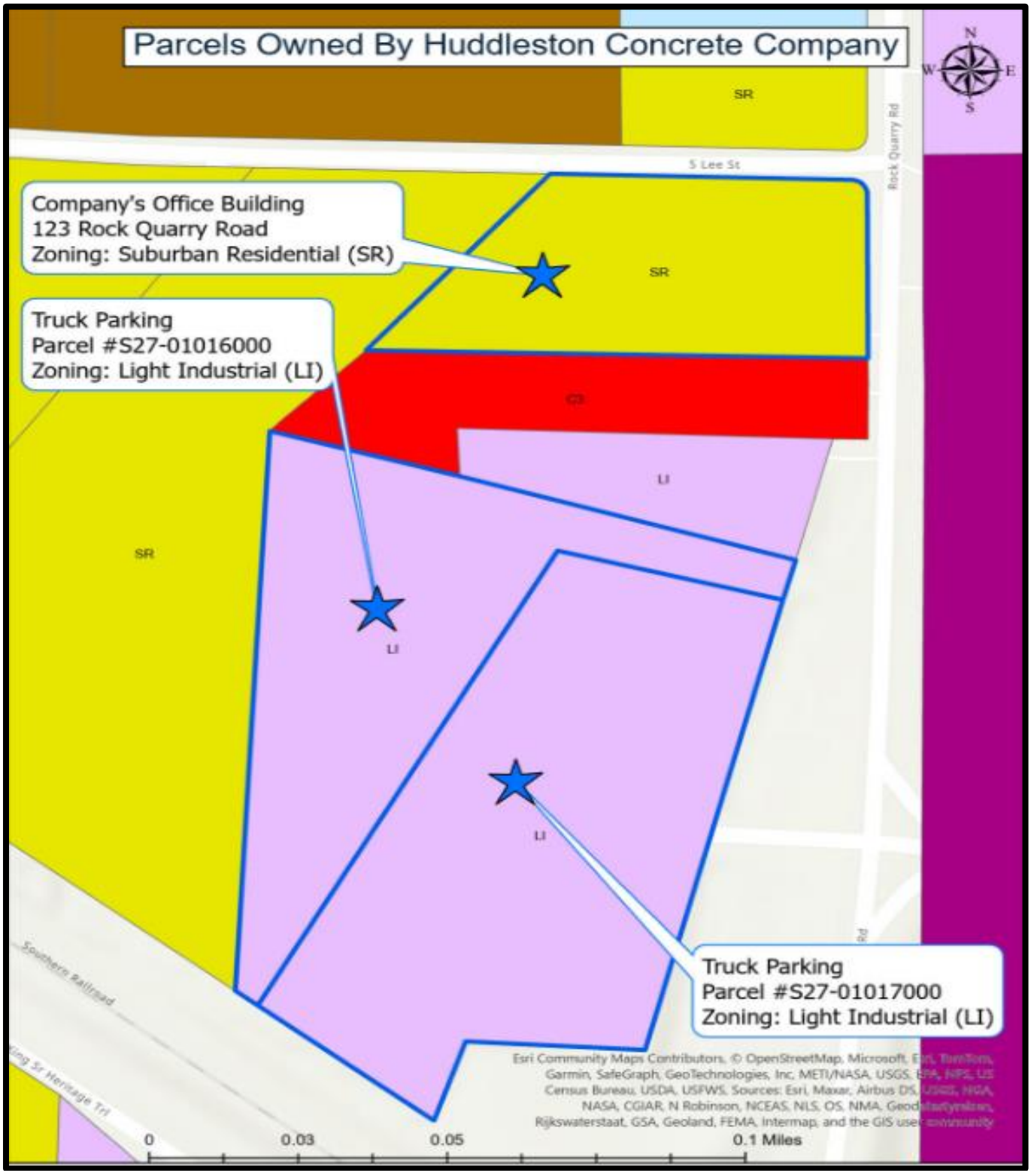
TABLE OF PROPERTY FACTS	
DESCRIPTIVE FACTOR	**RESEARCH FINDINGS**
Proposed Use:	Continued operation of office and two truck parking lots.
Property Address:	123 Rock Quarry Road, plus two nearby parcels.
Parcel Number:	123 Rock Quarry Road—Parcel #S27-01012000. Truck parking lots: Parcel #S27-01016000 and Parcel #S27-01017000.
Parcel Acreage:	~ 123 Rock Quarry Road—1.55 +/- acres. ~ Parcel #S27-01016000—2.93 +/- acres. ~ Parcel #S27-01017000—3.44 +/- acres.
Land District and Land Lot:	District 12, Land Lots 35 and 36.
Applicant / Owner:	~ 123 Rock Quarry Road--Huddleston Concrete Company. ~ Parcel #S27-01016000—Huddleston Concrete Company. ~ Parcel #S27-01017000—James S. Raven, Jr. (an owner or employee of Huddleston Concrete Company).
Existing Zoning:	123 Rock Quarry Road—SR (Suburban Residential). ~ Parcel #S27-01016000—LI (Light Industrial). ~ Parcel #S27-01017000—LI (Light Industrial).
Surrounding Zoning:	~ North –SR (Suburban Residential), MFR (Multiple Family Residential), and OI (Office-Institutional). ~ South—N/A (railroad tracks). ~ East—Heavy Industrial. ~ West
Property Location:	West side of Rock Quarry Road, between South Lee Street to the north and the railroad tracks to the south.
Property Conditions:	Fairly level, with few trees.
Current Use:	Office building and two truck parking lots.
Surrounding Land Uses:	~ North –Apartments. ~ South—Railroad tracks. ~ East—The rock quarry. ~ West –Single-family residential.
Surrounding Future Land Use Designations:	~ North—Downtown District. ~ Northeast---Low-Density Mixed-Use. ~ East—Heavy Industrial. ~ West and South—Light Industrial.
Road Classification:	Minor arterial.

III. EXISTING ZONING AND LAND USE

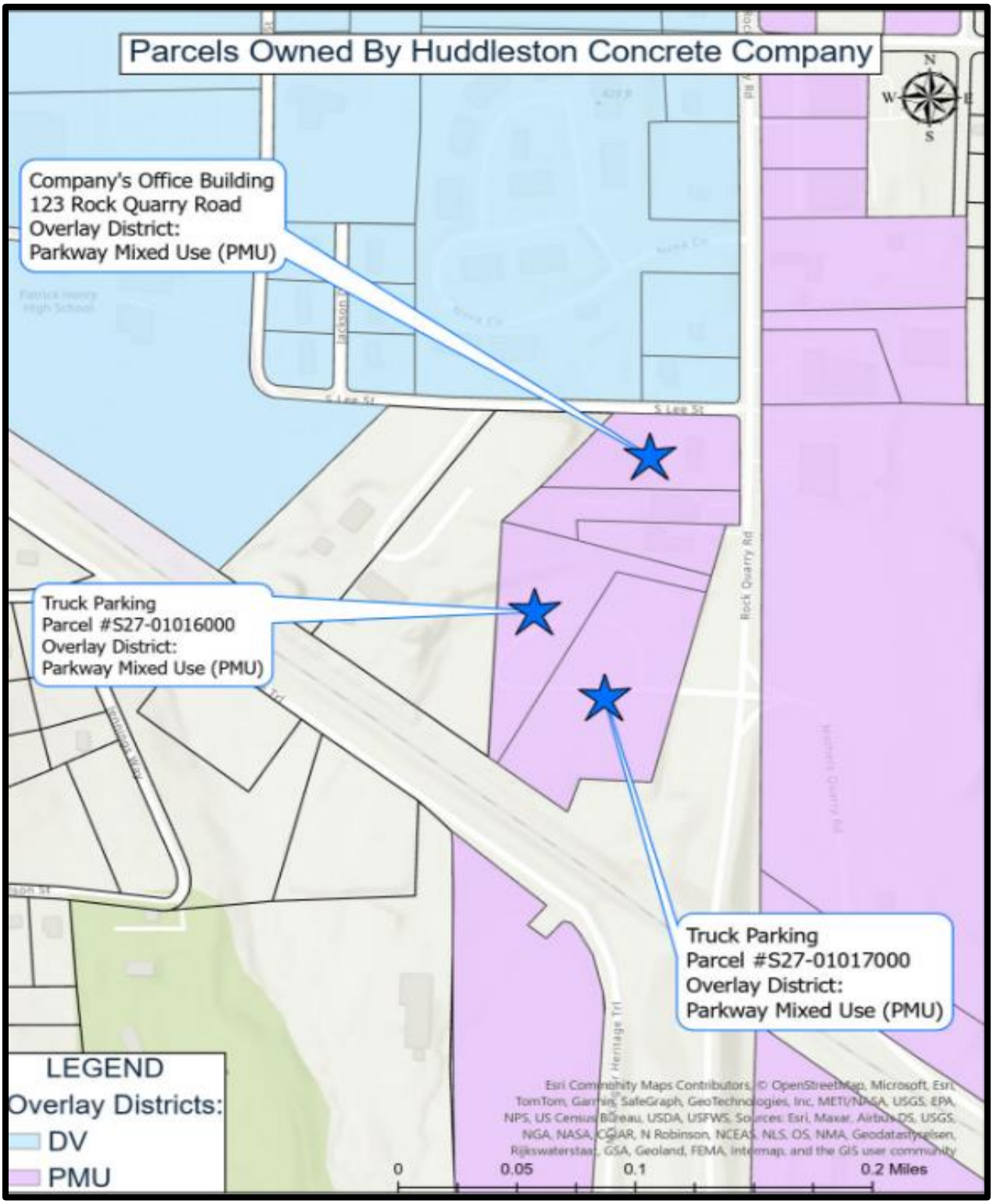
The property at 123 Rock Quarry Road is zoned 'SR' (Suburban Residential), and it is occupied by a small building that is being used by Huddleston Concrete Company for an office. The SR district, though, does not allow office uses since only residential uses are allowed in it. The other two parcels are zoned 'LI' (Light Industrial), and they are being used for truck parking even though the LI district does not allow truck parking. The only zoning district within the City of Stockbridge where truck parking is allowed is the HI (Heavy Industrial) district.

All three parcels are located within the Parkway Mixed-Use (PMU) Overlay District. Section 2.5.2(D)(17) of the Stockbridge Unified Development Code (UDC) states that the following types of uses are prohibited within the PMU Overlay District: "Truck terminals, truck trailer storage lots, truck parking lots, and truck repair." In addition, all types of industrial uses are prohibited within the PMU Overlay District. All three parcels have a future land use designation of Light Industrial. Maps of the existing zoning, overlay district, and future land use for all three parcels are provided below.

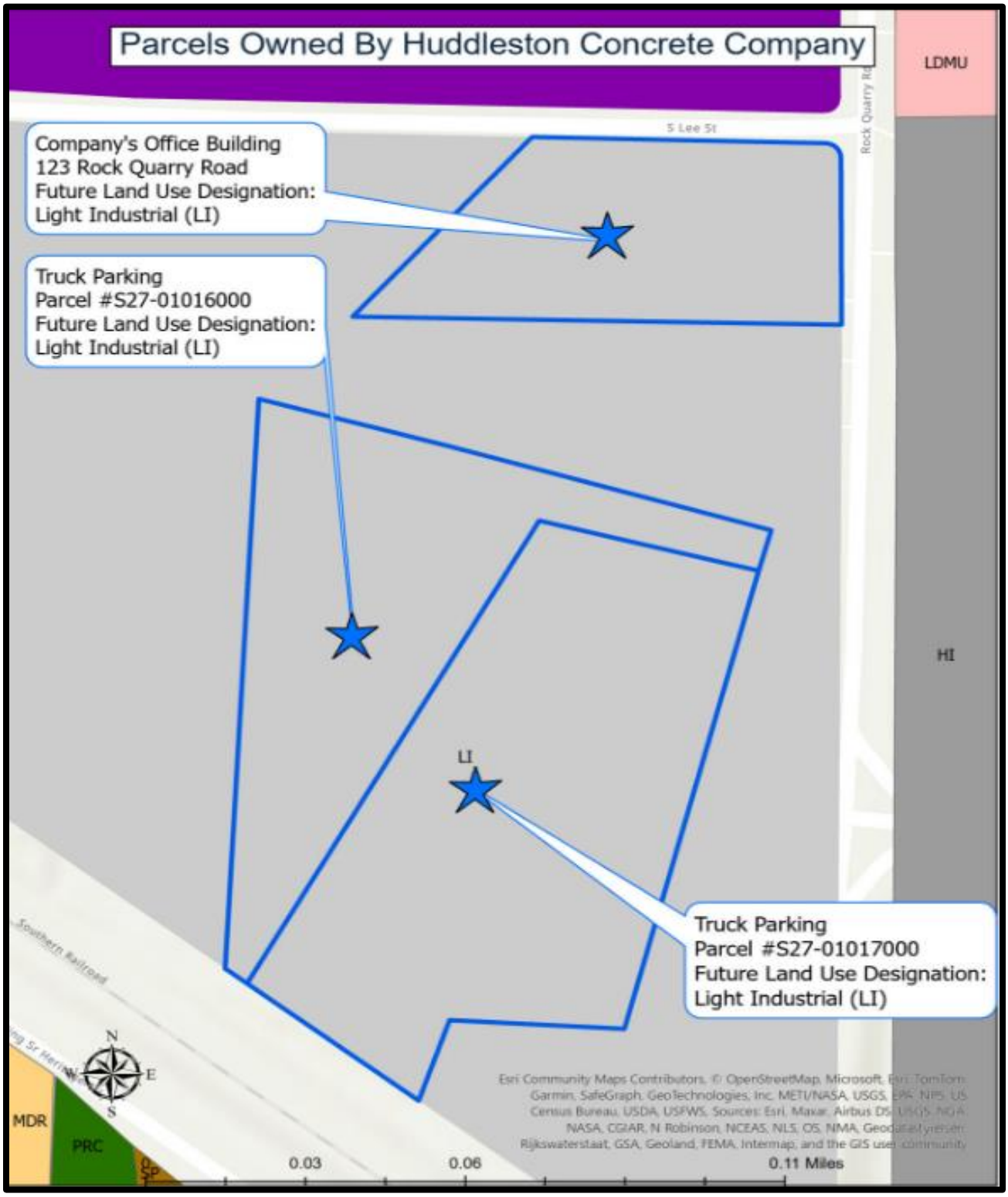
ZONING MAP FOR THREE PARCELS THAT ARE OWNED BY HUDDLESTON CONCRETE COMPANY



OVERLAY DISTRICT MAP FOR THREE PARCELS OWNED BY HUDDLESTON CONCRETE COMPANY



FUTURE LAND USE MAP FOR THREE PARCELS OWNED BY HUDDLESTON CONCRETE COMPANY



IV. ZONING HISTORY OF THE PROPERTY

Research was conducted on historic zoning maps and ordinances to identify the previous zoning districts for the three parcels that are currently owned by Huddleston Concrete Company; whether the zoning changed at any time; whether truck parking was an allowable use at any time; and when any overlay zoning districts began. Planning and Zoning functions for the City of Stockbridge were handled by Henry County prior to 2019, so previous Henry County zoning maps and ordinances had to be researched.

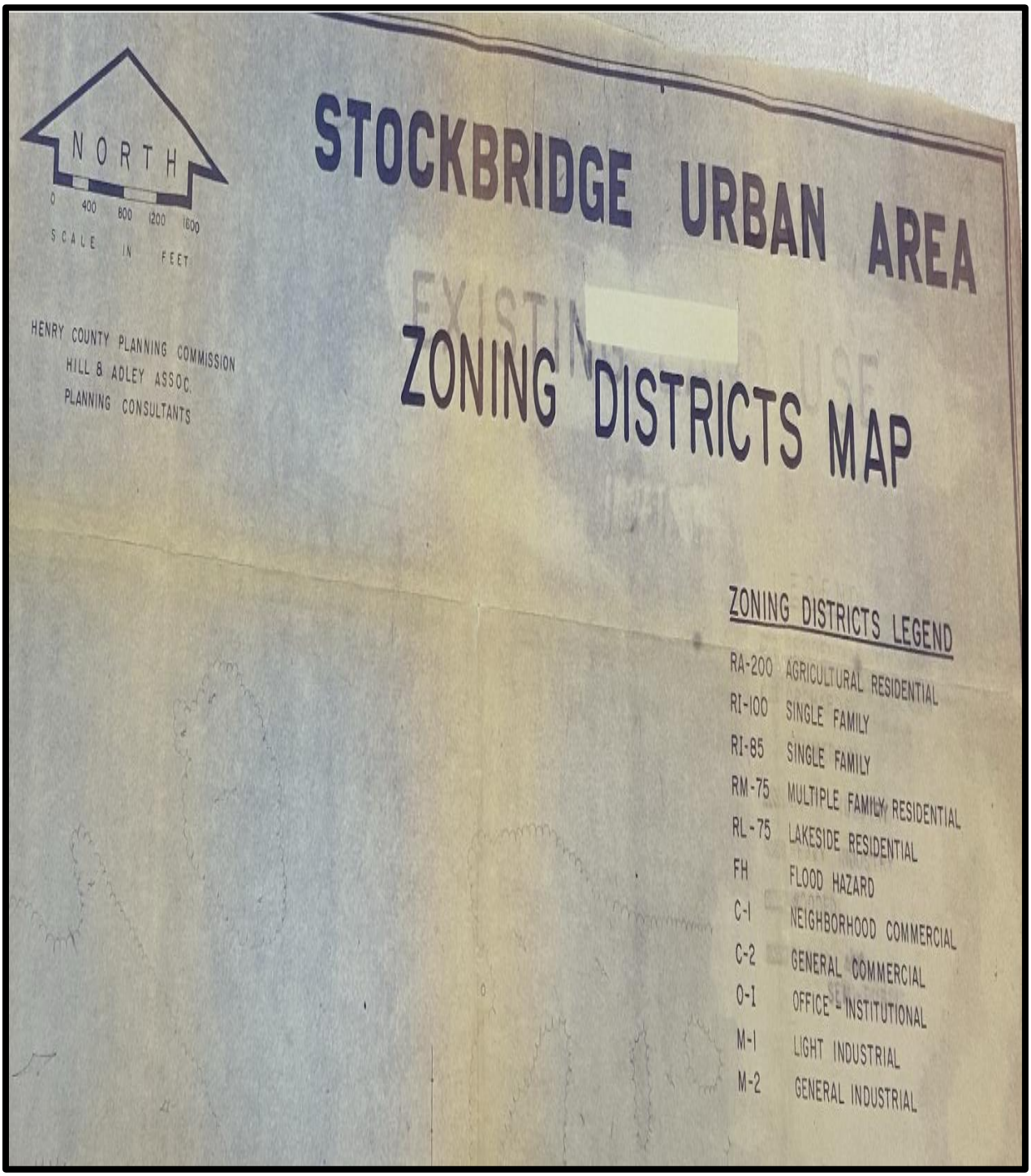
Shown below is a portion of the "Stockbridge Urban Area Zoning Districts Map", which was recommended by the Henry County Planning Commission and adopted by the Stockbridge City Council on May 10, 1963. It was prepared by Hill & Adley Associates, Planning Consultants, on the basis of a 1960 field survey. It clearly shows the area where the two existing truck parcels are located (Parcel #S27-01016000 and Parcel #S27-01017000), adjacent to the Southern Railroad, as being zoned 'M-1' (Light Manufacturing), while the area for Huddleston Concrete Company's current office at 123 Rock Quarry Road is zoned 'RM-75', a type of multifamily residential district.

Historic zoning maps from 2003 and 2007 for the City of Stockbridge were recently obtained from Henry County, and they both show the truck parking parcels as being zoned 'M-1'. In addition, all other historic zoning maps which the City's Community Development Office has on file show the truck parking properties as being zoned 'M-1' or 'LI' (Light Industrial). The same is true for the office parcel. At some point, the office parcel was rezoned to 'SR' (Suburban Residential), its current zoning; but no maps or documents could be found which showed or stated that.

The oldest available Henry County Zoning Ordinance is from June 3, 1986, and it stated that uses within the M-1 district were to be "nuisance-free." Although such uses included the storage of heavy materials, products, or equipment, nothing was mentioned about allowing outdoor storage, or the storage or parking of trucks or other vehicles. No such mention was made for the M-2 (Heavy Manufacturing) or C-3 (Heavy Commercial) zoning districts, either. The M-2 district, though, did allow "rock, sand, or gravel distribution", as well as "truck terminals." Excerpts from Henry County's 1986 Zoning District are provided below for the C-3, M-1, and M-2 districts. The C-3 and M-2 districts provided for commercial or industrial uses which required larger land areas and the need for the outside storage of materials, but the M-1 district had no such provision.

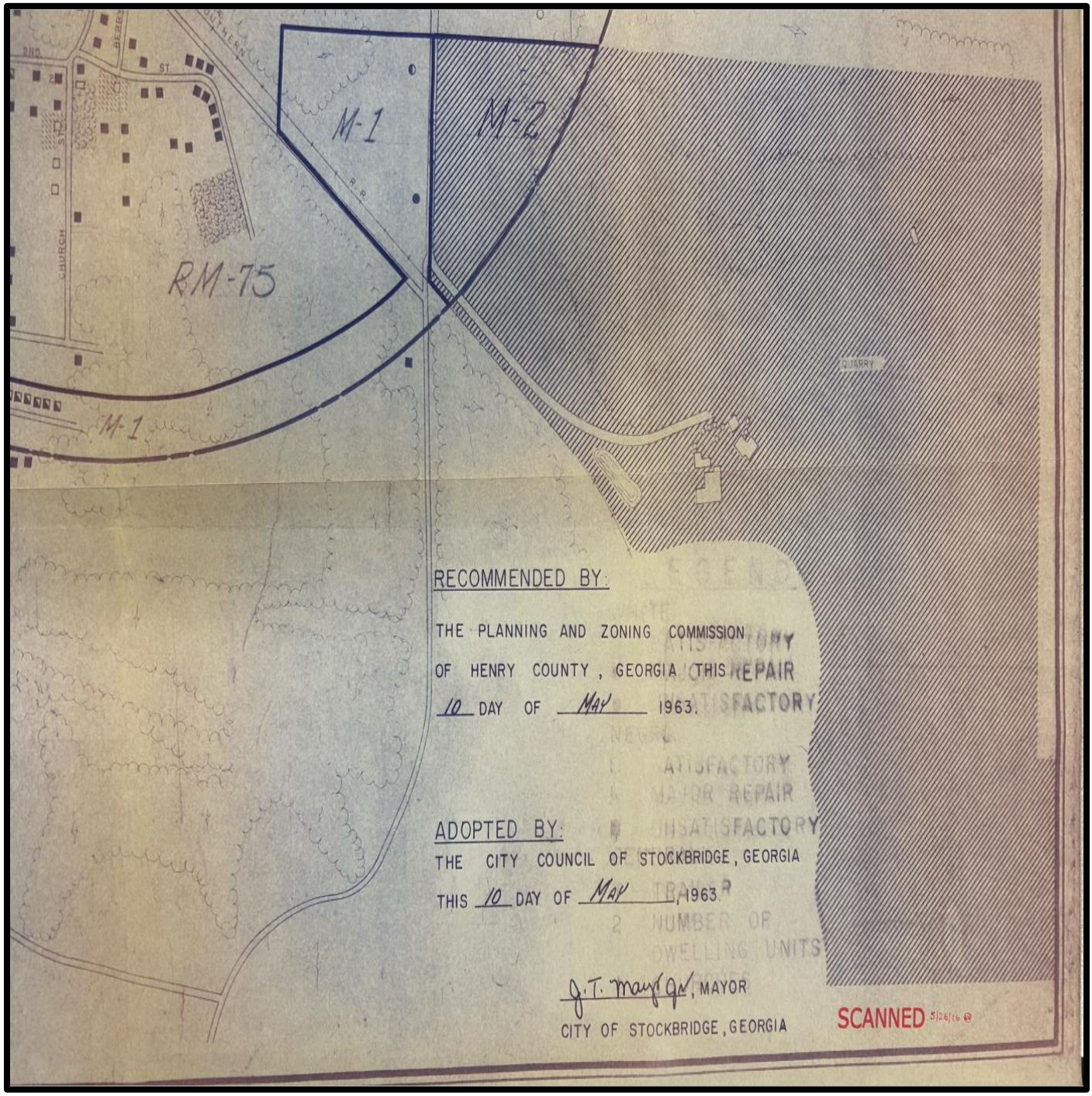
Regarding overlay zoning districts, the City of Stockbridge's current Parkway Mixed-Use (PMU) Overlay District began in 2022 with the adoption of the Unified Development Code (UDC). Its precursor was the City's Highway Corridor Overlay District, which began in 2019 and was modeled after Henry County's Highway Corridor Overlay District, which began in 2017.

STOCKBRIDGE ZONING MAP FROM MAY10,1963 — MAP TITLE AND LEGEND

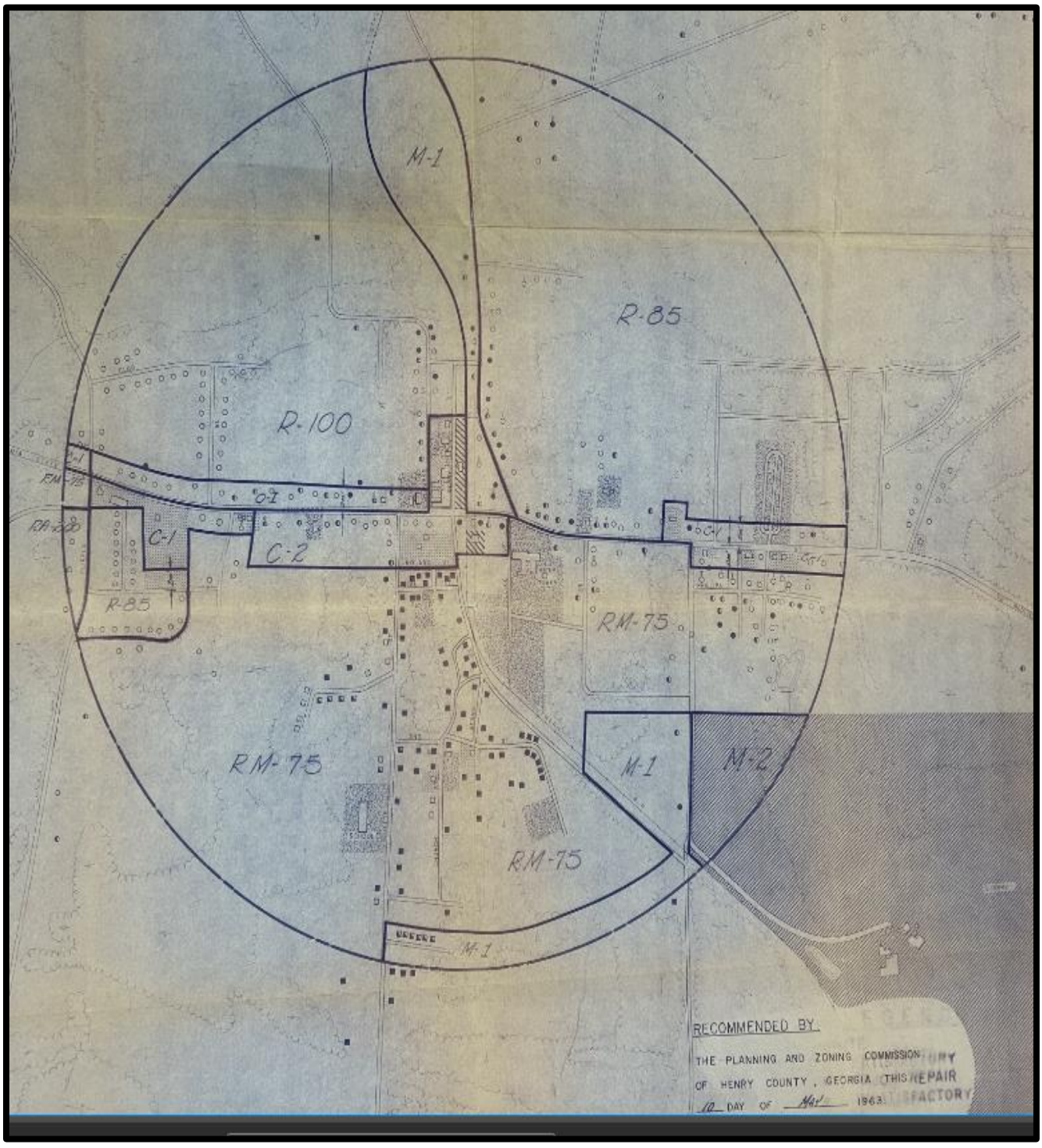


STOCKBRIDGE ZONING MAP FROM MAY10,1963 — MAP ADOPTION INFORMATION

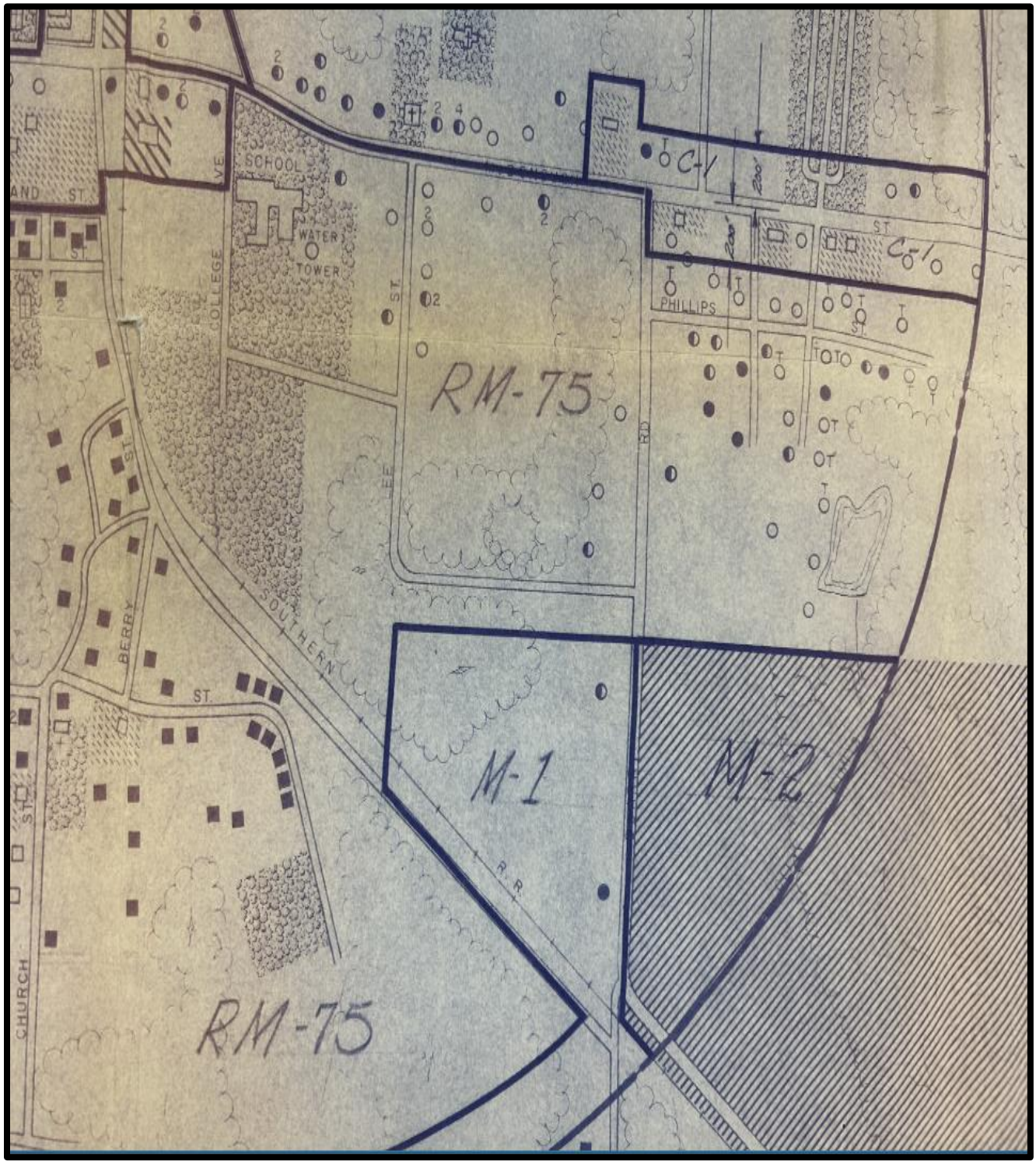
(RECOMMENDED BY THE HENRY COUNTY PLANNING COMMISSION AND ADOPTED BY THE STOCKBRIDGE CITY COUNCIL)



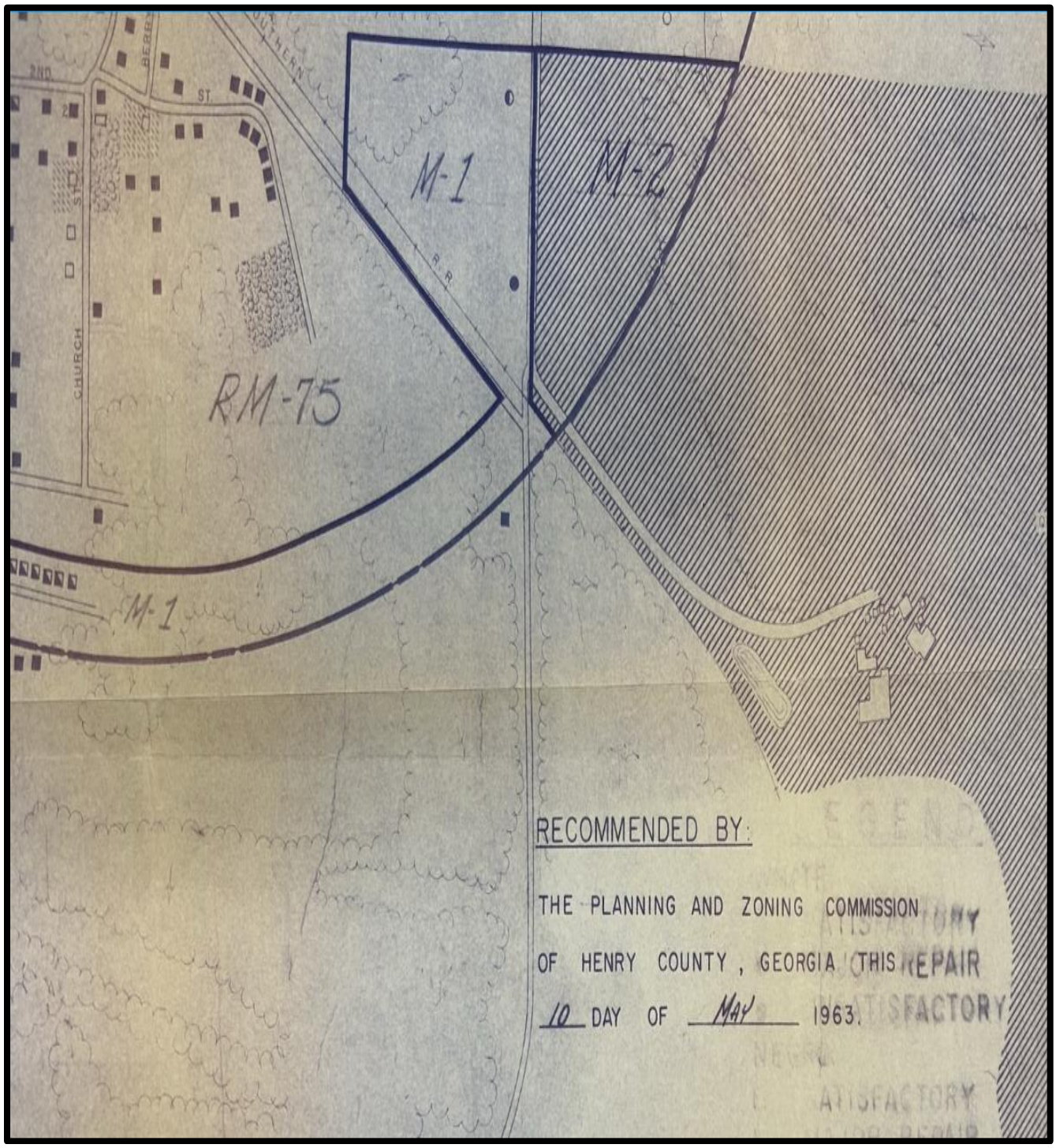
STOCKBRIDGE ZONING MAP FROM MAY 10, 1963— SHOWS TRUCK PARKING PARCELS AS ZONED ‘M-1’ (LIGHT MANUFACTURING), BASED UPON A FIELD SURVEY FROM MAY 1960



STOCKBRIDGE ZONING MAP FROM MAY 10, 1963, ENLARGED— SHOWS TRUCK PARKING PARCELS AS ZONED ‘M-1’ (LIGHT MANUFACTURING)



STOCKBRIDGE ZONING MAP FROM MAY 10, 1963
CLOSEUP VIEW OF M-1 DISTRICT AND THE DATE OF MAP PREPARATION



EXCERPT FROM HENRY COUNTY 1986 ZONING ORDINANCE— COVER PAGE

ZONING ORDINANCE

ADOPTED JUNE 3, 1986

HENRY COUNTY, GEORGIA

HENRY COUNTY PLANNING & ZONING DEPARTMENT

HENRY COUNTY ADMINISTRATION BUILDING
345 PHILLIPS DRIVE, McDONOUGH, GEORGIA.

EXCERPT FROM HENRY COUNTY 1986 ZONING ORDINANCE— M-1 (LIGHT MANUFACTURING) DISTRICT (PAGE 1)

17. Other heavy commercial and service activities not primarily of an industrial or manufacturing nature as may be determined by the Planning Staff to be similar to the above listed uses and which are in harmony with the purpose of this district, but not including those uses which are not mentioned in this district but are enumerated in another district.

ACCESSORY USES:

Those uses determined by the Planning Staff to be customarily appurtenant to those uses permitted in this district.

CONDITIONAL USES:

1. Travel Trailer/Recreation Vehicle Parks having a minimum lot area of five (5) acres.

2. Radio/Television transmission towers over 35 feet high.

CONDITIONAL EXCEPTIONS:

None.

SPACE LIMITS:

Minimum Lot Area:	10,000 square feet
Minimum Lot Width:	100 feet
Minimum Front Yard:	70 feet from right-of-way line
Minimum Side Yard:	None, but 30 feet if a corner lot
Minimum Rear Yard:	20 feet
Maximum Height:	Six stories

SECTION 814: M-1: LIGHT MANUFACTURING DISTRICT

PURPOSE:

This district is to provide for light industrial uses, all of which shall be nuisance free and not generators of hazardous wastes. It is intended that light manufacturing uses shall be located on either arterial or major collector streets or within industrial parks having access to such thoroughfares.

VIII-25

EXCERPT FROM HENRY COUNTY 1986 ZONING ORDINANCE— M-1 (LIGHT MANUFACTURING) DISTRICT (PAGE 2)

PERMITTED USES:

1. Any commercial or industrial use which involves manufacturing, processing or assembly operations or the storage and sale of heavy materials, products or equipment; but not including uses which may cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odor, dust, fire hazard or other objectionable conditions to nearby areas.
2. Armories
3. Bakeries and other establishments manufacturing prepared foods and miscellaneous food products.
4. Bottling plants
5. Cabinet shops
6. Canning plants
7. Clinics, cafeterias, employee credit unions and recreational facilities for employees only
8. Cold storage, ice plants and freezer lockers
9. Cosmetics and pharmaceuticals
10. Dairy plants and ice cream manufacturing
11. Distribution of products and merchandise
12. Dry cleaning and laundering establishments
13. Education and training facilities
14. Electrical appliances and equipment, sales and repairs
15. Electronic manufacturing and assembly plants
16. Fabricating shops such as woodworking, upholstery and sheet metal shops
17. Garages, repair shops and machine shops
18. Machine shop
19. Offices and administrative facilities
20. Plumbing shops and other contractors, including open storage of materials when located in the rear yard.

VIII-26

EXCERPT FROM HENRY COUNTY 1986 ZONING ORDINANCE— M-1 (LIGHT MANUFACTURING) DISTRICT (PAGE 3)

21. Printing, publishing and reproducing establishments

22. Sign painting and fabricating shops

23. Textile manufacturing plants

24. Wholesaling or warehousing

25. Other uses as may be determined by the Planning Staff to be similar and compatible with the above-listed permitted uses.

ACCESSORY USES:

Those determined by the Planning Staff to be customarily appurtenant to those uses permitted in this district.

CONDITIONAL USES:

Upon application to, and recommendation by the Planning Commission and favorable decision thereon by the Board of County Commissioners, the following conditional uses are permitted in this district:

1. Airports and heliports

2. Radio and television transmission towers over 35 feet high

CONDITIONAL EXCEPTIONS:

1. Caretakers quarters

2. One (1) mobile home for use as a temporary office

SPACE LIMITS:

Minimum Lot Area:	30,000 square feet
Minimum Lot Width:	100 feet
Minimum Front Yard:	70
Minimum Side Yard:	None, but 30 feet if a corner lot
Minimum Rear Yard:	20 feet
Maximum Height:	35 feet

VIII-27

EXCERPT FROM HENRY COUNTY 1986 ZONING ORDINANCE— M-2 (HEAVY MANUFACTURING) DISTRICT (PAGE 1)

SECTION 815: M-2: HEAVY MANUFACTURING DISTRICT

PURPOSE:

This district provides for the broadest range of industrial operations permitted in the County. It is the district for location of those industries which have not reached a technical stage which renders them free of all nuisance factors. These uses are to be located on either an arterial or major collector street or when located within in an industrial park shall have access to such thoroughfares.

PERMITTED USES:

1. Any use permitted in the M-1 Light Manufacturing District provided there is no generation of nuisance conditions or hazardous wastes.
2. Acid manufacture and storage
3. Bulk petroleum plants
4. Cement, lime, gypsum or plaster of paris manufacture
5. Ceramic products limited to use of electric kilns
6. Commercial livestock processing or feedlots
7. Concrete, cement products or clay products manufacture
8. Feed, grain, or fertilizer manufacture or storage
9. Food processing plants
10. Foundry or forging plants
11. Grain elevators
12. Ice manufacture, including dry ice plants
13. Lumber yard for wholesaling of building products
14. Planing and sawmills
15. Poultry killing, plucking or processing plants
16. Railroad yards
17. Re-cycling centers
18. Rock, sand or gravel distribution or storage

VIII-28

EXCERPT FROM HENRY COUNTY 1986 ZONING ORDINANCE— M-2 (HEAVY MANUFACTURING) DISTRICT (PAGE 2)

19. Sheet metal products

20. Tinsmith/roofing operations

21. Truck terminals

22. Other uses as may be determined by the Planning Staff to be similar and compatible with the above-listed permitted uses.

ACCESSORY USES:

Those uses determined by the Planning Staff to be customarily appurtenant to those uses permitted in this district.

CONDITIONAL USES:

Upon application to, and recommendation by the Planning Commission and favorable decision thereon by the Board of County Commissioners, the following conditional uses are permitted in this district:

1. Airports and landing areas

2. Radio/Television transmission towers over 35 feet high

3. Asphalt and concrete batching plants

4. Central mixing plants for cement, mortar, plaster or housing materials.

5. Development of natural resources including the removal of minerals and natural materials together with necessary buildings and machinery, provided:

   A. Any extension of quarrying operations beyond the property lines actually being quarried at the effective date of this Ordinance shall be considered as a new operation and shall be subject to requirements herein.

   B. Quarry areas being excavated shall be entirely enclosed within a fence located at least ten (10) feet back from the edge of any excavation and of such construction and height as to be demonstrably able to exclude children and livestock.

   C. At the time of application for use permit the owners or operators of the quarry shall present to the Commissioners comprehensive plans for the re-use of the property at the cessation of the quarry operation.

VIII-29

EXCERPT FROM HENRY COUNTY 2001 ZONING ORDINANCE— COVER PAGE

Pat

HENRY

COUNTY

The Jewel of the Southern Crescent

Zoning Ordinance

Henry County Planning & Development
140 Henry Parkway, Suite 106
McDonough, GA 30253

2001 Edition
As of July

EXCERPT FROM HENRY COUNTY 2001 ZONING ORDINANCE— DEFINITIONS FOR C-3, M-1, AND M-2 ZONING DISTRICTS.

C-1 *Neighborhood Commercial District:* Businesses serving the day-to-day needs of discrete portions of Henry County.

C-2 *General Commercial District:* Businesses serving the general shopping needs of county residents.

C-3 *Heavy Commercial District:* Businesses of a regional commercial nature typified by larger land areas, access to major arterial thoroughfares, and having the need to provide for orderly outside storage of materials.

M-1 *Light Manufacturing District:* Manufacturing uses that are nuisance-free and not generators of hazardous wastes.

M-2 *Heavy Manufacturing District:* Manufacturing uses requiring larger land areas and the need to incorporate substantial outside storage of products and materials.

PD *Planned Development District:* An overlay district to provide for innovative development and siting techniques for planned residential, office, commercial or industrial uses.

FP *Flood-Protection District:* An overlay district reflecting provisions of the FEMA flood-prone area studies, incorporating by reference the boundaries of the FIRM flood maps depicting the limits of the one hundred-year flood.

TOWPD *Towaliga Watershed Protection District:* An overlay district with regulations for protection of the Towaliga River and tributaries in its drainage basin and protection of Henry County water resources.

TUWPD *Tussahaw Watershed Protection District:* An overlay district with regulations for the protection of the Tussahaw Creek and tributaries in its drainage basin and protection of Henry County water resources.

WCWPD *Walnut Creek Watershed Protection District:* An overlay district with regulations for the protection of the Walnut Creek and tributaries in its drainage basin and protection of Henry County water resources.

(Ord. No. 87-19, 10-20-87; Ord. No. 89-08, 3-21-89; Ord. No. 90-04, 9-19-90)

Sec. 3-7-36. Intent.

(1) It is the intent of this ordinance to encourage the provision of affordable housing in a general residential environment by permitting the use of manufactured homes meeting the definition of dwelling, single-family in all residential districts in which similar dwellings constructed on-site or otherwise are permitted, subject to the requirements and procedures set forth herein to assure similarity in the exterior appearance between such residentially-designed manufactured homes and dwellings which have been or may be constructed under these or other lawful regulations on lots in the same zoning district or general use.

(2) Manufactured homes meeting the definition of dwelling, single-family, either individually or by specific model, shall be permitted in all residential districts subject to the requirements and limitations set forth in this ordinance which are applicable to manufactured homes and the requirements and limitations applying generally to residential use in such zoning districts, including minimum lots, yard and building spacing, percentage of lot coverage, off-street parking requirements and approved foundations as required by law.

(3) Manufactured homes placed on individual lots within Henry County shall be taxed in the same manner as comparable site-built homes within the area where the manufactured home is located.

(Ord. No. 93-11, 12-21-93)

EXCERPT FROM HENRY COUNTY 2001 ZONING ORDINANCE— M-1 (LIGHT MANUFACTURING) DISTRICT (PAGE 1)

C-3 (cont'd)

permitted in the C-1 and C-2 districts. Neat and orderly outside storage is permitted in conjunction with permitted uses and conditional uses. Uses in this district shall be located on roads having a minimum classification of major arterial.

(b) *Permitted Uses:*

(1) Automobile and truck sales.

(2) Boat sales.

(3) Commercial kennels for boarding of pets.

(4) Dry cleaning plants not employing more than twenty (20) persons.

(5) Farmers' market.

(6) Feed and seed stores.

(7) Heavy equipment sales and service.

(8) Major automotive repair.

(9) Mini-warehouses and warehouses without outdoor storage.

(10) Mobile home sales lots.

(11) Motels and hotels.

(12) Outdoor theaters.

(13) Recreational vehicle sales and service.

(14) Tire retreading.

(15) Trade shops, including electrical, plumbing, gutter, machines, and HVAC contractors.

(16) Used car and truck sales.

(17) Other heavy commercial and service activities not primarily of an industrial or manufacturing nature as may be determined by the planning staff to be similar to the above-listed uses and which are in harmony with the purpose of this district, but not including those uses which are not mentioned in this district but are enumerated in another district.

(c) *Accessory Uses.* Those uses determined by the planning staff to be customarily appurtenant to those uses permitted in this district.

(d) *Conditional Uses:*

(1) Travel trailer/recreation vehicle parks having a minimum lot area of five (5) acres.

(2) Crematoriums.

(e) *Conditional Exceptions.* None.

(f) *Space Limits:*

(1)	Minimum lot area ...	10,000 square feet
(2)	Minimum lot width ..	100 feet
(3)	Minimum front yard .	70 feet from right-of-way line
(4)	Minimum side yard ..	None, but 30 feet if a corner lot
(5)	Minimum rear yard ..	20 feet
(6)	Maximum height	6 stories

(Ord. No. 90-09, 9-19-90; Ord. No. 98-13, 4-21-98; Ord. No. 99-05, 2-16-99)

Sec. 3-7-155. M-1: light manufacturing district.

(a) *Purpose.* This district is to provide for light industrial uses, all of which shall be nuisance-free and not generators of hazardous wastes. It is intended that light manufacturing uses shall be located on either arterial or major collector streets or within industrial parks having access to such thoroughfares.

(b) *Permitted Uses:*

(1) Any commercial or industrial use which involves manufacturing, processing or assembly operations or the storage and sale of heavy materials, products or equipment; but not including uses which may cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odor, dust, fire hazard or other objectionable conditions to nearby areas.

(2) Armories.

(3) Bakeries and other establishments manufacturing prepared foods and miscellaneous food products.

(4) Bottling plants.

(5) Cabinet shops.

(6) Canning plants.

EXCERPT FROM HENRY COUNTY 2001 ZONING ORDINANCE— M-1 (LIGHT MANUFACTURING) DISTRICT (PAGE 2)

(7) Clinics, cafeterias, employee credit unions and recreational facilities for employees only.

(8) Cold storage, ice plants and freezer lockers.

(9) Cosmetics and pharmaceuticals.

(10) Dairy plants and ice cream manufacturing.

(11) Distribution of products and merchandise.

(12) Dry cleaning and laundering establishments.

(13) Education and training facilities.

(14) Electrical appliances and equipment, sales and repairs.

(15) Electronic manufacturing and assembly plants.

(16) Fabricating shops such as woodworking, upholstery and sheet metal shops.

(17) Garages, repair shops and machine shops.

(18) Machine shop.

(19) Offices and administrative facilities.

(20) Plumbing shops and other contractors, including open storage of materials when located in the rear yard.

(21) Printing, publishing and reproducing establishments.

(22) Sign painting and fabricating shops.

(23) Textile manufacturing plants.

(24) Wholesaling or warehousing.

(25) Other uses as may be determined by the planning staff to be similar and compatible with the above-listed permitted uses.

(26) Crematoriums.

(c) *Accessory Uses.* Those determined by the planning staff to be customarily appurtenant to those uses permitted in this district.

(d) *Conditional Uses.* Upon application to, and recommendation by the planning commission and favorable decision thereon by the board of county commissioners, the following conditional uses are permitted in this district:

(1) Airports and heliports.

(e) *Conditional Exceptions:*

(1) Caretakers' quarters.

(2) One (1) mobile home for use as a temporary office.

(f) *Space Limits:*

(1) Minimum lot area ...	30,000 square feet
(2) Minimum lot width ..	100 feet
(3) Minimum front yard .	70 feet
(4) Minimum side yard ..	None, but 30 if a corner lot
(5) Minimum rear yard ..	20 feet
(6) Maximum height	35 feet

(Ord. No. 98-13, 4-21-98; Ord. No. 99-06, 2-16-99)

Sec. 3-7-156. M-2: heavy manufacturing district.

(a) *Purpose.* This district provides for the broadest range of industrial operations permitted in the county. It is the district for location of those industries which have not reached a technical stage which renders them free of all nuisance factors. These uses are to be located on either an arterial or major collector street or, when located within an industrial park, shall have access to such thoroughfares.

(b) *Permitted Uses:*

(1) Any use permitted in the M-1 light manufacturing district, provided there is no generation of nuisance conditions or hazardous wastes.

(2) Acid manufacture and storage.

(3) Bulk petroleum plants.

(4) Cement, lime, gypsum or plaster of Paris manufacture.

V. RELEVANT BUSINESS DOCUMENTS

The business documents that are relevant to this appeal case are listed and presented below.

1. **Applicant's 2024 Business License Application, dated 08/25/23.** The applicant listed the business address as 123 Rock Quarry Road, and the proposed business use was "property rental."

2. **Applicant's 2024 Business License, issued 1/1/24.** The stated business type was "gravel hauling, local."

3. **Applicant's 2025 Business License Application; 07/17/24.** The applicant listed the business address as123 Rock Quarry Road, and the proposed business use was "property rental, truck parking."

4. **Applicant's 2025 Business License, issued 1/1/25.** The stated business type was "gravel hauling, local."

5. **Violation Notice (citation issued); 03/04/25.** The three listed violations were the presence of truck / car parts, the presence of multiple junk vehicles, and fence damage.

6. **Municipal Court Summons; 03/14/25.** The stated charge was "Occupational tax certificate / OTC mandatory for operation", and the applicant was scheduled to appear in court on May 16, 2025.

7. **Zoning Review Form; 03/17/25.** The listed business address was 135 Rock Quarry Road, and the stated parcel was Parcel #S27-01015000. However, Parcel #S27-01015000 is owned by Ambassadors for Christ Ministries, Inc., and it has three buildings on the property, with the address of 125, not 135, Rock Quarry Road. Further, although the stated zoning of 'C-3' (Heavy Commercial) is correct for 125 Rock Quarry Road, the form was supposed to be prepared for 135 Rock Quarry Road (Parcel #S27-01017000). There was also no mention of the second truck parking lot on Parcel #S17-01016000, nor Huddleston Concrete Company's office building at 123 Rock Quarry Road. Yet, the applicant relied upon this misinformation in filing his appeal.

8. **Denial Letter from Business Services; 03/28/25.** The letter stated that the application process for a business license at 135 Rock Quarry Road was denied because truck parking is not allowed in the Parkway Mixed-Use Overlay District.

9. **Denial Message from Business Services; 03/28/25.** The e-mail message to James Raven stated that Business Services was not able to continue with Huddleston Concrete, and that the paid inspection fees would be refunded.

10. **Letter from Police Department; 04/03/25.** The letter stated that commercial vehicle parking was occurring on both Parcel #S27-01016000 and Parcel #S27-01017000, which was in violation of Code Section 2.5.2 for the Parkway Mixed-Use (PMU) Overlay District, and that the applicant needed to take steps to rectify the situation within 45-60 days.

11. **Applicant's Motion for a Continuance of at Least 60 Days.** The applicant appeared briefly in Municipal Court on May 16, 2025 and requested a "continuance" (rescheduling) of his court date for at least 60 days.

12. **Notice of Court Date Rescheduling from May 16, 2025 to July 18, 2025.** This was the Municipal Court's official rescheduling notice to the applicant.

APPLICANT'S 2024 BUSINESS LICENSE RENEWAL APPLICATION (Page 1)

gave the copy to City 8-25-23

CITY OF STOCKBRIDGE
OCCUPATIONAL TAX
ANNUAL RENEWAL APPLICATION
4640 North Henry Blvd
Stockbridge, GA 30281
Phone number(s): 678-833-3302, 678-833-3318, or 678-833-3310
Fax number: 678-302-9732
Email Address: ot@cityofstockbridge-ga.gov

ALL INFORMATION MUST BE TYPED OR PRINTED. INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED

Dear Business Owner,

In order for the Stockbridge Occupational Tax/ Business Services Department to calculate a fair and equitable fee for businesses to operate next year the following information is required. **Please complete and return this form** in its entirety no later than October 1 of current year. If the renewal paperwork is not received by the mentioned due date a penalty will be accessed.

* EMAIL ADDRESS:	JTaven54@gmail.com
*Tax ID # or SSN #: 58-2917013	*E-verify #
*BUSINESS NAME (DBA IF APPLICABLE):	Huddleston Concrete Co Inc
*BUSINESS STREET ADDRESS (no PO Box):	125 Rock Quarry Rd.
*CITY/STATE/ZIP:	Stockbridge, GA 30281
*BUSINESS PHONE NUMBER:	770-468-4886
*MAILING ADDRESS: (if different from above)	1251 Ponder Pines Rd.
*CITY/STATE/ZIP:	Madison, GA 30650
*BUSINESS OWNERS:	James Taven
*ALTERNATE/CELL PHONE:	770-468-4886

*Number of Employees: (Nationwide for the Company) 1

*Number of Employees: (City of Stockbridge) 1

*Type of Business (ex: Retail, Salon, Physician) Property Rental

*Actual Gross Receipts for previous 12 months $ 287,042.

*Attach proof to support this figure: Profit Report or First Page of Tax Return
If not attached, a penalty will be issued except for Professional Licenses

(Applicable to Professionals SUCH AS PHYSICIAN'S, LAWYERS, CPAs, ETC.)
Please see Code of Ordinances 9.01.010 for the definition of Professionals

NAME ON STATE LICENSE _____

STATE LICENSE NUMBER _____
*ATTACH COPY OF LICENSE(S)

__ Professional Services Flat Rate (please check) *If checked, how many professionals _____
(such as physicians, lawyers, etc.)

PLEASE COMPLETE THE BACK PAGE →

1

APPLICANT'S 2024 BUSINESS LICENSE RENEWAL APPLICATION (Page 2)

Even if the business will **not** operate in the following year, sign, date, and return this form to prevent renewal fees.

__ **No longer in business as of** _____ (Date)

*** DO NOT SEND PAYMENT NOW, BILLS WILL BE MAILED IN NOVEMBER ***

I certify that I am the person duly authorized herein named to file this return, including accompanying schedules and statements and that the same are true, correct, and complete.

Signature: James Raven Date: 8-1-2023

Name (please print): James Raven

Important things to consider when renewing your business license:

Businesses with Alcohol Licenses:
Only ***one*** form need to be completed for each application and the alcohol license will be automatically renewed.

Outstanding Debt
If you owe the City money, then you may have outstanding debt holds on your account. You may still renew your business license, however, **the license certificate will NOT be mailed to you until all debt holds are resolved.** License fees not paid on time will incur late fees, and may be subject to interest charges.

These changes should be filed before you renew your license (s)

Changes to the Business Licensing Account
If you have changed your business legal entity of officers/owners, then **you are required to report the changes to us within 30 days.**

Insurance companies outside of the City of Stockbridge, please DISREGARD this application.

If you have changed your business location, DO NOT renew your current license. Licenses are specific to a location and are not transferable. **You must provide the new address of said business on the application.**

Home Occupation Business Owners **must** be in compliance with the City of Stockbridge reference **Home Occupations Regulation Chapter (8.36.170) Section 3-7-104.**

Please contact Stockbridge Business Services Department at 678-833-3302, 678-833-3318, or 678-833-3310 should you need further assistance.

2

APPLICANT'S 2025 BUSINESS LICENSE RENEWAL APPLICATION (Page 1)

CITY OF STOCKBRIDGE
OCCUPATIONAL TAX
ANNUAL RENEWAL APPLICATION
4640 North Henry Blvd
Stockbridge, GA 30281
Phone number(s): 678-833-3302, 678-833-3318, or 678-833-3310
Fax number: 678-302-9732
Email Address: ot@cityofstockbridge-ga.gov

ALL INFORMATION MUST BE TYPED OR PRINTED. INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED.

Dear Business Owner,

In order for the Stockbridge Occupational Tax/ Business Services Department to calculate a fair and equitable fee for businesses to operate next year the following information is required. **Please complete and return this form** in its entirety no later than **October 1 of current year.** If the renewal paperwork is not received by the mentioned due date a penalty will be accessed.

* **EMAIL ADDRESS:** jraven54@gmail.com

***Tax ID # or SSN #:** 58-0917013 ***E-verify #** _____

***BUSINESS NAME (DBA IF APPLICABLE):** Huddleston Concrete Co Inc.

***BUSINESS STREET ADDRESS (no PO Box):** 123 Rock Quarry Rd.

***CITY/STATE/ZIP:** Stockbridge, GA 30281

***BUSINESS PHONE NUMBER:** 770-968-4886

***MAILING ADDRESS:** PO Box 506
(if different from above)

***CITY/STATE/ZIP:** Stockbridge, GA 30281

***BUSINESS OWNERS:** James Raven

***ALTERNATE/CELL PHONE:** 770-463-4886

***Number of Employees: (Nationwide for the Company)** 1 ***Number of Employees: (City of Stockbridge)** 1

***Type of Business (ex: Retail, Salon, Physician)** property rental, truck park. ng

***Actual Gross Receipts for previous 12 months $**_____

***Attach proof to support this figure: Profit Report or First Page of Tax Return**
******If not attached, a penalty will be issued except for Professional Licenses******

(Applicable to Professionals SUCH AS PHYSICIANS, LAWYERS, CPAs, ETC.)
Please see Code of Ordinances 9.01.010 for the definition of Professionals

NAME ON STATE LICENSE _____

STATE LICENSE NUMBER _____
***ATTACH COPY OF LICENSE(S)**

___ **Professional Services Flat Rate** (please check) ***If checked, how many professionals** _____
(such as physicians, lawyers, etc.)

PLEASE COMPLETE THE BACK PAGE →

1

APPLICANT'S 2025 BUSINESS LICENSE RENEWAL APPLICATION (Page 2)

Even if the business will not operate in the following year, sign, date, and return this form to prevent renewal fees.

__ **No longer in business as of** _____ (Date)

*** DO NOT SEND PAYMENT NOW. BILLS WILL BE MAILED IN NOVEMBER ***

I certify that I am the person duly authorized herein named to file this return, including accompanying schedules and statements and that the same are true, correct, and complete.

Signature: James Raven Date: 7-17-2024

Name (please print): James Raven

Important things to consider when renewing your business license:

Businesses with Alcohol Licenses:
Only ***one*** form need to be completed for each application and the alcohol license will be automatically renewed.

Outstanding Debt
If you owe the City money, then you may have outstanding debt holds on your account. You may still renew your business license, however, the license certificate will NOT be mailed to you until all debt holds are resolved. License fees not paid on time will incur late fees, and may be subject to interest charges.

These changes should be filed before you renew your license (s)

Changes to the Business Licensing Account
If you have changed your business legal entity of officers/owners, then **you are required to report the changes to us within 30 days.**

Insurance companies outside of the City of Stockbridge, please DISREGARD this application.

If you have changed your business location, DO NOT renew your current license. Licenses are specific to a location and are not transferable. **You must provide the new address of said business on the application.**

Home Occupation Business Owners **must** be in compliance with the City of Stockbridge reference **Home Occupations Regulation Chapter (8.36.170) Section 3-7-104.**

Please contact Stockbridge Business Services Department at 678-833-3302, 678-833-3318, or 678-833-3310 should you need further assistance.

2

APPLICANT'S 2024 BUSINESS LICENSE, ISSUED 1/1/24

City of Stockbridge
4640 North Henry Boulevard Stockbridge, GA 30281
(770) 389 7900

OCCUPATIONAL TAX CERTIFICATE

Business Name:	HUDDLESTON CONCRETE	**Business Type(s):**	484220 Gravel hauling, local
Business Location:	123 ROCK QUARRY RD STOCKBRIDGE, GA 30281	**Mailing Address:**	PO BOX 506 STOCKBRIDGE, GA 30281
Owner:	RAVEN JR, JAMES		
License Number:	0087-2018	**License Type:**	Occupational Tax Certificate
Issued Date:	1/1/2024	**Classification:**	Commercial
Expiration Date:	12/31/2024	**Fees Paid:**	$253.00

Uneeda Smith-Sellers
Occupational Tax Department

If the business moves from the location listed then the occupational tax certificate is null and void

TO BE POSTED IN A CONSPICUOUS PLACE

APPLICANT'S 2025 BUSINESS LICENSE, ISSUED 1/1/25

City of Stockbridge
4640 North Henry Boulevard Stockbridge, GA 30281
(770) 389 7900

OCCUPATIONAL TAX CERTIFICATE

Business Name:	HUDDLESTON CONCRETE	**Business Type(s):**	484220 Gravel hauling, local
Business Location:	123 ROCK QUARRY RD STOCKBRIDGE, GA 30281	**Mailing Address:**	PO BOX 506 STOCKBRIDGE, GA 30281
Owner:	RAVEN JR, JAMES		
License Number:	0087-2018	**License Type:**	Occupational Tax Certificate
Issued Date:	1/1/2025	**Classification:**	Commercial
Expiration Date:	12/31/2025	**Fees Paid:**	$278.30

Uneeda Smith-Sellers
Occupational Tax Department

If the business moves from the location listed then the occupational tax certificate is null and void

TO BE POSTED IN A CONSPICUOUS PLACE

VIOLATION NOTICE (CITATION ISSUED) – MARCH 4, 2025

CODE ENFORCEMENT DIVISION
CITY OF STOCKBRIDGE, GEORGIA
4640 North Henry Blvd., Stockbridge, Georgia 30281
Phone: 770-389-7900 / www.cityofstockridge.com

NOTICE OF VIOLATION - WARNING

Violation address: 135 Rock Quarry (Truck Parking Lot)

The following violation(s) of City Ordinances, International Property Maintenance Codes or Unified Development Code were noted and must be corrected within 21 days.

- ☐ IMPC 302.4 Overgrown grass and weeds over 6 inches in height
- ☒ IMPC 301.01 Sanitation (commercial) Truck / Car parts
- ☐ OR 19-497 Sanitation (residential)
- ☐ City Ordinance 3.2.27 Outside storage
- ☐ City Ordinance 4.8.20 Commercial or heavy vehicle within residential zoning districts
- ☐ City Ordinance 3.2.1 Accessory Structures
- ☒ City Ordinance 4.8.10 Junked motor vehicles (Tag Info) Multiple Vehicles
- ☐ City Ordinance 15.3 Permit required
- ☐ City Ordinance 9.01.170/9.01.110 Occupational Tax Certificate Required/Displayed
- ☐ City Ordinance 5.11 Signs Requirements
- ☐ City Ordinance 5.11 (C) and (D) Window coverage over 25%
- ☒ Other Fence damage (90 days)

Comments: Please have fence repaired. Have trash removed and inoperable vehicles removed.

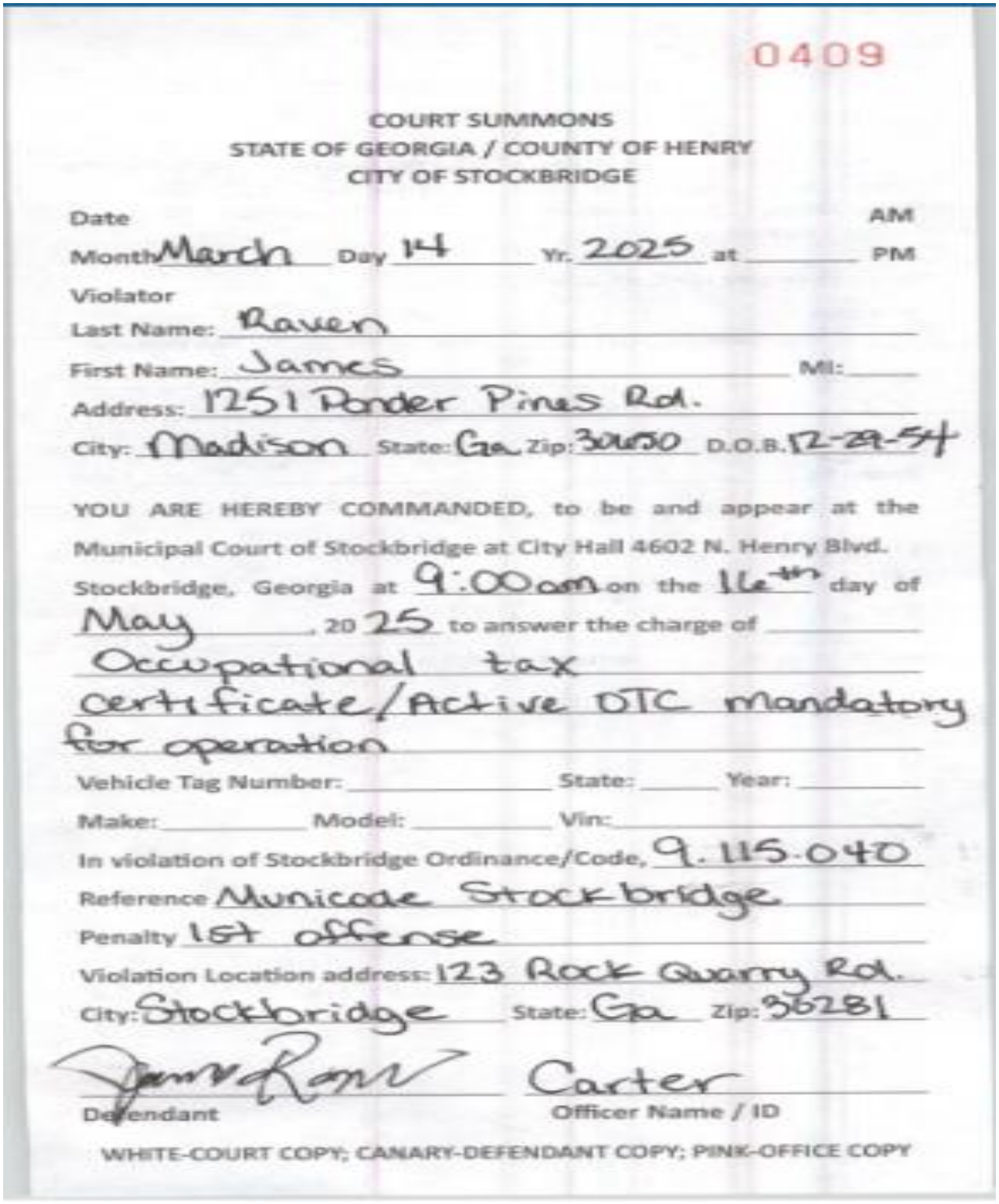
1. Failure to correct violation(s) may result in issuance of a citation to appear in Municipal Court.
2. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located, and a lien may be placed upon such real estate.
3. Property owners have the right to appeal this notice within ten days of issue by filing a Letter of Appeal with the City of Stockbridge's City Manager, the Community Development Director, or the City Clerk's Office.

You can contact the Code Enforcement Office at (770) 389-7867 or (770) 629-3998, if you have any questions or concerns.

Officer: Carter Date: 3-4-25 Time: 10:20 (am)/pm

Case #: _____
(Office use only)

MUNICIPAL COURT SUMMONS – ISSUED ON MARCH 14, 2025; SCHEDULED FOR MAY 16, 2025



0409

COURT SUMMONS
STATE OF GEORGIA / COUNTY OF HENRY
CITY OF STOCKBRIDGE

Date AM
Month March Day 14 Yr. 2025 at _____ PM

Violator
Last Name: Raven
First Name: James MI: _____
Address: 1251 Ponder Pines Rd.
City: Madison State: Ga Zip: 30650 D.O.B. 12-29-54

YOU ARE HEREBY COMMANDED, to be and appear at the Municipal Court of Stockbridge at City Hall 4602 N. Henry Blvd. Stockbridge, Georgia at 9:00 am on the 16th day of May, 2025 to answer the charge of Occupational tax certificate/Active DTC mandatory for operation

Vehicle Tag Number: _____ State: _____ Year: _____
Make: _____ Model: _____ Vin: _____
In violation of Stockbridge Ordinance/Code, 9.115.040
Reference Municode Stockbridge
Penalty 1st offense
Violation Location address: 123 Rock Quarry Rd.
City: Stockbridge State: Ga Zip: 30281

James Raven — Carter
Defendant — Officer Name / ID

WHITE-COURT COPY; CANARY-DEFENDANT COPY; PINK-OFFICE COPY

ZONING REVIEW FORM FOR 135 ROCK QUARRY ROAD – COMPLETED ON MARCH 17, 2025 (PAGE 1)

ZONING REVIEW FORM (NEW BUSINESS)

CITY OF STOCKBRIDGE COMMUNITY DEVELOPMENT DEPARTMENT
4640 N. Henry Boulevard, Stockbridge, GA 30281
770-389-7900
www.cityofstockbridge.com

*Please allow the Planning and Zoning staff **3 to 5 business days** to complete this request*

To thoroughly research your request please do not leave any areas unanswered. The purpose of this form is to verify whether your proposed use is allowed based on the zoning of the property listed. This form does not approve your business or your permit request. This zoning review form does not guarantee provisions for parking and/or any other requirements of the City of Stockbridge Unified Development Code are accommodated; only that the zoning and use is appropriate.

Date Submitted: March 17, 2025

Owner/Applicant

Name/Title of Owner: James Raven Jr.
Address: 1251 Ponder Pilles Road
City, State, Zip: Madison, GA 30650
Phone Number: 770-46-4886
E-Mail Address: jravens54@gmail.com

Business Information

Business Name: Huddleston Concrete Co Inc
Address: 135 Rock Quarry Road
City, State, Zip: Stockbridge, GA 30281
Business Telephone Number: 770-468-4886
Business E-Mail: jravens54@gmail.com
Parcel ID #: S27-01015000
Detailed Description of Proposed Use/Activity to Occur: Truck parking
License Number: OTC-2445-2025

ZONING REVIEW FORM FOR 135 ROCK QUARRY ROAD – COMPLETED ON MARCH 17, 2025 (PAGE 2)

Office Use This Point Forward: Date Reviewed: March 28, 2025

Zoning of Subject Property:

- ☐ RR (Rural Residential District) - (See Section 2.4.1 of Stockbridge UDC)
- ☐ SR (Suburban Residential District) - (See Section 2.4.2 of Stockbridge UDC)
- ☐ CCR (City Center Residential District) - (See Section 2.4.2 of Stockbridge UDC)
- ☐ MFR (Multiple Family Residential District) - (See Section 2.4.2 of Stockbridge UDC)
- ☐ MHR (Mobile Home Residential District) - (See Section 2.4.5 of Stockbridge UDC)
- ☐ O-I (Office Institutional District) - (See Section 2.4.6 of Stockbridge UDC)
- ☐ DT (Downtown District) - (See Section 2.4.7 of Stockbridge UDC)
- ☐ C-1 (Neighborhood Commercial District) - (See Section 2.4.8 of Stockbridge UDC)
- ☐ C-2 (General Commercial District) - (See Section 2.4.9 of Stockbridge UDC)
- ☑ C-3 (Heavy Commercial District) - (See Section 2.4.10 of Stockbridge UDC)
- ☐ LI (Light Industrial District) - (See Section 2.4.11 of Stockbridge UDC)
- ☐ HI (Heavy Industrial District) - (See Section 2.4.12 of Stockbridge UDC)
- ☐ PUD (Planned Unit Development) - (See Section 2.4.13 of Stockbridge UDC)

Is the subject property part of the following overlay districts?

- ☑ PMU (Parkway Mixed Use Overlay District) - (See Section 2.5.2 of Stockbridge UDC)
- ☐ DT (Downtown Village Overlay District) - (See Section 2.5.3 of Stockbridge UDC)
- ☐ The subject property is not part of neither the PMU nor DT overlay district

Is the proposed use prohibited under either Section 2.5.2 (PMU) or 2.5.3 (DT) of the Stockbridge UDC?

- ☑ Yes
- ☑ No
- ☐ The subject property is not part of neither the PMU nor DT overlay district

Is the proposed use permitted per Section 2.4.10 of the City of Stockbridge Unified Development Code?
☑ Yes ☑ No (If no, please provide comments below)

Verified By: *Jordyn Bucholtz* Title: GIS Analyst

Approved: ☐ Approved with Conditions: ☐ Denied ☒

Results: Denied – Truck terminals, truck trailer storage lots, truck parking lots, and truck repair are only allowed in industrial zoning districts and are not allowed in the Parkway Mixed Use (PMU) District.

DENIAL LETTER FROM BUSINESS SERVICES – MARCH 28, 2025

City of Stockbridge
4640 North Henry Blvd •Stockbridge, GA 30281
City Hall: (770) 389-7900 • Fax: (770) 389-7912

March 28, 2025

Huddleston Concrete
135 Rock Quarry Rd
Stockbridge, Ga. 30281

RE: Occupational Tax Application

Dear Mr. Raven:

Thank you for submitting your application for an Occupational Tax Certificate in the **City of Stockbridge.**

At this present time, the application process for your business **Huddleston Concrete 135 Rock Quarry Rd, Stockbridge, Ga 30281** is **Denied** for the following:

- Truck terminals, truck trailer storage lots, truck parking lots, and truck repair are only allowed in industrial zoning districts and are not allowed in the Parkway Mixed Use (PMU) District.

You may contact the Planning & Zoning Department to inquire whether the issue can be resolved, and if so, what steps may be taken to bring resolution and continuance of the OT application process. If you have any questions, please feel free to contact me at 678-833-3302 (direct line).

Thanks,

Uneeda Smith-Sellers

Mrs. Uneeda Smith-Sellers
Business Services Supervisor
Occupational Tax Department
ot@cityofstockbridge-ga.gov

cc: Stephanie Milton

DENIAL MESSAGE FROM BUSINESS SERVICES – MARCH 28, 2025

From: OT OT@cityofstockbridge-ga.gov
Subject: City of Stockbridge- Business Services
Date: Mar 28, 2025 at 4:52:24 PM
To: jraven54@gmail.com
Cc: Uneeda Smith-Sellers usmith-sellers@stockbridgega.org,
Starlett Bailey sbailey@stockbridgega.org

Good afternoon,

We are terribly sorry we **are not** able to continue with your Huddleston Concrete business. Please see attached. The administration and planning/zoning fees ($120.00) will not be refunded due to services rendered. However, the $200.00 for the inspections will be refunded in a form of a check, please allow 4-6 weeks for processing .

Stephanie Milton, Occupational Tax Clerk –
Department: Community Development
Division: Business Services
4640 North Henry Blvd.
Stockbridge, GA 30281
678-833-3310
Email: SMilton@stockbridgega.org

Stockbridge
Where Community Connects

pdf **Zoning and Verification-Letter-Huddleston**
174 KB

City of Stockbridge
4640 North Henry Blvd •Stockbridge, GA 30281
City Hall: (770) 389-7900 • Fax: (770) 389-7912

March 28, 2025

LETTER FROM POLICE DEPARTMENT (CODE ENFORCEMENT DIVISION) – APRIL 3, 2025 (PAGE 1)

CITY OF STOCKBRIDGE
POLICE DEPARTMENT

4545 North Henry Boulevard, Stockbridge, Georgia 30281
Telephone: (678) 833-3334

April 3, 2025

RAVEN JAMES S JR
1251 PONDER PINES
MADISON GA 30650

Parcel ID, S27-01017000
Parcel ID, S27-01016000

Subject: Notice of Non-Compliance with code section 2.5.2 PMU - Parkway Mixed Use Overlay District

Dear Mr. James Raven,

This letter is to formally notify you that the Commercial Vehicle Parking lot is currently operating out of compliance with code section 2.5.2 under the zoning and overlay districts section, specifically that no truck parking lots are allowed in that zone.

Our observation/information indicates that this space is being operated as such to provide parking for commercial vehicle parking. This is in violation of the code referenced for prohibited use.
We request that you take immediate action to rectify this situation and bring your operations into full compliance. We expect to see considerable progress in addressing this issue within 45 - 60 days of the date of this letter.

Please provide us with a written response within seven (7) business days outlining the steps you will take to address this non-compliance and your estimated timeline for completion.
We hope to resolve this matter amicably and look forward to your prompt attention to this critical issue.

Sincerely,

C. Carter
Code Enforcement Officer

phone: (678)-833-3334 ext 633
mobile: (470)473-5159
email: ccarter@stockbridgega.org
4545 N. Henry Blvd.
Stockbridge, GA 30281

LETTER FROM POLICE DEPARTMENT (CODE ENFORCEMENT DIVISION) – APRIL 3, 2025 (PAGE 2)

CITY OF STOCKBRIDGE
POLICE DEPARTMENT

4545 North Henry Boulevard, Stockbridge, Georgia 30281
Telephone: (678) 833-3334

2.5.2 - PMU—Parkway Mixed Use Overlay District.

Prohibited Uses.

1. Adult entertainment establishments.
2. Ambulance service.
3. Automobile broker (no vehicle storage), except for office uses.
4. Automobile rental and leasing facilities.
5. Automotive service repair and maintenance facilities major.
6. Building and lumber supply establishments, providing that there is no outside storage of materials or equipment.
7. Daycare centers.
8. Funeral home, mortuaries, and crematoriums.
9. Greenhouses and nurseries including landscape service.
10. Pawnshop, loan brokers, check cashing, and other than mortgage loan brokers.
11. Retail warehouses/wholesalers providing sales of merchandise with no outdoor storage.
12. Rooming and boarding houses.
13. Self-service storage, mini-warehouses, or warehousing and storage.
14. Specialized housing facilities.
15. Tattoo and piercing parlors.
16. Trade shops, including electrical plumbing, heating/cooling, and roofing siding, having no outside storage.
17. Truck terminals, truck trailer storage lots, truck parking lots, and truck repair.
18. Industrial uses, warehouses, and business distribution centers.
19. Vape stores.
20. Veterinary clinic.

APPLICANT'S MOTION FOR A CONTINUANCE (RESCHEDULING) OF THE COURT CASE FOR AT LEAST 60 DAYS (PAGE 1)

Filed in the Municipal Court of Stockbridge, Georgia this 9th day of May at 12:13 a.m./p.m.
Clerk/Deputy Clerk

IN THE MUNINCIPAL COURT OF STOCKBRIDGE
STATE OF GEORGIA

CITY OF STOCKBRIDGE	)	
	)	
	)	
Plaintiff,	)	**CASE NO. MS0000409**
	)	
v.	)	
	)	
JAMES RAVEN	)	
	)	
	)	
Defendant.	)	

MOTION FOR CONTINUANCE

COMES NOW, JAMES RAVEN (hereinafter, the "Defendant"), which, without waiving any defenses, moves this Court for a continuance from the calendar currently scheduled for May 16, 2025. In support thereof, Defendant show the Court as follows:

1.

This case involves an occupational tax certificate renewal for Defendant's business, Huddleston Concrete Company, located at 135 Rock Quarry Road, Stockbridge, Georgia 30281 (Tax Parcel Identification Numbers S27-01016000 and S27-01017000).

2.

Defendant has consulted with the undersigned regarding this matter and now wishes to retain the undersigned as counsel in this matter.

3.

The Court has not previously granted Defendant a continuance in this case. Defendant seeks a continuance of this matter to gather evidence and prepare the defense of the allegations.

APPLICANT'S MOTION FOR A CONTINUANCE (RESCHEDULING) OF THE COURT CASE FOR AT LEAST 60 DAYS (PAGE 2)

4.

This continuance is being sought by the Defendant in good faith and for good cause and not for the purpose of delay. The Defendant seeks a continuance of at least sixty (60) days to provide the opportunity for counsel to review the case and gather evidence in support of his case.

5.

A Proposed Order Granting Defendant's *Motion for Continuance* is enclosed herewith.

WHEREFORE, the Defendant respectfully requests that this Court enter an order continuing the above-styled case until a future calendar.

This 8th day of May, 2025.

/s/Andrew J. "Andy" Welch, III
Andrew J. "Andy" Welch, III
Georgia State Bar No. 746801
Attorney for Defendant

SMITH, WELCH, WEBB & WHITE
2200 Keys Ferry Court
McDonough, Georgia 30253
Telephone: 770-957-3937
Facsimile: 678-583-4888
awelch@smithwelchlaw.com

NOTICE OF COURT DATE RESCHEDULING
FROM MAY 16, 2025 TO JULY 18, 2025

From: **STOCKBRIDGE MUNICIPAL COURT**
4602 NORTH HENRY BLVD
STOCKBRIDGE GA 30281

To: **JAMES RAVEN**
1251 PONDER PINES RD.
MADISON GA 30650

Official Notice of Court Date Rescheduling

New Court-Date is : Friday, July 18, 2025 Time: 1:30 P.M.

Your Court Date has been changed to Friday, July 18, 2025. This is your official notification. Please be advised that a Bench Warrant may be issued and your license suspended by the State of Georgia if you fail to appear.

Defendant Signature / Phone Number Clerk Signature Attorney Signature

Comment: DEF RESET DUE TO CONTIUANCE FILED BY ATTY. WELCH.-KSS

Tickets that apply:	Violation
M00000409A	9.01.040: OCCUPATIONAL TAX LEVIED

VI. DISCREPANCIES IN BUSINESS DOCUMENTS

Several discrepancies should be pointed out from the business documents that were presented above, as are listed and described below.

1. Unfound Address. First, the applicant's stated address of 135 Rock Quarry Road for the subject property is not listed in the Henry County Tax Assessors' property records via qpublic.net. Only the parcel number of S27-01017000 is given.

2. Errors on the Zoning Review Form. Second, the completed Zoning Review Form, which the applicant is appealing, was erroneously based upon a nearby parcel at 125 Rock Quarry Road (Parcel #S27-01015000), rather than the subject parcel (Parcel #S27-01017000). According to the Henry County Tax Assessors' property records, 125 Rock Quarry Road is owned by Ambassadors for Christ Ministries, Inc. It is zoned 'C-3' (Heavy Commercial), whereas the subject parcel (#S27-01017000) is zoned 'LI' (Light Industrial).

3. Wrong Zoning Listed on Appeal Application. Third, the applicant apparently relied upon the Zoning Review Form's stated zoning of 'C-3' for 135 Rock Quarry Road by listing it on the appeal application, whereas the C-3 zoning actually pertains to the Ambassadors for Christ Ministries' property at 125 Rock Quarry Road.

4. Different Property Used for Business License Applications. Fourth, in applying for a business license (occupational tax certificate), the applicant, James Raven, listed on both his 2024 and 2025 business license applications the address of 123 Rock Quarry Road rather than 135 Rock Quarry Road (Parcel #S27-01017000). Huddleston Concrete Company owns three parcels on the west side of Rock Quarry Road, south of South Lee Street. The company has an office building at 123 Rock Quarry Road (Parcel #S27-01012000), and it owns two parcels, not just one, that are currently being used for truck parking. They include the subject property (Parcel #S27-01017000), as well as the adjacent parcel to the north (Parcel #S27-01016000). Yet, only Parcel #S27-01017000 was listed on the business license applications.

5. Misleading Proposed Uses. Fifth, the applicant listed only "property rental" as the proposed use on his application for a 2024 business license (dated 8/01/23), and "property rental, truck parking" as the proposed uses on his application for a 2025 business license (dated 7/17/24). There was no elaboration as to what "property rental" meant in terms of who the property was to be rented to, and for what purpose. Further, there was no explanation as to whether Huddleston Concrete Company itself would be doing the proposed truck parking, or whether the renter of the property would be doing the truck parking.

6. No Business License for Parcel #S27-01016000. Sixth, the applicant's business license did not include Parcel #S27-01016000, even though truck parking also exists on this parcel.

7. No Business License for Office Use. Seventh, although the applicant is appealing the denial of a business license for truck parking on Parcel #S27-01017000, no records could be found for the issuance of a business license for an office use of the property at 123 Rock Quarry Road, where Huddleston Concrete Company has an office building (with a sign placed on the front of the building).

VII. APPLICANT'S JUSTIFICATION FOR THE APPEAL

The applicant's attorney provided three justifications for the appeal in his Letter of Intent, as follows:

1. Business License Including Three Parcels—The Letter of Intent claims as follows: " It has always been understood that the occupational tax certificate for my Client's business includes the property rental and truck parking uses of the Subject Property as evidenced by the fact that my Client also received an occupational tax certificate for 123 Rock Quarry Road in 2024 (attached hereto as Exhibit "B"), but he was given no citation for the Subject Property that year." Yet, Business Services requires that each parcel be accounted for in a business license application, and that non-contiguous parcels must have separate business licenses.

2. Nonconforming Uses—The Letter of Intent states that the truck parking uses are justified because they have operated "continuously, notoriously, and openly since the 1980s." However, the applicant has not produced any proof that the truck parking uses were previously, or ever, approved for a business license to operate on Parcel #S27-01017000 or on Parcel #S27-01016000.

3. Non-Payment of Fees—The Letter of Intent states that since the City did not send the applicant any notice of delinquency for the non-payment of license fees by February 15, 2025 (as Section 3.16.040(B) of the City's Code requires), which would have required a hearing before the Mayor and City Council for the delinquency, that the applicant was not given an opportunity to correct the delinquency until after the citation on the subject property was issued on March 14, 2025. However, the issue at hand is not the non-payment of fees, but rather, the absence of a business license for a valid purpose on the appropriate property.

VIII. CONCLUSIONS

The following conclusions have been made from the information that has been found and presented for Appeal Case #AP-2025-01:

1. The applicant's two truck parking parcels (Parcel #S27-01016000 and Parcel #S27-01017000 (a.k.a.135 Rock Quarry Road) are currently zoned 'LI' (Light Industrial), which does not allow truck parking uses.

2. Historic zoning maps, including a City of Stockbridge zoning map from 1963, show the two truck parking parcels as being zoned either 'LI' (Light Industrial) or its precursor, M-1 (Light Manufacturing). No maps could be found which show the truck parking parcels as ever being zoned for anything but LI or M-1.

3. The historic Henry County zoning ordinances from 1986 and 2001 did not list truck parking or similar uses as being permitted within the M-1 (Light Manufacturing) district.

4. The two truck parking parcels are located within the Parkway Mixed-Use (PMU) Overlay District, which prohibits all types of industrial uses. Thus, even if the current LI district allowed truck parking, it would still be prohibited on the two truck parking parcels because no industrial uses are allowed within the PMU Overlay District.

5. The office parcel at 123 Rock Quarry Road is currently zoned 'SR', which does not allow office uses. No historic zoning maps showed this parcel as ever being zoned for office uses, and no business license has been found which would have allowed office uses on the property.

6. Numerous discrepancies were found among the various business documents pertaining to the subject property, as was listed and described above. For instance, on the business license application (07-17-24), the applicant only listed the address of 123 Rock Quarry Road, not the parcel numbers for the two parcels which actually contain the truck parking. Each parcel must have its own business license. The applicant also listed different types of proposed uses on his 2025 versus 2024 business license applications.

7. The Zoning Review Letter from March 17, 2024 used the wrong address and was based on the wrong property, which is not owned by the applicant. Yet, the applicant relied upon it anyway in submitting his appeal application.

8. No previous City of Stockbridge business license could be found which permitted truck parking uses to exist on the truck parking parcels, or even on the office parcel, at any time.

9. Although the Letter of Intent from the applicant's attorney states that the truck parking uses are justified on the basis that they are nonconforming uses simply due to the fact that they have existed since the 1980s, **the applicant has not produced any records**

to show that a previous business license from the City of Stockbridge, or even from Henry County, was ever approved for the two truck parking parcels, nor for the office parcel.

IX. RECOMMENDATIONS

In view of the conclusions above that were made for Appeal Case #AP-2025-01, the Community Development staff makes the following three recommendations for this case:

1. **DENIAL** of any business license applications for truck parking uses on Parcel #S27-01017000 (135 Rock Quarry Road) and Parcel #S27-01016000, since this is a prohibited use within both the LI (Light Industrial) zoning district and the Parkway Mixed-Use (PMU) Overlay District.

2. **DENIAL** of any business license applications for office uses at 123 Rock Quarry Road unless and until the property is rezoned to another type of zoning district which allows office uses.

3. **DENIAL** of any business license applications for any address or any parcel number which does not pertain to the actual piece of property where the proposed business use of the property would take place.

X. APPENDIX

Applicant's Appeal Application

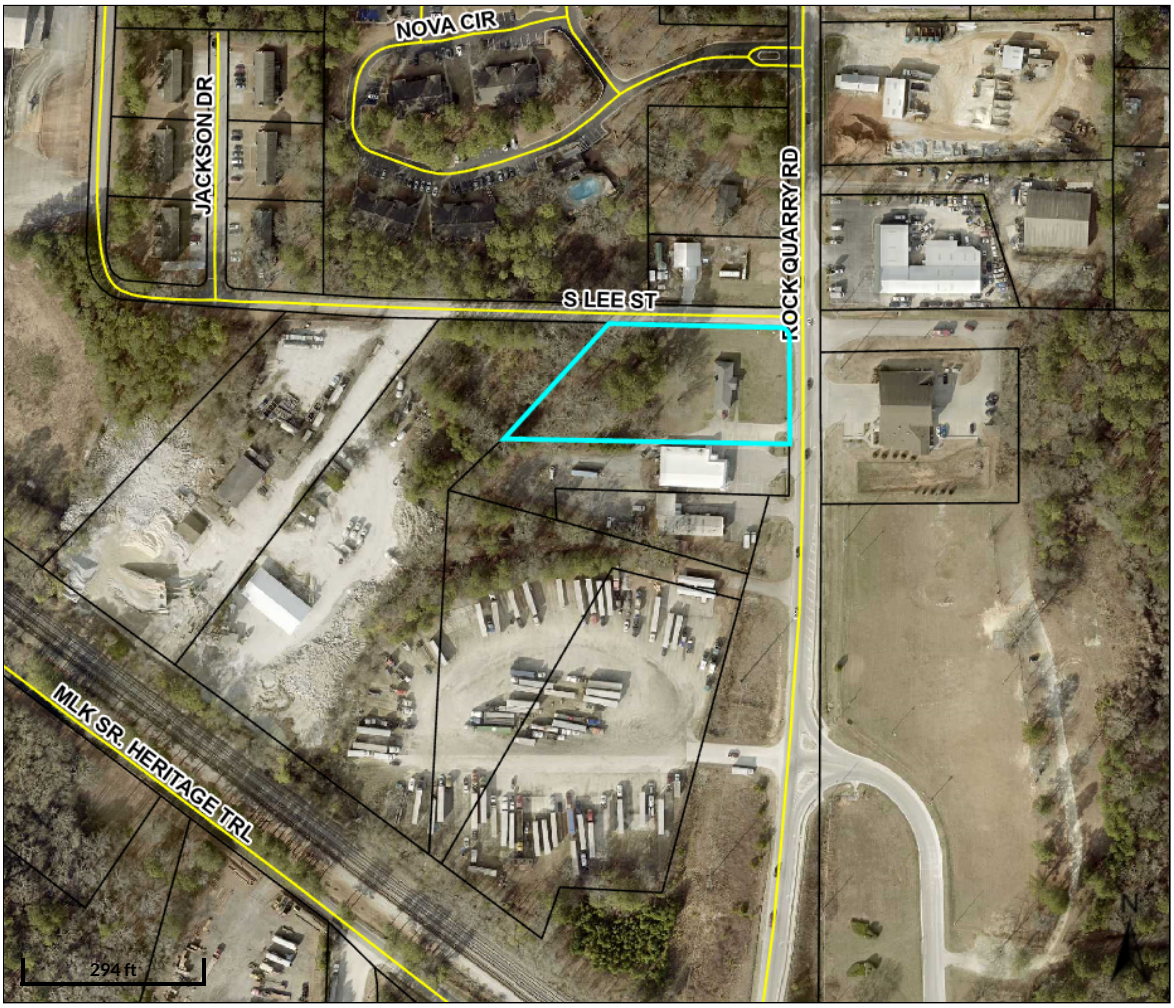
Attorney's Letter of Appeal

Zoning Review Form for 123 Rock Quarry Road--New

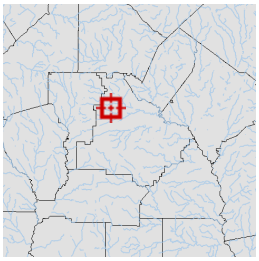
Zoning Review Form for Parcel #S27-01016000--New

Zoning Review Form for Parcel #S27-01017000--New

Henry County, GA



Overview



Legend

Parcels

Roads

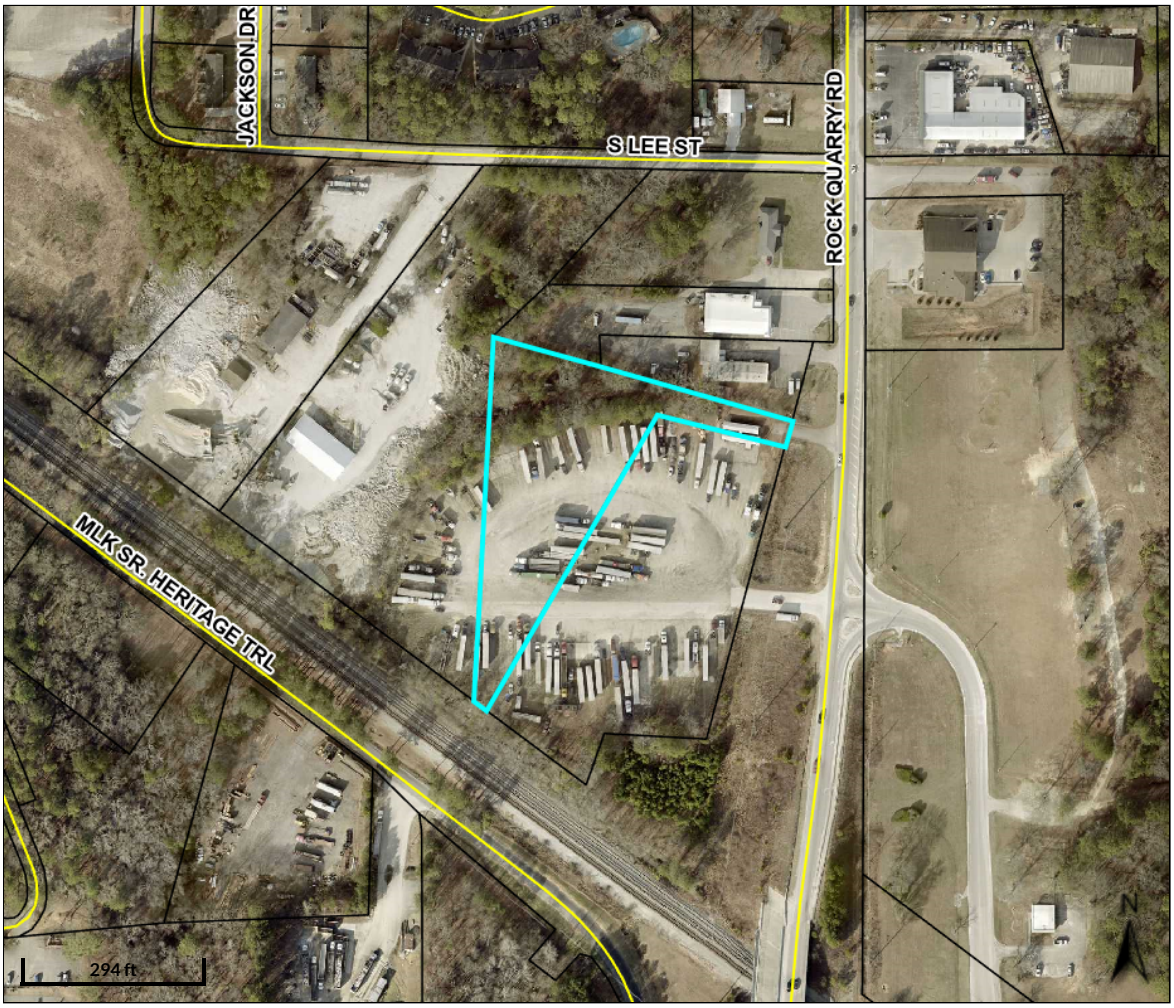
Parcel ID	S27-01012000	**Class**	Industrial	**Owner**	HUDDLESTON	**Land**	$67,500			
Property	123 ROCK	**Acreage**	1.55	**Address**	CONCRETE CO	**Value:**				
Address	QUARRY RD				123 ROCK QUARRY	**Building**	$129,700	**Last 2 Sales**		
District	City/Stockbridge				RD	**Value:**		**Date**	**Price**	**Reason**	**Qual**
					P O BOX 506	**Misc**	$600	2/1/1986	$75,000	FM	Q
					STOCKBRIDGE, GA	**Value:**		n/a	$	n/a	n/a
					30281	**Total**	$176,500				
						Value:					

Parcel lines depicted on the maps do not reflect a true and exact representation of property boundaries and should not be relied upon for said purpose. Property boundary lines are depicted on recorded plats available at the Henry County Courthouse or can be determined by employing the services of a licensed surveyor.

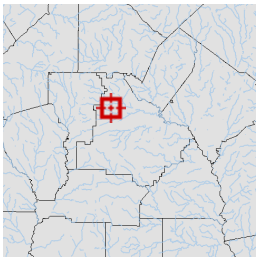
Date created: 4/29/2025
Last Data Uploaded: 4/29/2025 1:38:01 AM

Developed by SCHNEIDER GEOSPATIAL

Henry County, GA



Overview



Legend

- Parcels
- Roads

Parcel ID	S27-01016000	**Class**	Industrial	**Owner**	HUDDLESTON	**Land**	$108,400			
Property		**Acreage**	2.93	**Address**	CONCRETE CO	**Value:**				
Address					123 ROCK QUARRY RD	**Building**	$0	**Last 2 Sales**		
District	City/Stockbridge				P O BOX 506	**Value:**		**Date**	**Price**	**Reason**	**Qual**
					STOCKBRIDGE, GA	**Misc**	$0	5/24/1988	$0	U	U
					30281	**Value:**		n/a	$	n/a	n/a
						Total	$108,400				
						Value:					

Parcel lines depicted on the maps do not reflect a true and exact representation of property boundaries and should not be relied upon for said purpose. Property boundary lines are depicted on recorded plats available at the Henry County Courthouse or can be determined by employing the services of a licensed surveyor.

Date created: 4/29/2025
Last Data Uploaded: 4/29/2025 1:38:01 AM

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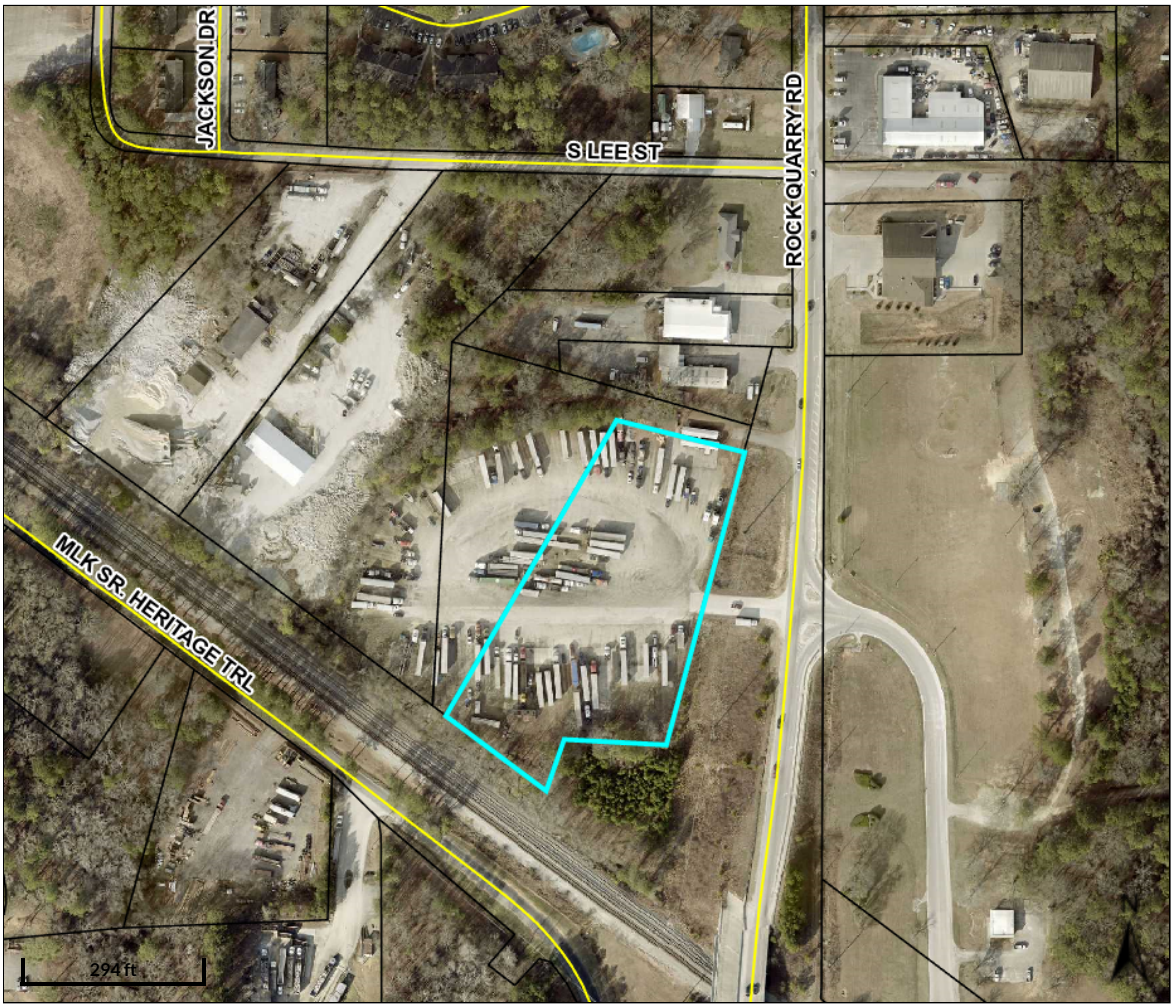
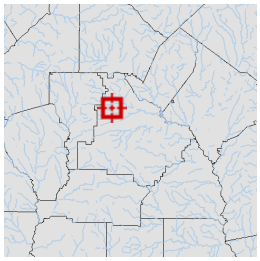
Henry County, GA



Overview



Legend

Parcels

Roads

Parcel ID	S27-01017000	**Class**	Industrial	**Owner**	RAVEN JAMES S	**Land**	$137,600			
Property		**Acreage**	3.44	**Address**	JR	**Value:**				
Address					1251 PONDER	**Building**	$0	**Last 2 Sales**		
District	City/Stockbridge				PINES	**Value:**		**Date**	**Price**	**Reason**	**Qual**
					MADISON, GA	**Misc**	$0	12/7/2018	$108,400	VL	U
					30650	**Value:**		12/21/2012	$0	VC	U
						Total	$137,600				
						Value:					

Parcel lines depicted on the maps do not reflect a true and exact representation of property boundaries and should not be relied upon for said purpose. Property boundary lines are depicted on recorded plats available at the Henry County Courthouse or can be determined by employing the services of a licensed surveyor.

Date created: 4/29/2025
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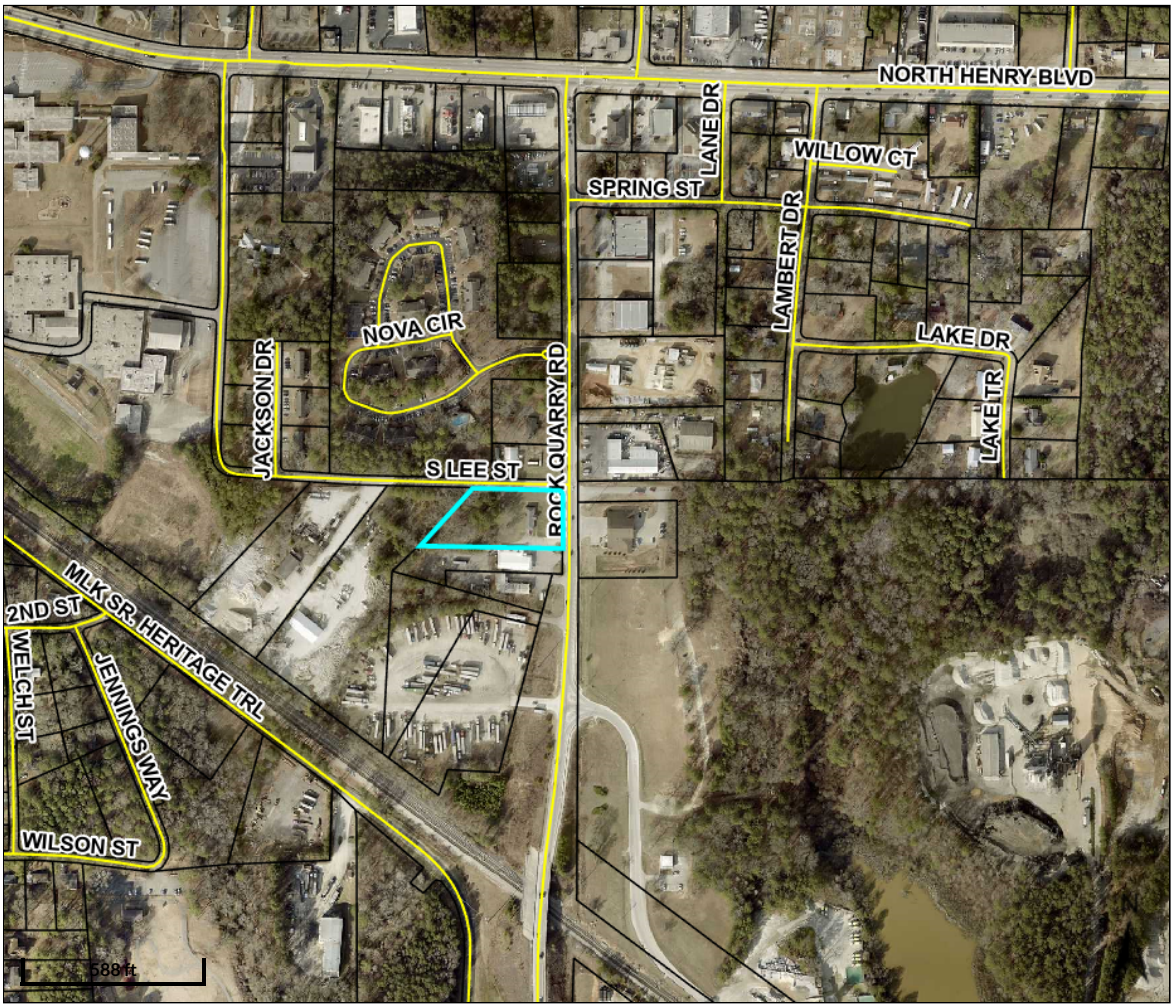
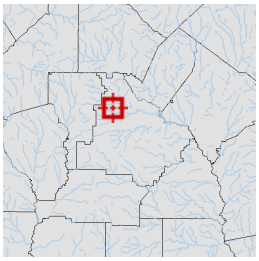
Henry County, GA



Overview



Legend

- Parcels
- Roads

Parcel ID	S27-01012000	**Class**	Industrial	**Owner Address**	HUDDLESTON CONCRETE CO 123 ROCK QUARRY RD P O BOX 506 STOCKBRIDGE, GA 30281	**Land Value:**	$67,500			
Property Address	123 ROCK QUARRY RD	**Acreage**	1.55			**Building Value:**	$129,700	**Last 2 Sales**		
District	City/Stockbridge					**Misc Value:**	$600	**Date**	**Price**	**Reason**	**Qual**
								2/1/1986	$75,000	FM	Q
								n/a	$	n/a	n/a
						Total Value:	$197,800			

Parcel lines depicted on the maps do not reflect a true and exact representation of property boundaries and should not be relied upon for said purpose. Property boundary lines are depicted on recorded plats available at the Henry County courthouse or can be determined by employing the services of a licensed surveyor.

Date created: 6/4/2025
Last Data Uploaded: 6/4/2025 2:04:06 AM

Developed by SCHNEIDER GEOSPATIAL

CITY OF STOCKBRIDGE
OCCUPATIONAL TAX
ANNUAL RENEWAL APPLICATION

4640 North Henry Blvd
Stockbridge, GA 30281
Phone number(s): 678-833-3302, 678-833-3318, or 678-833-3310
Fax number: 678-302-9732
Email Address: ot@cityofstockbridge-ga.gov

ALL INFORMATION MUST BE TYPED OR PRINTED. INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED.

Dear Business Owner,

In order for the Stockbridge Occupational Tax/ Business Services Department to calculate a fair and equitable fee for businesses to operate next year the following information is required. **Please complete and return this form** in its entirety no later than **October 1 of current year.** If the renewal paperwork is not received by the mentioned due date a penalty will be accessed.

*** EMAIL ADDRESS:** jraven54@gmail.com

***Tax ID # or SSN #:** 58-0917013 ***E-verify #** _____

***BUSINESS NAME (DBA IF APPLICABLE):** Huddleston Concrete Co Inc.

***BUSINESS STREET ADDRESS (no PO Box):** 123 Rock Quarry Rd.

***CITY/STATE/ZIP:** Stockbridge, GA 30281

***BUSINESS PHONE NUMBER:** 770-468-4886

***MAILING ADDRESS:** PO Box 506

(if different from above)

***CITY/STATE/ZIP:** Stockbridge, GA 30281

***BUSINESS OWNERS:** James Raven

***ALTERNATE/CELL PHONE:** 770-468-4886

***Number of Employees: (Nationwide for the Company)** 1

***Number of Employees: (City of Stockbridge)** 1

***Type of Business (ex: Retail, Salon, Physician)** property rental, truck parking

***Actual Gross Receipts for previous 12 months $** _____

***Attach proof to support this figure: Profit Report or First Page of Tax Return**
******If not attached, a penalty will be issued except for Professional Licenses******

(Applicable to Professionals SUCH AS PHYSICIAN'S, LAWYERS, CPAs, ETC.)
Please see Code of Ordinances 9.01.010 for the definition of Professionals

NAME ON STATE LICENSE _____

STATE LICENSE NUMBER _____
***ATTACH COPY OF LICENSE(S)**

__ **Professional Services Flat Rate** (please check) ***If checked, how many professionals** _____
(such as physicians, lawyers, etc.)

PLEASE COMPLETE THE BACK PAGE →

Even if the business will not operate in the following year, sign, date, and return this form to prevent renewal fees.

__ **No longer in business as of** _____ (Date)

*** DO NOT SEND PAYMENT NOW. BILLS WILL BE MAILED IN NOVEMBER ***

I certify that I am the person duly authorized herein named to file this return, including accompanying schedules and statements and that the same are true, correct, and complete.

Signature: James Raven Date: 7-17-2024

Name (please print): James Raven

Important things to consider when renewing your business license:

Businesses with Alcohol Licenses:
Only ***one*** form need to be completed for each application and the alcohol license will be automatically renewed.

Outstanding Debt
If you owe the City money, then you may have outstanding debt holds on your account. You may still renew your business license, however, the license certificate will NOT be mailed to you until all debt holds are resolved. License fees not paid on time will incur late fees, and may be subject to interest charges.

These changes should be filed before you renew your license (s)

Changes to the Business Licensing Account
If you have changed your business legal entity of officers/owners, then **you are required to report the changes to us within 30 days.**

Insurance companies outside of the City of Stockbridge, please DISREGARD this application.

If you have changed your business location, DO NOT renew your current license. Licenses are specific to a location and are not transferable. **You must provide the new address of said business on the application.**

Home Occupation Business Owners **must** be in compliance with the City of Stockbridge reference **Home Occupations Regulation Chapter (8.36.170) Section 3-7-104.**

Please contact Stockbridge Business Services Department at 678-833-3302, 678-833-3318, or 678-833-3310 should you need further assistance.

gave the copy to City 8-25-23

CITY OF STOCKBRIDGE
OCCUPATIONAL TAX
ANNUAL RENEWAL APPLICATION

4640 North Henry Blvd
Stockbridge, GA 30281
Phone number(s): 678-833-3302, 678-833-3318, or 678-833-3310
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***CITY/STATE/ZIP:** Stockbridge, GA 30281

***BUSINESS PHONE NUMBER:** 770-468-4886

***MAILING ADDRESS:** 1251 Ponder Pines Rd.

(if different from above)

***CITY/STATE/ZIP:** Madison, GA 30650

***BUSINESS OWNERS:** James Raven

***ALTERNATE/CELL PHONE:** 770-468-4886

***Number of Employees: (Nationwide for the Company)** 1 ***Number of Employees: (City of Stockbridge)** 1

***Type of Business (ex: Retail, Salon, Physician)** property rental

***Actual Gross Receipts for previous 12 months** $ 287042.

***Attach proof to support this figure: Profit Report or First Page of Tax Return**
******If not attached, a penalty will be issued except for Professional Licenses******

(Applicable to Professionals SUCH AS PHYSICIAN'S, LAWYERS, CPAs, ETC.)
Please see Code of Ordinances 9.01.010 for the definition of Professionals

NAME ON STATE LICENSE _____

STATE LICENSE NUMBER _____
***ATTACH COPY OF LICENSE(S)**

__ **Professional Services Flat Rate** (please check) ***If checked, how many professionals** _____
(such as physicians, lawyers, etc.)

PLEASE COMPLETE THE BACK PAGE →

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__ **No longer in business as of** _____ (Date)

*** DO NOT SEND PAYMENT NOW, BILLS WILL BE MAILED IN NOVEMBER ***

I certify that I am the person duly authorized herein named to file this return, including accompanying schedules and statements and that the same are true, correct, and complete.

Signature: James Raven Date: 8-1-2023

Name (please print): James Raven

Important things to consider when renewing your business license:

Businesses with Alcohol Licenses:

Only ***one*** form need to be completed for each application and the alcohol license will be automatically renewed.

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Ernest M. Smith (1911-1992)
A. J. Welch, Jr. (1944-2018)
John P. Webb, PC
William A. White, PC
Andrew J. Welch, III, PC (NY & GA)
L. Scott Mayfield
Marc A. Avidano (FL & GA)
David M. Waldroup
Andrew J. Gebhardt
R. Brian Strickland
Elizabeth P. O'Neal
Megan Murren Rittle (GA & AL)
Lajuana C. Ransaw
Warren M. Tillery
Orion G. Webb

SMITH WELCH
WEBB & WHITE, LLC
ATTORNEYS AT LAW
TRUSTED SERVICE FOR A LIFETIME

Grant E. McBride
Bianca K. Davis
Miranda N. Hanley
Brandon F. Palmer
M. Chase Collum
Brooke A. White

ASSOCIATES
Christopher T. Webb
Susana Gude-Rodriguez
Richard A. McCall
Amber D. Porter
Morgan R. Thomas
Billy D. Thomas
Jacob S. Barlar

OF COUNSEL
Amy M. Fletcher

2200 KEYS FERRY COURT • MCDONOUGH, GA 30253
Telephone: 770-957-3937 • Facsimile: 770-957-9165
www.smithwelchlaw.com

April 28, 2025

VIA SAGES E-PORTAL

VIA ELECTRONIC MAIL:
randerson@stockbridgega.org

RE: Letter of Intent – Appeal of Zoning Review for 135 Rock Quarry Road, Stockbridge, Georgia 30281, Tax Parcel Identification Numbers S27-01017000 and S27-01016000 ("Subject Property")

Dear Director Anderson:

I represent James Raven, Jr. of Huddleston Concrete Company, Inc. ("Client"). Pursuant to Section 10.3 of the City of Stockbridge's ("City') Unified Development Code ("UDC"), please accept this letter of intent filed with my Client's application to request an appeal of Stockbridge Community Development's zoning review response of the Subject Property and denial of an occupational tax certificate provided to my Client on March 28, 2025.

My Client received issuance of an occupational tax certificate for Huddleston Concrete Company, Inc. for 2025 (attached hereto as Exhibit "A"). The certificate shows the business as operating at 123 Rock Quarry Road, Stockbridge, Georgia 30281 ("123 Rock Quarry Road"), which is the location of the office facility for my Client's business. It has always been understood that the occupational tax certificate for my Client's business includes the property rental and truck parking uses of the Subject Property as evidenced by the fact that my Client also received an occupational tax certificate for 123 Rock Quarry Road in 2024 (attached hereto as Exhibit "B"), but he was given no citation for the Subject Property that year.

On March 14, 2025, the City issued its citation against my Client for not having an occupational tax certificate for his business at the Subject Property. My Client believed he had already applied and made payment for a renewed occupational tax certificate. Nevertheless, my Client attempted to remediate the situation and was instructed by a City employee to file an occupational tax renewal application and a zoning review application.

He paid a fee of $305.00 to submit these applications. On March 28, 2025, my Client received the zoning review response e-mail and documents that are attached hereto as Exhibit "C." Occupational tax clerk Stephanie Milton stated in the March 28, 2025 e-mail: "[W]e are not able to continue with your Huddleston Concrete business."

If it is the City's new understanding that the 2025 occupational tax certificate my Client received does not apply to the Subject Property, then there are other reasons that his application should not be denied. First, my Client has operated his truck parking business at the Subject Property continuously, notoriously, and openly since the 1980s. The City adopted its UDC on March 14, 2022. Regarding lawfully nonconforming uses, the UDC states in Section 6.1.4.:

> A lawfully established use that becomes nonconforming upon or after the effective date of this unified development code may continue subject to the following stipulations:
>
> > A. A structure containing a nonconforming use shall not be enlarged, extended, built, rebuilt, relocated or structurally altered except to change to a use permitted in the zoning district in which the structure is located.
> > B. A nonconforming use shall not be extended to occupy any area outside the existing structure devoted to the use. Any nonconforming use may be extended throughout any portion of a building that was manifestly arranged or designed for such use on the effective date of this unified development code or amendment thereto.
> > C. A nonconforming use that is replaced by a permitted use on land, in a structure, or structure and land in combination shall not be resumed. A nonconforming use cannot be replaced by another nonconforming use.
> > D. A nonconforming use of land, a structure or structure and land in combination that is abandoned for more than six (6) consecutive months (except when government action impedes the use of, or access to, the premises) shall not be resumed. The use, structure, or structure and land in combination shall not thereafter be used except in conformity with the regulations of the zoning district in which it is located.

My Client has not expanded, replaced, or abandoned his use of the Subject Property for truck parking since the adoption of the UDC.

In the City's March 28, 2025 zoning review, it denied issuance of an occupational tax certificate based on the UDC's current standards for the C.3 zoning district per Section 2.4.10. and the Parkway Mixed Use (PMU) Overlay District per Section 2.5.2. These UDC standards do not apply to my Client since the Subject Property's truck parking use pre-

dates the adoption of the UDC. The City's refusal to grant the occupational tax certificate deliberately avoids the relief that my Client has through UDC Section 6.14.

Second, my Client did not receive a notice of delinquency as required by Section 3.16.040(B) of the City's code which states, "If any license fees and any penalties are not paid by February 15th, then the city clerk shall schedule a hearing before the mayor and city council and shall give the delinquent notice thereof. At the hearing, the mayor and city council shall determine whether the delinquent has paid the license fee and any penalty." My Client was not afforded any right to correct the delinquency until after the citation was issued on March 14, 2025. The City's failure to follow its ordinance notice requirements is unlawful takings, arbitrary and capricious, and a violation of my Client's right to due process guaranteed under the Fifth Amendment of the U.S. Constitution, as applies to the States through the Fourteenth Amendment of the Constitution of the United States, and Article One, Section One, Paragraph One and Article One, Section Three, Paragraph One of the Constitution of the State of Georgia of 1983.

My Client asks that a hearing be set forth before the mayor and council pursuant to the City's process for appeal, or, in the alternative, the City's Community Development should find that my Client's 2025 occupational tax certificate applies to the Subject Property and that he should be allowed to continue his business at the Subject Property. We reserve the right to supplement this appeal application with any additional information as it becomes available.

With kindest regards,

Andrew J. "Andy" Welch, III
Attorney for James Raven, Jr. and Huddleston Concrete Company

AJWIII/hp
Attachments
Cc. Quinton Washington – City Attorney

EXHIBIT "A"

City of Stockbridge
4640 North Henry Boulevard Stockbridge, GA 30281
(770) 389 7900

OCCUPATIONAL TAX CERTIFICATE

Business Name:	HUDDLESTON CONCRETE	**Business Type(s):**	484220 Gravel hauling, local
Business Location:	123 ROCK QUARRY RD STOCKBRIDGE, GA 30281	**Mailing Address:**	PO BOX 506 STOCKBRIDGE, GA 30281
Owner:	RAVEN JR, JAMES		
License Number:	0087-2018	**License Type:**	Occupational Tax Certificate
Issued Date:	1/1/2025	**Classification:**	Commercial
Expiration Date:	12/31/2025	**Fees Paid:**	$278.30

Uneeda Smith-Sellers

Occupational Tax Department

If the business moves from the location listed then the occupational tax certificate is null and void

TO BE POSTED IN A CONSPICUOUS PLACE

CITY OF STOCKBRIDGE
OCCUPATIONAL TAX
ANNUAL RENEWAL APPLICATION

4640 North Henry Blvd
Stockbridge, GA 30281
Phone number(s): 678-833-3302, 678-833-3318, or 678-833-3310
Fax number: 678-302-9732
Email Address: ot@cityofstockbridge-ga.gov

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Dear Business Owner,

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*** EMAIL ADDRESS:** jraven54@gmail.com

***Tax ID # or SSN #:** 58-0917013 ***E-verify #** _____

***BUSINESS NAME (DBA IF APPLICABLE):** Huddleston Concrete Co Inc.

***BUSINESS STREET ADDRESS (no PO Box):** 123 Rock Quarry Rd.

***CITY/STATE/ZIP:** Stockbridge, GA 30281

***BUSINESS PHONE NUMBER:** 770-468-4886

***MAILING ADDRESS:** PO Box 506

(if different from above)

***CITY/STATE/ZIP:** Stockbridge, GA 30281

***BUSINESS OWNERS:** James Raven

***ALTERNATE/CELL PHONE:** 770-468-4886

***Number of Employees: (Nationwide for the Company)** 1

***Number of Employees: (City of Stockbridge)** 1

***Type of Business (ex: Retail, Salon, Physician)** property rental, truck parking

***Actual Gross Receipts for previous 12 months $** _____

***Attach proof to support this figure: Profit Report or First Page of Tax Return**
******If not attached, a penalty will be issued except for Professional Licenses******

(Applicable to Professionals SUCH AS PHYSICIAN'S, LAWYERS, CPAs, ETC.)
Please see Code of Ordinances 9.01.010 for the definition of Professionals

NAME ON STATE LICENSE _____

STATE LICENSE NUMBER _____
***ATTACH COPY OF LICENSE(S)**

__ **Professional Services Flat Rate** (please check) ***If checked, how many professionals** _____
(such as physicians, lawyers, etc.)

PLEASE COMPLETE THE BACK PAGE →

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__ **No longer in business as of** _____ (Date)

*** DO NOT SEND PAYMENT NOW. BILLS WILL BE MAILED IN NOVEMBER ***

I certify that I am the person duly authorized herein named to file this return, including accompanying schedules and statements and that the same are true, correct, and complete.

Signature: James Raven Date: 7-17-2024

Name (please print): James Raven

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EXHIBIT "B"

City of Stockbridge
4640 North Henry Boulevard Stockbridge, GA 30281
(770) 389 7900

OCCUPATIONAL TAX CERTIFICATE

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Business Location:	123 ROCK QUARRY RD STOCKBRIDGE, GA 30281	**Mailing Address:**	PO BOX 506 STOCKBRIDGE, GA 30281
Owner:	RAVEN JR, JAMES		
License Number:	0087-2018	**License Type:**	Occupational Tax Certificate
Issued Date:	1/1/2024	**Classification:**	Commercial
Expiration Date:	12/31/2024	**Fees Paid:**	$253.00

Uneeda Smith-Sellers

Occupational Tax Department

If the business moves from the location listed then the occupational tax certificate is null and void

TO BE POSTED IN A CONSPICUOUS PLACE

gave the copy to City 8-25-23

CITY OF STOCKBRIDGE
OCCUPATIONAL TAX
ANNUAL RENEWAL APPLICATION

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***MAILING ADDRESS:** 1251 Ponder Pines Rd.

(if different from above)

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***Attach proof to support this figure: Profit Report or First Page of Tax Return**
******If not attached, a penalty will be issued except for Professional Licenses******

(Applicable to Professionals SUCH AS PHYSICIAN'S, LAWYERS, CPAs, ETC.)
Please see Code of Ordinances 9.01.010 for the definition of Professionals

NAME ON STATE LICENSE _____

STATE LICENSE NUMBER _____
***ATTACH COPY OF LICENSE(S)**

__ **Professional Services Flat Rate** (please check) ***If checked, how many professionals** _____
(such as physicians, lawyers, etc.)

PLEASE COMPLETE THE BACK PAGE →

Even if the business will **not** operate in the following year, sign, date, and return this form to prevent renewal fees.

__ **No longer in business as of** _____ (Date)

*** DO NOT SEND PAYMENT NOW, BILLS WILL BE MAILED IN NOVEMBER ***

I certify that I am the person duly authorized herein named to file this return, including accompanying schedules and statements and that the same are true, correct, and complete.

Signature: James Raven Date: 8-1-2023

Name (please print): James Raven

Important things to consider when renewing your business license:

Businesses with Alcohol Licenses:

Only ***one*** form need to be completed for each application and the alcohol license will be automatically renewed.

Outstanding Debt

If you owe the City money, then you may have outstanding debt holds on your account. You may still renew your business license, however, **the license certificate will NOT be mailed to you until all debt holds are resolved.** License fees not paid on time will incur late fees, and may be subject to interest charges.

These changes should be filed before you renew your license (s)

Changes to the Business Licensing Account

If you have changed your business legal entity of officers/owners, then **you are required to report the changes to us within 30 days.**

Insurance companies outside of the City of Stockbridge, please DISREGARD this application.

If you have changed your business location, DO NOT renew your current license. Licenses are specific to a location and are not transferable. **You must provide the new address of said business on the application.**

Home Occupation Business Owners **must** be in compliance with the City of Stockbridge reference **Home Occupations Regulation Chapter (8.36.170) Section 3-7-104.**

Please contact Stockbridge Business Services Department at 678-833-3302, 678-833-3318, or 678-833-3310 should you need further assistance.

EXHIBIT "C"

From: OT OT@cityofstockbridge-ga.gov
Subject: City of Stockbridge- Business Services
Date: Mar 28, 2025 at 4:52:24 PM
To: jraven54@gmail.com
Cc: Uneeda Smith-Sellers usmith-sellers@stockbridgega.org,
Starlett Bailey sbailey@stockbridgega.org

Good afternoon,

We are terribly sorry we **are not** able to continue with your Huddleston Concrete business. Please see attached. The administration and planning/zoning fees ($120.00) will not be refunded due to services rendered. However, the $200.00 for the inspections will be refunded in a form of a check, please allow 4-6 weeks for processing .

Stephanie Milton, Occupational Tax Clerk -
Department: Community Development
Division: Business Services
4640 North Henry Blvd.
Stockbridge, GA 30281
678-833-3310
Email: SMilton@stockbridgega.org

Stockbridge
Where Community Connects

pdf **Zoning and Verification-Letter-Huddleston**
174 KB

City of Stockbridge
4640 North Henry Blvd •Stockbridge, GA 30281
City Hall: (770) 389-7900 • Fax: (770) 389-7912

March 28, 2025

City of Stockbridge

4640 North Henry Blvd •Stockbridge, GA 30281

City Hall: (770) 389-7900 • Fax: (770) 389-7912

March 28, 2025

Huddleston Concrete
135 Rock Quarry Rd
Stockbridge, Ga. 30281

RE: Occupational Tax Application

Dear Mr. Raven:

Thank you for submitting your application for an Occupational Tax Certificate in the **City of Stockbridge.**

At this present time, the application process for your business **Huddleston Concrete 135 Rock Quarry Rd, Stockbridge, Ga 30281** is **Denied** for the following:

- Truck terminals, truck trailer storage lots, truck parking lots, and truck repair are only allowed in industrial zoning districts and are not allowed in the Parkway Mixed Use (PMU) District.

You may contact the Planning & Zoning Department to inquire whether the issue can be resolved, and if so, what steps may be taken to bring resolution and continuance of the OT application process. If you have any questions, please feel free to contact me at 678-833-3302 (direct line).

Thanks,

Uneeda Smith-Sellers

Mrs. Uneeda Smith-Sellers
Business Services Supervisor
Occupational Tax Department
ot@cityofstockbridge-ga.gov

cc: Stephanie Milton

Huddleston Concrete
135 Rock Quarry Rd
Stockbridge, Ga. 30281

RE: Occupational Tax Application

Dear Mr. Raven:

Thank you for submitting your application for an Occupational Tax Certificate in the **City of Stockbridge.**

At this present time, the application process for your business **Huddleston Concrete 135 Rock Quarry Rd, Stockbridge, Ga 30281** is **Denied** for the following:

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Thanks,

Uneeda Smith-Sellers

Mrs. Uneeda Smith-Sellers
Business Services Supervisor
Occupational Tax Department
ot@cityofstockbridge-ga.gov

cc: Stephanie Milton

ZONING REVIEW FORM (NEW BUSINESS)

CITY OF STOCKBRIDGE COMMUNITY DEVELOPMENT DEPARTMENT
4640 N. Henry Boulevard, Stockbridge, GA 30281
770-389-7900
www.cityofstockbridge.com

*Please allow the Planning and Zoning staff **3 to 5 business days** to complete this request*

To thoroughly research your request please do not leave any areas unanswered. The purpose of this form is to verify whether your proposed use is allowed based on the zoning of the property listed. This form does not approve your business or your permit request. This zoning review form does not guarantee provisions for parking and/or any other requirements of the City of Stockbridge Unified Development Code are accommodated; only that the zoning and use is appropriate.

Date Submitted: March 17, 2025

Owner/Applicant

Name/Title of Owner: James Raven Jr.
Address: 1251 Ponder Pilles Road
City, State, Zip: Madison, GA 30650
Phone Number: 770-46-4886
E-Mail Address: jravens54@gmail.com

Business Information

Business Name: Huddleston Concrete Co Inc
Address: 135 Rock Quarry Road
City, State, Zip: Stockbridge, GA 30281
Business Telephone Number: 770-468-4886
Business E-Mail: jravens54@gmail.com
Parcel ID #: S27-01015000
Detailed Description of Proposed Use/Activity to Occur: Truck parking
License Number: OTC-2445-2025

Office Use This Point Forward: Date Reviewed: March 28, 2025

Zoning of Subject Property:
☐ RR (Rural Residential District) - (See Section 2.4.1 of Stockbridge UDC)
☐ SR (Suburban Residential District) - (See Section 2.4.2 of Stockbridge UDC)
☐ CCR (City Center Residential District) - (See Section 2.4.2 of Stockbridge UDC)
☐ MFR (Multiple Family Residential District) - (See Section 2.4.2 of Stockbridge UDC)
☐ MHR (Mobile Home Residential District) - (See Section 2.4.5 of Stockbridge UDC)
☐ O-I (Office Institutional District) - (See Section 2.4.6 of Stockbridge UDC)
☐ DT (Downtown District) - (See Section 2.4.7 of Stockbridge UDC)
☐ C-1 (Neighborhood Commercial District) - (See Section 2.4.8 of Stockbridge UDC)
☐ C-2 (General Commercial District) - (See Section 2.4.9 of Stockbridge UDC)
☑ **C-3 (Heavy Commercial District) - (See Section 2.4.10 of Stockbridge UDC)**
☐ LI (Light Industrial District) - (See Section 2.4.11 of Stockbridge UDC)
☐ HI (Heavy Industrial District) - (See Section 2.4.12 of Stockbridge UDC)
☐ PUD (Planned Unit Development) - (See Section 2.4.13 of Stockbridge UDC)

Is the subject property part of the following overlay districts?
☑ **PMU (Parkway Mixed Use Overlay District) - (See Section 2.5.2 of Stockbridge UDC)**
☐ DT (Downtown Village Overlay District) - (See Section 2.5.3 of Stockbridge UDC)
☐ The subject property is not part of neither the PMU nor DT overlay district

Is the proposed use prohibited under either Section 2.5.2 (PMU) or 2.5.3 (DT) of the Stockbridge UDC?
☑ **Yes**
☑ No
☐ The subject property is not part of neither the PMU nor DT overlay district

Is the proposed use permitted per Section 2.4.10 of the City of Stockbridge Unified Development Code? ☑ Yes ☑ **No** (If no, please provide comments below)
Verified By: *Jordyn Bucholtz* Title: GIS Analyst
Approved: ☐ Approved with Conditions: ☐ **Denied** ☒

Results: **Denied** – Truck terminals, truck trailer storage lots, truck parking lots, and truck repair are only allowed in industrial zoning districts and are not allowed in the Parkway Mixed Use (PMU) District.

May 10, 1985

CITY OF STOCKBRIDGE

HENRY COUNTY, GEORGIA MAY 10, 1985

The regular meeting of the City Council was held May 10, 1985 at 7:00 p.m. with Mayor Kelley presiding and members present were Harold Cochran, G. W. Evans, Ross McMichael, Joe Simmons and Ronnie Simmons.

Minutes of previous meeting were approved.

Mayor Kelly advised citizens attending the meeting that Powell Properties Consultants, Inc. had withdrawn their application for a conditional use permit to construct an airport on the 140 acres on Speer Road. He also advised that Mr. Powell has the right to make application in the future.

Jim Risher, Administrator, Henry County Planning and Zoning, presented an application for plat approval for Henry Jackson Townhouses being constructed off College Street. Mr. Jack McMillan, general contractor, advised that the townhouses will consist of 6 units with 4 apartments in each unit and will be constructed on a 3-acre site. Motion was made by G. W. Evans to approve plat, seconded by Joe Simmons and passed unanimously.

Henry Kurkoski, AAA Precast Concrete located on Huddleston Concrete property was present to request a business license. It was noted that Mr. Kurkoski has been operating without a license for approximately three weeks and pulled in a construction trailer without permission. When Mr. Gardner discovered these violations, he told Mr. Kurkoski to move the trailer from the premises immediately and advised him that he could not operate until approved by the Council. After discussion, the Council agreed to issue Mr. Kurkoski a business license contingent upon approval from Huddleston Concrete that they had given him permission to locate on their property, use their bathroom facility and water but refused to give him permission to use a trailer at this site. Motion was made by Harold Cochran, seconded by Ross McMichael and passed unanimously.

A copy of the Recommended Improvement Program prepared by Mizelle, Hodges & Associates evaluation the fire department defenses for the City was furnished each Council member for their review. Mayor Kelley instructed Council to study Mr. Mizelle's recommendations for improvements needed in the fire department to be discussed at a later meeting.

Motion was made by Harold Cochran to adopt a resolution to allow the State Revenue Department to automatically deposit local option taxes into the general fund each month, seconded by G. W. Evans and passed unanimously.

Mayor Kelley recommended Ronnie Simmons take charge of ceremonies for the official opening of the new bridge.

Harold Cochran advised the Council that he has received complaints from citizens regarding the procedure required by Henry County Animal Control when asking for assistance. Upon making a complaint against a dog and his owner, you must complete a lengthy form before a dog can be picked up and the owner prosecuted for violating the leash ordinance. Mayor Kelley advised Council that as long as the City operates under the county animal control, the citizens of Stockbridge have to follow the same regulations as county citizens unless the City wants to operate their own animal shelter. Discussion ended.

It was noted that M. E. Hall, 115 Mimosa Drive has failed to connect to City sewerage after notification that his septic tank has failed. He also has three vehicles parked in his yard that do not have 1985 tags. Council instructed Clerk to have W. A. Gardner follow up.

Harold Cochran also advised that he has received complaints regarding the unkept collection of property owned by Betty Hsu, 112 Hillcrest Drive. Clerk advised that Mrs. Hsu has been written a letter on May 10 giving her 10 days to comply to City regulations.

G. W. Evans advised Council that dust from the quarry mining at Vulcan Materials has gotten worse in the last few weeks. Clerk advised to have W. A. Gardner to make them aware that they have a problem and to take action to correct as soon as possible.

Joe Simmons inquired if May Shaw paid her $35.00 sewer tap in 1974. Clerk advised that the records indicate that Mrs. Shaw has paid her sewer tap.

Elijah Bundage, Speer Road, addressed the Council to make them aware of a situation caused by the grading for I-675. Silt has been draining across his property and he has contacted the grading company, the State and Henry County but has not had affirmative action. Cy Elliott, with the U. S. Department of Agriculture Soil Conservation Service will be contacted by Mayor Kelley to get his advice and assistance in this matter.

Meeting adjourned 8:30 p.m.

Respectfully submitted,

Merle Manders	R. G. Kelley
City Clerk	Mayor

Ernest M. Smith (1911-1992)
A. J. Welch, Jr. (1944-2018)
John P. Webb, PC
William A. White, PC
Andrew J. Welch, III, PC (NY & GA)
L. Scott Mayfield
Marc A. Avidano (FL & GA)
David M. Waldroup
Andrew J. Gebhardt
R. Brian Strickland
Elizabeth P. O'Neal
Megan Murren Rittle (GA & AL)
Lajuana C. Ransaw
Warren M. Tillery
Orion G. Webb

SMITH WELCH
WEBB & WHITE LLC
ATTORNEYS AT LAW
TRUSTED SERVICE FOR A LIFETIME

2200 KEYS FERRY COURT • MCDONOUGH, GA 30253
Telephone: 770-957-3937 • Facsimile: 770-957-9165
www.smithwelchlaw.com

Grant E. McBride
Bianca K. Davis
Miranda N. Hanley
Brandon F. Palmer
M. Chase Collum
Brooke A. White

ASSOCIATES
Christopher T. Webb
Susana Gude-Rodriguez
Richard A. McCall
Amber D. Porter
Morgan R. Thomas
Billy D. Thomas, Jr.
Jacob S. Barlar
Priyesh Patel

OF COUNSEL
Amy M. Fletcher

July 10, 2025

VIA SAGES E-PORTAL

VIA ELECTRONIC MAIL:
randerson@stockbridgega.org
LLogan@stockbridgega.org

RE: Huddleston Concrete Company Request for Appeal – AP-2025-01
123 & 135 Rock Quarry Road, and Parcel #S27-01016000 on Rock Quarry Road

Dear Director Anderson and Ms. Logan:

I represent James Raven, Jr. of Huddleston Concrete Company, Inc. ("Applicant") in the above-styled matter. This case is scheduled to be heard before the City of Stockbridge City Council on Tuesday, July 15. After discussions with City of Stockbridge attorney Ms. Valerie Ross, the Applicant agrees that a deferral should be sought in this matter to run notices in accordance with the Zoning Procedures Law for quasi-judicial proceedings. The Applicant requests that this case be deferred until an August 2025 hearing date before the City Council. Please advise me and my assistant Mrs. Palmertree regarding a new hearing date.

With kindest regards,

Andrew J. "Andy" Welch, III
Attorney for James Raven, Jr. and Huddleston Concrete Company

AJWIII/hp
cc. Quinton Washington – City Attorney: quinton@wlgga.com
Valerie Ross – City Attorney: vross@lawtrg.com

City of Stockbridge

4640 North Henry Blvd •Stockbridge, GA 30281

City Hall: (770) 389-7900 • Fax: (770) 389-7912

March 28, 2025

Huddleston Concrete
135 Rock Quarry Rd
Stockbridge, Ga. 30281

RE: Occupational Tax Application

Dear Mr. Raven:

Thank you for submitting your application for an Occupational Tax Certificate in the **City of Stockbridge.**

At this present time, the application process for your business **Huddleston Concrete 135 Rock Quarry Rd, Stockbridge, Ga 30281** is **Denied** for the following:

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Thanks,

Uneeda Smith-Sellers

Mrs. Uneeda Smith-Sellers
Business Services Supervisor
Occupational Tax Department
ot@cityofstockbridge-ga.gov

cc: Stephanie Milton

From: OT OT@cityofstockbridge-ga.gov
Subject: City of Stockbridge- Business Services
Date: Mar 28, 2025 at 4:52:24 PM
To: jraven54@gmail.com
Cc: Uneeda Smith-Sellers usmith-sellers@stockbridgega.org,
Starlett Bailey sbailey@stockbridgega.org

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Stephanie Milton, Occupational Tax Clerk -
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March 28, 2025

17. Other heavy commercial and service activities not primarily of an industrial or manufacturing nature as may be determined by the Planning Staff to be similar to the above listed uses and which are in harmony with the purpose of this district, but not including those uses which are not mentioned in this district but are enumerated in another district.

ACCESSORY USES:

Those uses determined by the Planning Staff to be customarily appurtenant to those uses permitted in this district.

CONDITIONAL USES:

1. Travel Trailer/Recreation Vehicle Parks having a minimum lot area of five (5) acres.

2. Radio/Television transmission towers over 35 feet high.

CONDITIONAL EXCEPTIONS:

None.

SPACE LIMITS:

Minimum Lot Area:	10,000 square feet
Minimum Lot Width:	100 feet
Minimum Front Yard:	70 feet from right-of-way line
Minimum Side Yard:	None, but 30 feet if a corner lot
Minimum Rear Yard:	20 feet
Maximum Height:	Six stories

SECTION 814: M-1: LIGHT MANUFACTURING DISTRICT

PURPOSE:

This district is to provide for light industrial uses, all of which shall be nuisance free and not generators of hazardous wastes. It is intended that light manufacturing uses shall be located on either arterial or major collector streets or within industrial parks having access to such thoroughfares.

PERMITTED USES:

1. Any commercial or industrial use which involves manufacturing, processing or assembly operations or the storage and sale of heavy materials, products or equipment; but not including uses which may cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odor, dust, fire hazard or other objectionable conditions to nearby areas.

2. Armories

3. Bakeries and other establishments manufacturing prepared foods and miscellaneous food products.

4. Bottling plants

5. Cabinet shops

6. Canning plants

7. Clinics, cafeterias, employee credit unions and recreational facilities for employees only

8. Cold storage, ice plants and freezer lockers

9. Cosmetics and pharmaceuticals

10. Dairy plants and ice cream manufacturing

11. Distribution of products and merchandise

12. Dry cleaning and laundering establishments

13. Education and training facilities

14. Electrical appliances and equipment, sales and repairs

15. Electronic manufacturing and assembly plants

16. Fabricating shops such as woodworking, upholstery and sheet metal shops

17. Garages, repair shops and machine shops

18. Machine shop

19. Offices and administrative facilities

20. Plumbing shops and other contractors, including open storage of materials when located in the rear yard.

21. Printing, publishing and reproducing establishments

22. Sign painting and fabricating shops

23. Textile manufacturing plants

24. Wholesaling or warehousing

25. Other uses as may be determined by the Planning Staff to be similar and compatible with the above-listed permitted uses.

ACCESSORY USES:

Those determined by the Planning Staff to be customarily appurtenant to those uses permitted in this district.

CONDITIONAL USES:

Upon application to, and recommendation by the Planning Commission and favorable decision thereon by the Board of County Commissioners, the following conditional uses are permitted in this district:

1. Airports and heliports

2. Radio and television transmission towers over 35 feet high

CONDITIONAL EXCEPTIONS:

1. Caretakers quarters

2. One (1) mobile home for use as a temporary office

SPACE LIMITS:

Minimum Lot Area:	30,000 square feet
Minimum Lot Width:	100 feet
Minimum Front Yard:	70
Minimum Side Yard:	None, but 30 feet if a corner lot
Minimum Rear Yard:	20 feet
Maximum Height:	35 feet

C-3 (cont'd)

permitted in the C-1 and C-2 districts. Neat and orderly outside storage is permitted in conjunction with permitted uses and conditional uses. Uses in this district shall be located on roads having a minimum classification of major arterial.

(b) *Permitted Uses:*

(1) Automobile and truck sales.

(2) Boat sales.

(3) Commercial kennels for boarding of pets.

(4) Dry cleaning plants not employing more than twenty (20) persons.

(5) Farmers' market.

(6) Feed and seed stores.

(7) Heavy equipment sales and service.

(8) Major automotive repair.

(9) Mini-warehouses and warehouses without outdoor storage.

(10) Mobile home sales lots.

(11) Motels and hotels.

(12) Outdoor theaters.

(13) Recreational vehicle sales and service.

(14) Tire retreading.

(15) Trade shops, including electrical, plumbing, gutter, machines, and HVAC contractors.

(16) Used car and truck sales.

(17) Other heavy commercial and service activities not primarily of an industrial or manufacturing nature as may be determined by the planning staff to be similar to the above-listed uses and which are in harmony with the purpose of this district, but not including those uses which are not mentioned in this district but are enumerated in another district.

(c) *Accessory Uses.* Those uses determined by the planning staff to be customarily appurtenant to those uses permitted in this district.

(d) *Conditional Uses:*

(1) Travel trailer/recreation vehicle parks having a minimum lot area of five (5) acres.

(2) Crematoriums.

(e) *Conditional Exceptions.* None.

(f) *Space Limits:*

(1)	Minimum lot area ...	10,000 square feet
(2)	Minimum lot width ..	100 feet
(3)	Minimum front yard .	70 feet from right-of-way line
(4)	Minimum side yard ..	None, but 30 feet if a corner lot
(5)	Minimum rear yard ..	20 feet
(6)	Maximum height	6 stories

(Ord. No. 90-09, 9-19-90; Ord. No. 98-13, 4-21-98; Ord. No. 99-05, 2-16-99)

Sec. 3-7-155. M-1: light manufacturing district.

(a) *Purpose.* This district is to provide for light industrial uses, all of which shall be nuisance-free and not generators of hazardous wastes. It is intended that light manufacturing uses shall be located on either arterial or major collector streets or within industrial parks having access to such thoroughfares.

(b) *Permitted Uses:*

(1) Any commercial or industrial use which involves manufacturing, processing or assembly operations or the storage and sale of heavy materials, products or equipment; but not including uses which may cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odor, dust, fire hazard or other objectionable conditions to nearby areas.

(2) Armories.

(3) Bakeries and other establishments manufacturing prepared foods and miscellaneous food products.

(4) Bottling plants.

(5) Cabinet shops.

(6) Canning plants.

(7) Clinics, cafeterias, employee credit unions and recreational facilities for employees only.

(8) Cold storage, ice plants and freezer lockers.

(9) Cosmetics and pharmaceuticals.

(10) Dairy plants and ice cream manufacturing.

(11) Distribution of products and merchandise.

(12) Dry cleaning and laundering establishments.

(13) Education and training facilities.

(14) Electrical appliances and equipment, sales and repairs.

(15) Electronic manufacturing and assembly plants.

(16) Fabricating shops such as woodworking, upholstery and sheet metal shops.

(17) Garages, repair shops and machine shops.

(18) Machine shop.

(19) Offices and administrative facilities.

(20) Plumbing shops and other contractors, including open storage of materials when located in the rear yard.

(21) Printing, publishing and reproducing establishments.

(22) Sign painting and fabricating shops.

(23) Textile manufacturing plants.

(24) Wholesaling or warehousing.

(25) Other uses as may be determined by the planning staff to be similar and compatible with the above-listed permitted uses.

(26) Crematoriums.

(c) *Accessory Uses.* Those determined by the planning staff to be customarily appurtenant to those uses permitted in this district.

(d) *Conditional Uses.* Upon application to, and recommendation by the planning commission and favorable decision thereon by the board of county commissioners, the following conditional uses are permitted in this district:

(1) Airports and heliports.

(e) *Conditional Exceptions:*

(1) Caretakers' quarters.

(2) One (1) mobile home for use as a temporary office.

(f) *Space Limits:*

(1)	Minimum lot area . . .	30,000 square feet
(2)	Minimum lot width . .	100 feet
(3)	Minimum front yard .	70 feet
(4)	Minimum side yard . .	None, but 30 if a corner lot
(5)	Minimum rear yard . .	20 feet
(6)	Maximum height	35 feet

(Ord. No. 98-13, 4-21-98; Ord. No. 99-06, 2-16-99)

Sec. 3-7-156. M-2: heavy manufacturing district.

(a) *Purpose.* This district provides for the broadest range of industrial operations permitted in the county. It is the district for location of those industries which have not reached a technical stage which renders them free of all nuisance factors. These uses are to be located on either an arterial or major collector street or, when located within an industrial park, shall have access to such thoroughfares.

(b) *Permitted Uses:*

(1) Any use permitted in the M-1 light manufacturing district, provided there is no generation of nuisance conditions or hazardous wastes.

(2) Acid manufacture and storage.

(3) Bulk petroleum plants.

(4) Cement, lime, gypsum or plaster of Paris manufacture.

ZONING ORDINANCE

ADOPTED JUNE 3, 1986

HENRY COUNTY, GEORGIA

HENRY COUNTY PLANNING & ZONING DEPARTMENT

HENRY COUNTY ADMINISTRATION BUILDING
345 PHILLIPS DRIVE, McDONOUGH, GEORGIA.

HENRY COUNTY ZONING ORDINANCE

Adopted June 1986

ZONING ORDINANCE

HENRY COUNTY, GEORGIA

JUNE, 1986

AN ORDINANCE DIVIDING THE LAND AREA OF HENRY COUNTY, GEORGIA INTO ZONING DISTRICTS AND REGULATING THE LOCATION, HEIGHT AND SIZE OF BUILDINGS AND STRUCTURES, THE PERCENTAGE OF LOT WHICH MAY BE OCCUPIED, THE SIZES OF YARDS AND OTHER OPEN SPACES, THE DENSITY AND DISTRIBUTION OF POPULATION, AND THE USES OF STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE, RECREATION, AGRICULTURE, FLOOD PROTECTION, CONSERVATION, PUBLIC ACTIVITIES, AND OTHER PURPOSES WITHIN THESE DISTRICTS; DEFINING CERTAIN TERMS HEREIN; PROVIDING FOR THE METHOD OF ADMINISTRATION, AMENDMENT AND ENFORCEMENT; PROVIDING FOR THE IMPOSITION OF PENALTIES FOR VIOLATION; AND REPEALING ALL CONFLICTING ORDINANCES.

ZONING ORDINANCE
HENRY COUNTY, GEORGIA

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ARTICLE I

ENACTMENTS, SHORT TITLE, PURPOSE AND JURISDICTION

SECTION 100: PREAMBLE AND ENACTMENT

Pursuant to the authority conferred by HB.51 amending title 36 of the Official Code of Georgia Annotated to include Chapter 66, "The Zoning Procedures Law" and for several purposes of promoting the health, safety, aesthetics, convenience, order, prosperity and the general welfare of the present and future inhabitants of Henry County; of improving the County's appearance; lessening congestion in the streets; furthering traffic safety; securing safety from fire, panic and other dangers; providing adequate light and air; preventing the overcrowding of land, avoiding both undue concentration of population and urban sprawl; facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; protecting property against blight and depreciation; encouraging the most appropriate use of land, buildings, and other structures throughout the County; securing economy in government expenditures; and for other purposes, all in accordance with a Comprehensive Land Use Plan for the development of the County, the Board of Commissioners of Henry County and the governing bodies of the City of Locust Grove, the City of Hampton, and the City of Stockbridge do hereby ordain and enact into law the following Articles and Sections of the Zoning Ordinance of Henry County, Georgia.

SECTION 101: SHORT TITLE

The regulations shall be known and cited as the "Zoning Ordinance of Henry County, Georgia".

SECTION 102: JURISDICTION

These regulations shall govern the use of all land and the developments thereof within the unincorporated areas of Henry County and the Cities of Hampton, Locust Grove and Stockbridge, Georgia.

SECTION 103: PURPOSE

The purpose of these regulations shall be to promote the proper location, height, bulk, number of stories, and size of buildings and other structures, the sizes of yards, courts, and the use of buildings, structures, and land for trade, industry, residence, recreation, agriculture, forestry, conservation, sanitation, protection against floods, public activities, and other purposes in accordance with a Land Use Plan for Henry County.

ARTICLE II

INTERPRETATION AND DEFINITIONS

SECTION 200: INTERPRETATION

For the purpose of this Ordinance the folowing interpretations shall apply:

All words used in the present tense include the future tense. All words in the plural number include the singular number, and all words in the singular number, include the plural number, unless the natural construction of the wording indicates otherwise. The word "shall" is mandatory and not directory. The word "used" shall be deemed also to include "designed, intended or arranged to be used".

SECTION 201: DEFINITIONS

For the purpose of this Ordinance certain words and terms used herein shall be defined and interpreted as follows. All other terms not defined shall have their customary dictionary definition.

1. ACCESSORY APARTMENT (GARAGE APARTMENT): A dwelling unit created within an existing single-family home or on the same lot. It is an independent unit, but it may share an entrance, yard and parking with the principal unit.

2. ACCESSORY USE: A use or detached structure on the same lot, and of a nature customarily and subordinate to, the principal use or structure.

3. ADMINISTRATOR, PLANNING AND ZONING: The person, officer, or official and his authorized representative, whom the Board of Commissioners, Henry County, has designated as its agent for the administration of this Ordinance.

4. AGRICULTURE: Agriculture shall be considered to mean the raising of soil crops and livestock in a customary manner on tracts of land at least three acres in size and shall include all associated activities. Retail selling of products raised on the premises shall be considered a permissible activity provided that space necessary for parking of customers' vehicles shall be provided off the public right-of-way.

5. AUTOMOBILE SERVICE STATION: A building or premise where products necessary for automobile service or maintenance are sold, provided there is no storage or dismantling of automobiles, and only minor services are rendered. An automobile

service station is not a repair garage nor a body shop.

6. BASEMENT: The area below the first floor level in a building and having not more than one-half (1/2) of its height above grade.

7. BOARDING OR ROOMING HOUSE: A building dedicated to the lodging or feeding or both, of three or more non-transient persons of separate families as defined herein for compensation.

8. BUFFER: That portion of a lot established for open space purposes and intended to separate properties with different and possible incompatible types of use, as measured from the common property line of the different uses.

9. BUILDABLE AREA: The portion of a lot remaining after required yards have been provided.

10. BUILDING: Any structure attached to the ground which has a roof and which is designed for the shelter, housing or enclosure of persons, animals or property of any kind.

11. BUILDING, HEIGHT OF: The vertical distance measured from average elevation of the proposed finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

12. BUILDING, ADMINISTRATOR: The official appointed by the County and charged with the responsibility of construction permits and certificate of occupancy issuance.

13. BUILDING, PRINCIPAL: A building or structure in which is conducted the principal use of the lot on which said building is situated.

14. CARE HOME - An orphanage, rest home, nursing home, convalescent home, boarding home for the aged, or similar use established to render domiciliary care, but not including facilities for the care of mental patients, alcoholics, drug addicts, and not including nursery schools.

15. CENTRAL SANITARY SEWER SYSTEMS: Collection of sanitary sewage via a pipe network, transportation to a common collection point and treatment to required Department of Natural Resources criteria prior to release.

16. CERTIFICATE OF OCCUPANCY: A permit issued by the Building Administrator indicating that the use of the building or land in question is in conformity with this Ordinance or that there has been a legal variance therefrom as provided by this

Ordinance.

17. CHURCH OR OTHER PLACE OF WORSHIP: A building used for public worship including temples, synagogues and related Sunday School or Church School facilities.

18. CLINIC: An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one physician or dentist or a group of physicians or dentists practicing medicine.

19. CLUB: A building or facilities owned or operated by and for special educational or recreational purposes, but not primarily for profit or to render a service that is customarily carried on for gain.

20. CLUSTER HOUSING: A residential development which provides for the grouping of attached and/or detached single-family dwelling units on lots that may be smaller than normally permitted in a zoning district for purposes of preserving open space and natural features of the terrain promoting economy in providing public facilities and services. Such development shall be limited to not more than four units occupying one building.

21. COMMISSION: The Board of Commissioners of Henry County, Georgia. The word commission is synonomous with Council.

22. CONDITIONAL EXCEPTION: A use within certain zoning districts specified by this Ordinance and is not permitted as a matter of right, but may be permitted within these districts by the Henry County Board of Commissioners. A conditional exception is of temporary nature for up to one year.

23. CONDITIONAL USE: A use within certain zoning districts of this Ordinance which is not permitted as a matter of right, but may be permitted within these districts by the Henry County Board of Commissioners. A conditional use is permanent in nature.

24. CONDOMINIUM: The ownership in fee simple title of a single unit in a multi-unit structure and undivided ownership, in common with other purchases, of the common elements of the structure and including the land and its appurtenances.

25. COUNCIL: The Mayor and City Council of the cities of Locust Grove, Hampton, and Stockbridge.

26. COUNTY STREET: A street which is owned and/or maintained by Henry County.

27. CURB CUT: The providing of vehicular ingress and/or egress

between property and an abutting public street.

28. DENSITY: The number of dwelling units per acre of land used for residential, commercial, or industrial purposes. Unless otherwise stated, density figures are to be in terms of net acres, or the land devoted to residential, commercial or industrial use exclusive of streets or other public lands.

29. DRIVE-IN: A retail or service enterprise wherein service is provided to the customer on the outside of the principal building.

30. DRIVE-IN RESTAURANT: Any place or premises used for sale, dispensing or service of food, refreshment, or beverages in automobiles, including those establishments where customers may eat or drink the food, or beverage on the premises.

31. DWELLING: A building or portion thereof which is designed or used exclusively for residential purposes, including single family, two family, multiple family dwellings, rooming and boarding houses, fraternities, sororities, and modular dwellings, but not including hotels or motels. For purposes of these regulations, mobile homes containing dwelling units are subject to such special regulations as are set forth herein.

32. DWELLING, SINGLE-FAMILY: A detached residential unit other than a mobile home, hotel, or motel, designed for and occupied by one family only.

33. DWELLING, SINGLE-FAMILY ATTACHED: A structure subdivided by a coincidental property line and wall which separates the structure into a maximum of two (2) dwelling units, each occupying its own lot. The two (2) lots created by the coincidental property line and wall shall each contain at least: (a) fifty (50%) percent of the minimum lot area in the zoning district in which they are located; and (b) fifty (50%) percent of the minimum gross floor area in the zoning district in which they are located.

An attached single family structure must meet all front, rear and side yard setback requirements in the zoning district in which it is located, except for the coincidental property line and wall. Each unit must be separately metered for all utilities and the coincidental property line and wall. Each unit must be separately metered for all utilities and the coincidental property wall must be fire-rated and extend from the foundation to the roof decking of the structure. Otherwise, an attached single-family structure must meet all standards that would be required for two family dwellings in the zoning districts in which they are located.

34. DWELLING, MOBILE HOME: A detached dwelling unit with the following characteristics:

A. Designed for long term occupancy as opposed to transient locations, containing sleeping accommodations, toilet facilities, with plumbing and electrical connections provided.

B. A structure built in a factory, transported to its site on a chassis which is a distinct part of the floor system, built to arrive at the site where it is to be occupied as a dwelling unit complete (with the exception of a double-wide mobile home which arrives at the site in two or more sections), including major appliances, and ready for occupancy except for necessary unpacking and assembly operations.

C. For all units built since June 15, 1976 documentation of compliance with the National Mobile Home Construction and Safety Standard Act (Department of Housing and Urban Development certification) shall be required.

D. For all units built prior to June 15, 1976 documentation of compliance with specifications prescribed by the American National Standards Institute shall be required.

E. Mobile homes do not meet Southern Standard Building Code requirements for house construction or pre-fabricated housing. Removal of the wheels and axles and placement on a foundation does not change the structure's classification as a mobile home. Camping style trailers are not mobile homes.

F. A mobile home shall not be construed to be a travel trailer, motor home, or other form of recreational vehicle.

35. DWELLING, TOWNHOUSE: One of a series of three (3) or more attached dwelling units on separate lots which are separated from each other by party wall partitions extending at least from the lowest floor level to the roof.

36. DWELLING, TWO FAMILY: A detached residential building containing two dwelling units, designed for occupancy by not more than two families living independent of each other.

37. DWELLING, MULTIPLE FAMILY: A building or portion thereof designed for three or more dwelling units, with the number of families in residence not exceeding the number of dwelling units provided.

38. DWELLING UNIT: One room, or rooms connected together,

constituting a separate, independent housekeeping establishment of owner occupancy, for rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, sleeping and toilet facilities.

39. FAMILY: One (1) or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, hotel, or fraternity or sorority house.

40. FARM: A farm includes all places of three (3) or more acres devoted to the raising of agricultural products regardless of the quantity or value of production.

41. FLOOD HAZARD AREA: The area possibly threatened by periodic flooding as determined by various data, e.g. maps provided by the United States Department of Housing and Urban Development, United States Soil Conservation Service, Army Corps of Engineers, or hydrologic studies utilizing generally accepted engineering practices. Flood hazard areas shall include all lands underneath a permanent body of water, e.g. a lake, pond, river, and stream, and all land within the limits of a flood having a 100 year return frequency.

42. FLOOR AREA; GROSS: The total number of square feet of floor area in a building determined by horizontal measurements between the exterior faces of walls, excluding unfinished basement areas, attics, porches, carports and garages.

43. GARAGE, PARKING: A structure, lot or any portion thereof which is open to the public in which one or more vehicles are housed or kept, not intending exhibition or show room or storage or cars for sale.

44. GARAGE, REPAIR: A garage intended to be used to make commercial automobile or other motor vehicle repairs.

45. GROUND COVERAGE: The area of a lot occupied by all buildings expressed as a percentage of the gross area of the lot.

46. HOME OCCUPATION: An occupation for gain or support customarily conducted on the premises by a person or family residing thereon. The term "home occupation" shall not be deemed to include a tourist home.

47. HOSPITAL: An institution receiving in-patients, or a public institution receiving out-patients, and authorized under Georgia Law to render medical, surgical, and/or obstetrical care. The term "hospital" shall include a sanitarium for the treatment and care of mental patients, alcoholics or

drug addicts, but shall not include office facilities for the private practice of medicine or dentistry.

48. HOTEL: A building in which overnight accommodations without separate cooking facilities are provided to the public. The term "hotel" includes the terms "motel" and "tourist court".

49. INOPERABLE VEHICLE: Any motorized vehicle incapable of immediately being driven.

50. JUNK/SALVAGE YARD: Any use on public streets or private property involving the parking, storage or disassembly for junk vehicles and machinery, the storage, sale, or resale of used auto parts, tires, scrap iron, metal; used plumbing fixtures, old stoves, refrigerators and other old household appliances; used brick, wood, or other building/structural materials, used paper, rags or other scrap materials.

    These uses shall be considered junk yards whether or not all or part of these operations are conducted inside a building or in conjunction with, or accessory to other uses of the premises.

51. JUNKED VEHICLE: Any wrecked, non-operable, dismantled automobile, truck, or other vehicle which does not bear a current license plate.

52. KENNELS: The housing of four (4) or more dogs, cats, or other domestic animals for the purpose of providing an income or revenue.

53. KINDERGARTEN: A state-approved institution for the education of pre-school aged children.

54. LOADING SPACE, OFF-STREET: Space logically and conveniently located for bulk pickups and deliveries, scaled to the size of delivery vehicles expected to be used.

55. LOT: A lot of record, or any combination of lots or record, held in a single ownership by one person, or in common ownership by more than one, which has both lot area requirements established by this Ordinance for the zoning district in which such tract of land is located and for the use proposed for the tract of land.

56. LOT, CORNER: A lot situated at the intersection of two streets, or bounded on two or more adjacent sides by street right-of-way lines.

57. LOT, THROUGH: A lot other than a corner lot, having frontage on more than one street; or a corner lot having frontage on three or more streets.

58. LOT FRONTAGE: That portion of a lot adjacent to a street.

59. LOT INTERIOR: A lot other than a corner lot or a through lot.

60. LOT LINE: A boundary of a lot. Lot line is synonymous with property line.

61. LOT OF RECORD: An individual lot or a lot which is a part of a subdivision, the map of which has been recorded in the Office of the Clerk of Superior Court of Henry County, Georgia; or a parcel of land the deed of which has been recorded in the Office of the Clerk of the Superior Court of Henry County.

62. LOT WIDTH: The distance between the side lot lines, measured along the front yard setback line as established by this ordinance, or if no setback line is established, the horizontal distance between the side lot lines measured along the street right-of-way lines.

63. MANUFACTURED HOME: a manufactured home is a factory-built, prefabricated (as defined in the 1982 Southern Standard Building Code adopted by Henry County), transported building consisting of panels and structural units designed to be assembled at a building site on a permanent foundation into a structure used for residential purposes. A manufactured home shall comply with all Henry County Building Codes and with live, dead, and wind-load requirements of the Southern Standard Building Code, 1982 edition, currently adopted by Henry County, and certified and approved by the Southern Standard Building Code Congress, and, the State of Georgia Department of Community Affairs. No axles. No wheels. Manufactured homes must have conventional floor systems with no steel support. A manufactured home has the following characteristics:

    A. Mass-produced in a factory

    B. Designed and constructed for transportation to a site for installation and use when connected to required utilities;

    C. Either an independent, individual building or a module for combination with other elements to form a building on the site.

64. MINI-WAREHOUSE: A building or portion thereof used for dead storage, mainly of the excess personal property of an individual or family, but also of small amounts of goods or merchandise for businesses or individuals. Mini-warehouses shall not include retail sale on the premises, commercial repair or other services, manufacturing or any other commer-

cial use.

65. MOBILE HOME COMMUNITY - A mobile home development with continuing local general management and with special facilities for common use by the occupants, including such items as common recreational buildings and areas, common open space, laundries, and the like.

66. MOBILE HOME DEVELOPMENT: A mobile home development includes mobile home parks, mobile home subdivisions, and mobile home condominiums.

67. MOBILE HOME PARK: A parcel of land that has been planned and improved for the placement of mobile homes for living or sleeping purposes, or where spaces or lots are set aside and offered for rent for use by mobile homes for living or sleeping purposes, including any land, building or structure or facility used by occupants of mobile homes on such premises. A mobile home park does not include an automobile or mobile home sales lot on which unoccupied mobile homes are parked for inspection or sale.

68. MOBILE HOME OR MANUFACTURED HOME SUBDIVISION: A tract of land that is used, designated, maintained, or held out for sale of lots to accommodate mobile homes or manufactured housing. A mobile home or manufactured home subdivision shall meet the requirements of the zoning district in which it is located.

69. MOTEL: A building in which lodging or board and lodging are provided to transient guests or offered to the public for compensation, in which ingress or egress to and from all rooms are made primarily directly from an exterior walkway rather than from an inside lobby. A building in which overnight accommodations without separate cooking facilities are provided to the public. The term "motel" includes the term "hotel" and "tourist court".

70. MOVE IN HOUSE: Pre-existing dwelling, relocated to another lot.

71. NONCONFORMING USE: Use of lands and/or structures for a purpose or in a manner contrary to provisions of this ordinance; generally of two types: (1) Lawful, where such use is rendered nonconforming by terms of this ordinance, and (2) unlawful, where such use was illegal when commenced or became so thereafter prior to adoption of this Ordinance.

72. NURSERY SCHOOL OR DAY CARE FACILITY: An agency, organization, or individual providing daytime care for four or more children not related by blood or marriage or not the legal wards or foster children of the attendant adult.

73. PARKING SPACE, OFF-STREET: An off-street parking space consisting of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, design standards for which are contained in this Ordinance.

74. PLANNING COMMISSION: The Henry County Municipal Planning and Zoning Commission of Henry County, Georgia or of the Cities of Locust Grove, Hampton and Stockbridge.

75. PLANNING AND ZONING DEPARTMENT: The professional planning staff of Henry County, Georgia responsible for administering the zoning ordinance, subdivision regulations, and comprehensive land use plan.

76. PRINCIPAL BUILDING: The building or structure containing or to contain the principal use of a lot.

77. PRINCIPAL PERMITTED USE: That use of a lot which is among the uses allowed as a matter of right under the zoning classifications.

78. PRIVATE DEED RESTRICTIONS OR COVENANTS: Private deed restrictions or covenants imposed on land by private land owners. They bind and restrict the land in the hands of present owners and subsequent purchasers. They are enforced only by the land owners involved and not by the County or other public agency.

79. PUBLIC WATER FACILITIES: Mains and service lines owned and operated by the Henry County Water System, or, when approved by the County Commissioners, a private water system operating under the direct supervision of the Department of Natural Resources.

80. PUBLIC STREET: Right-of-way dedicated to the County or owned by the County for public street purpose.

81. RIGHT-OF-WAY: Access over or across a particularly described property for a specific purpose.

82. SET BACK: The area designed by this Ordinance in which a structure may not be erected, as measured from the property boundaries of the lot or from the buffer line if a buffer is required.

83. SHOPPING CENTER: A group of commercial establishments having a building composition that is an architectural unit and is not a miscellaneous assemblage of store; planned, developed, analyzed as a unit, related in location, size and type of shops to the trade area that the unit serves, and

providing on-site parking in definite relationship to the types and sizes of stores. Shopping centers are classified by type, each distinctive in its own function:

A. Neighborhood Shopping Center - provides for the sale of convenience goods (foods, drugs, sundries, etc.) and personal services (laundry, dry cleaning, barbering, shoe repair, etc.) for the day to day living needs of the immediate neighborhood, and is usually built around a supermarket which is the principal tenant.

B. Community Shopping Center - in addition to the convenience goods (foods, drugs, sundries, etc.) and personal services (laundry, dry cleaning, barbering, shoe repair, etc.) for the day to day living needs of the immediate neighborhood, and is usually built around a supermarket which is the principal tenant.

C. Regional Shopping Center - provides for general merchandise, apparel, furniture and home furnishings in full depth and variety. It is built with one or more full line department stores as the focal point.

84. SIGN: Any surface, fabric, or device bearing lettered, pictorial, or sculptured matter designed to convey information visually and exposed to public view; or any structure (including billboard or poster panel) designed to carry the above visual information. The term "Sign" shall mean and include every sign billboard, ground sign, wall sign, roof sign, illuminated sign, projecting sign, temporary sign, marquee, awning, and canopy, and shall include any announcement, declaration, demonstration, display illustration or insignia used to advertise or promote the interests of any person when the same is placed out of doors in view of the general public.

A. Advertising Sign (Billboard): Any existing structure or portion thereof, situated on private premises, on which lettered, figured, or pictorial matter is displayed for advertising purposes, except for the name and occupation of the user of the premises or the products primarily sold or manufactured on the premises or non-commercial messages, and having an area of 100 square feet or more. Any signboard carrying a message excepted in this definition which also carries extraneous advertising of 100 square feet or more shall be considered a billboard. Billboards are not permitted in Henry County.

B. Advertising Incidental Use Sign: A sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered as a minor or

incidental activity upon the premises where the sign is displayed.

C. Bulletin Board: A sign used to announce meetings or programs to be held on the premises of a church, community recreation center, school, auditorium, library, museum, or similar non-commercial places of public assembly.

D. Illuminated Sign: Any sign which has characters, letters, figures, designs, or outline illuminated by electric lights or luminous tubes as a part of the sign proper. Flashing signs are prohibited.

E. Non-conforming Sign: Any sign, legally erected, prior to the enactment of this Ordinance which does not now comply to the provisions of this Ordinance.

F. Principal Identification Sign: Signs located on same property as being advertised and must be within 100 feet of a regularly used portion of the activity being advertised. A sign used to identify only the names of the individual, family, organization, or enterprise occupying the premises.

G. Point of Business Sign: A sign which directs attention to a business, profession, or industry located upon the premises where the sign is displayed, to type of products sold, manufactured, or assembled, and/or to service or entertainment offered on said premises, but not a sign pertaining to the preceding if such activity is only minor or incidental to the principal use of the premises.

H. Portable Sign: A sign supported by adjustable uprights or braces placed upon the ground that does not conform to height and erection requirements for ground signs.

85. STABLE, PRIVATE: A stable with a capacity of not more than four horses, mules or other draught animals.

86. STABLE, PUBLIC: A stable other than a private stable with a capacity of more than four horses, mules or other draught animals.

87. STREET: A street includes the land between the right-of-way lines, whether improved or unimproved, and may comprise pavement, shoulders, curb and gutter, sidewalks, drainage ditches and structures, and other areas within the street right-of-way lines. Streets are classified as follows:

A. Expressway: The expressway system includes high volume limited access through fares through the county and region beyond. These include I-75, U.S. 19/41, and I-675.

B. Major Arterial: An arterial street which is designed or intended for moderate to high levels of traffic flow for the county and region beyond and is designated on the future thoroughfare plan in the Henry County Comprehensive Land Use Plan, and also includes the State and Federal highway system in the county.

C. Minor Arterial: An arterial street similar in function to a major arterial but which is intended to provide moderate levels of traffic flow and greater access to abutting properties. Minor arterials serve as traffic feeders to major arterials and for cross-country and regional travel.

D. Collector Street: A street which carries traffic from local streets to minor and major arterial streets, and may include the principal entrance of a development.

E. Local Street: A street designed to provide access to adjoining properties within a subdivision or other development.

F. Cul-De-Sac: A local street with only one (1) outlet, closed and terminated by a vehicular turnaround.

G. Marginal Access: A street which is parallel to, and adjacent to an arterial street or highway and which provides access to abutting properties and protection from through traffic.

88. STRUCTURE: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, gasoline pumps, mobile homes, swimming pools, billboards, signs, satellite dish antennas, but does not include walls or fences.

89. SUBDIVISION: The division of a parcel or tract of land into more than three (3) lots for the purpose of creating sites for development, the rearrangement of existing lot lines, or for the purpose of transfer of ownership. Every subdivision must have frontage on a paved county road. Every lot must have a minimum of 30 ft. of road frontage and comply with the zoning ordinance. A subdivision may include the construction, extension, or relocation of public improvements including streets, public rights-of-way, public water and sewer facilities, and other improvements for the purpose of

creating building sites.

90. SURFACE WATER: Includes any river, creek, stream, or body of water located within the Towaliga Watershed Protection District.

91. TOURIST HOME: A dwelling in which sleeping accommodations are provided or offered to transient visitors for compensation.

92. TOWNHOUSE, FEE SIMPLE: A townhouse unit, as defined that has the common wall or walls between it and the adjoining townhouse unit or units as its property line or lines between that unit or those units, that has individual meters for all utilities, and that has access to a public street, and meets the standards described herein. Townhouse residential dwellings are also permitted in Planned Development districts.

93. TOXIC: The word "toxic" as used herein shall mean any chemical or substance that has been defined as toxic by the Environmental Protection Agency of the United States (E.P.A.), Environmental Protection Department of the State of Georgia (E.P.D.), or the Department of Agriculture of the State of Georgia (A.D.).

94. TRAILER (MOTOR HOME): A motorized vehicle, designed and/or maintained for use as a temporary dwelling or sleeping place for travel or recreation purposes exclusively, having no foundation other than wheels or jacks.

95. TRAILER (TRAVEL): A non-motorized vehicle, pulled by an automobile or truck designed and/or maintained for use as a temporary dwelling or sleeping place for travel or recreation purposes exclusively.

96. TRAILER PARK: A parcel of land which is used soley for the rental or lease of lots for transient campers, trailers, motor homes or temporary parking of any other recreational vehicle that is not a mobile home.

97. UNDERGROUND WATER: Any underground water located within the Towaliga Watershed Protection District.

98. USE: The purpose or purposes for which land or a building is designed, arranged, or intended, or to which said land or building is occupied, maintained or leased.

99. VARIANCE: A variance is a minimal relaxation of the terms of this Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions

of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area and size of a structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in adjoining zoning district.

100. VEHICLE, ABANDONED: A vehicle which does not bear a current license plate said vehicle is stored within a completely enclosed building or unless it is stored on a bonafide sales lot and is in a satisfactory operating condition.

101. YARD: A required open space located on the same lot as the principal building, unoccupied and unobstructed except for accessory uses and for shrubs and fences.

102. YARD, FRONT: That area of lot lying between the abutting street right-of-way line and the principal building of the lot and extending across the front of a lot from side to side lot line.

103. YARD, REAR: That area of a lot extending across the rear of a lot from side lot line to side lot line and lying between the rear lot line and the principal building on the lot.

104. YARD, SIDE: That area of a lot between the side lot line and the principal building on the lot extending from the front yard to the rear yard.

105. ZONING DISTRICT: Area of zoned property within Henry County and shown on the Official Zoning Map which is part of this Ordinance.

ARTICLE III

PROVISION FOR OFFICIAL ZONING MAP ESTABLISHMENT OF DISTRICTS

SECTION 300: ZONING MAP

Henry County is hereby divided into zoning districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Commissioners, attested by the County Clerk, and bearing the seal of the County under the following words: "This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Henry County" together with the date of adoption of this Ordinance.

SECTION 301: AMENDMENTS TO OFFICIAL ZONING MAP

If in accordance with the provisions of the Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map such changes shall be entered on the Official Zoning Map periodically after the amendment has been approved by the Board of Commissioners, with an entry in the minutes of such Board of Commissioners meeting as follows: "On _____, 19__ by official action of the Board of Commissioners, the following (change) changes (was) were made to the Official Zoning Map: (brief description of nature of changes or changes)", which entry shall be signed by the Chairman and attested by the Clerk.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Planning and Zoning Department shall be the final authority as to the current zoning status of the County.

SECTION 302: REPLACEMENT OF OFFICIAL ZONING MAP

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Commissioners may by Ordinance adopt a new Official Zoning Map which shall supercede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the

effect of amending the original Official Zoning Map, and this new map shall be identified by the signature of the Chairman attested by the County Clerk, and bearing the seal of the County under the following words: "This is to certify that this Official Zoning Map supercedes and replaces the Official Zoning Map adopted on _____, 19__, as part of the Zoning Ordinance of Henry County. Unless the previous Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant remaining parts thereof, shall be preserved, together with all available records pertaining to its adoption or amendment.

SECTION 303: RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the location of the boundaries of any Zoning district in Henry County, or in the Cities of Locust Grove, Hampton, or Stockbridge, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the center line of streets or highways, street lines, or highway right-of-way lines, such street lines, or highway right-of-way lines shall be construed to be district boundaries.

2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

3. Where district boundaries are so indicated that they are approximately parallel to the center lines of streets, highways, or railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance therefore as indicated on the Official Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on said Official Zoning Map.

4. Where a district boundary line as appearing on the Official Zoning Map divides a lot in single ownership at the time of enactment of this Ordinance, the district requirements for each portion of such lot shall be deemed to apply provided that such extension shall not include any part of such a lot more than one hundred (100) feet beyond the district boundary line.

5. In the case of a through lot fronting on two approximately parallel streets that is divided by a zoning district boundary line paralleling the streets, the restrictions of the zoning district in which each frontage of the through lot lines shall apply to that portion of the through lot.

6. Where zoning district boundaries are in doubt, the Planning and Zoning Administrator shall make such interpretation using the appropriate scale from the Official Zoning Map.

SECTION 304: ZONING DISTRICTS LISTED

For purposes of this Ordinance the unincorporated land area of Henry County and the incorporated areas of the Cities of Locust Grove, Hampton and Stockbridge are divided into zoning districts designated as follows:

RA: **Residential-Agricultural District** - Low density residential development in conjunction with limited agricultural endeavor.

R-1: **Single-Family Residence District** - Low density residential development on septic tanks or other approved water and sewerage systems.

R-1A: **Single-Family Residence District** - Low Moderate density residential on septic tanks or other approved water and sewerage systems.

R-2: **Single-Family Residence District** - Moderate density residential development on septic tanks or as publicly provided water and sewerage systems.

R-3: **Single-Family Residence District** - Higher density residential development on lots served by public sewer systems.

R-D: **Two-Family Residence District** - Moderate density residential development limited to duplex dwellings.

RM: **Multiple-Family Residence District** - Permits moderate densities of multiple-family development where public water and sewerage are provided.

RMH: **Mobile Home Development District** - Provides the development of mobile home parks and subdivisions where adequate land area, water and sewerage systems are provided.

OI: **Office-Institutional District:** Businesses and institutions limited to office and closely related commercial activities.

C-1: **Neighborhood Commercial District** - Businesses serving the day-to-day needs of discrete portions of Henry County.

C-2: **General Commercial District** - Businesses serving the general shopping needs of County residents.

C-3: **Heavy Commercial District** - Businesses of a regional commercial nature typified by larger land areas, access to major arterial thoroughfares, and having the need to provide for orderly outside storage of materials.

LM: **Light Manufacturing District** - Manufacturing uses that are nuisance free and not generators of hazardous wastes.

HM: **Heavy Manufacturing District** - Manufacturing uses requiring larger land areas and the need to incorporate substantial outside storage of products and materials.

-PD: **Planned Development District** - An overlay district to provide for innovative development and siting techniques for planned residential, office, commercial or industrial uses.

-FP: **Flood-Protective District** - An overlay district reflecting provisions of the FEMA flood-prone area studies, incorporating by reference the boundaries of the FIRM flood maps depicting the limits of the 100 year flood.

-TWP: **Towaliga Watershed Protection District** - An overlay district with regulations for protection of the Towaliga River and tributaries in its drainage basin and protection of Henry County Water Resources.

ARTICLE IV

GENERAL PROVISIONS

SECTION 400: APPLICABILITY TO LAND, BUILDINGS AND OPEN SPACE

No building, structure, Land or open space shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

SECTION 401: EVERY USE MUST BE UPON A LOT

No building or structure may be erected or use established unless upon a lot as defined by this Ordinance except as otherwise provided herein.

SECTION 402: ONE PRINCIPAL BUILDING ON A LOT

Except for planned developments or as otherwise provided, only one principal residential building and its accessory buildings may hereafter be erected on any one lot in any single-family or two-family residential district.

SECTION 403: ANNEXATION OR UNINCORPORATED AREA ADDITIONS

All undeveloped land area subsequently added to the unincorporated area of Henry County or undeveloped land annexed to the Cities of Locust Grove, Hampton and Stockbridge shall automatically be classified RA-200 until otherwise classified by amendment to the Official Zoning Map. All developed land areas subsequently added to the unincorporated area of Henry County or annexed to the Cities of Locust Grove, Hampton or Stockbridge shall retain its present zoning classification or may be changed to another compatible zoning classification by the Board of Commissioners or by the Mayor and City Council of an affected municipality at a legally advertised public hearing.

SECTION 404: HEIGHT AND DENSITY

No building or other structure shall hereafter be erected or altered:

1. To exceed the height or bulk limits of this Ordinance;
2. To accommodate or house a greater number of families;
3. To occupy a greater percentage of lot area;
4. To have narrower or smaller rear yards, front yards,

side yards, or other open spaces than herein required: or in any other manner be contrary to the provisions of this Ordinance.

SECTION 405: OPEN SPACE NOT TO BE ENCROACHED UPON

No open space shall be encroached upon or reduced in any manner except in conformity to the yard, setback, off-street parking spaces, and such other regulations required by this Ordinance for the Zoning District in which such building is located. Shrubbery, driveways, retaining walls, fences, curbs and planted buffer strips shall not be construed to be encroachments of yards. Open space areas as required by this Ordinance shall be permanently maintained as open space and appropriately landscaped with trees, shrubs, flowers, grass, stones, or other landscaping materials.

SECTION 406: REQUIRED OPEN SPACE MAY NOT BE USED BY ANOTHER BUILDING

No part of any yard, other open space, or off-street parking or loading space required in connection with any building, structure, or use by this Ordinance shall be considered to be part of a required yard, or other open space, or off-street parking or loading space, for any other building, structure, or use except as otherwise provided herein.

SECTION 407: REDUCTION OF YARDS OR LOT AREA

Except as otherwise provided herein, no lot existing at the time of passage of this Ordinance shall be reduced, divided, or changed so as to produce a tract of land which does not comply with the minimum dimension or area requirements of this Ordinance for the district in which it is located unless said reduction or division is necessary to provide land which is needed and accepted for public use.

SECTION 408: LOTS WITH MULTIPLE FRONTAGE

In case of a corner lot, side yard setback requirements from the right-of-way of abuting streets shall be equal to seventy-five percent (75%) or that lot where the main entrance into a residence is facing a side yard, it shall be permissible for purposes of this ordinance to construe the residence to be fronting on the street other than that street which said entrance faces, and side and rear yard requirements may be provided accordingly. If a building is constructed on a through lot having frontage of two (2) roads not at an intersection, a set-back from each road shall be provided equal to the front yard requirement for the district in which the lot is located.

SECTION 409: MINIMUM LOT SIZE FOR RESIDENCES USING SEPTIC TANK SYSTEMS

No residence shall be permitted on a lot of less than 25,000 square feet having a minimum lot width of 125 feet which is to be served by septic tank(s), regardless of the zoning district classification. With respect to existing platted lots, the Henry County Board of Health will evaluate each individual request for a permit on a case-by-case basis. This restriction on lot size does not apply to residential development served by community sewer systems.

SECTION 410: LANDLOCKED LOTS

In the event property is a landlocked lot, as of the effective date of this Ordinance, the property owner shall be entitled to one (1) building permit, provided:

1. No other principal building exists or is being constructed on said property;

2. No other valid building permit has been issued prior to the effective date of this Ordinance and is currently valid;

3. The property was and continues to be under single ownership since the effective date of this Ordinance;

4. The property owner has acquired a thirty (30) foot easement to a County-maintained street, and said easement has been duly recorded and made a part of the property deed; and

5. In the event said property is divided, no additional permits will be issued.

SECTION 411: YARD AND OTHER SPACES

No part of a yard or other open space or off-street parking or loading spaces required for any one building shall be included as a part of the yard or off-street parking or loading spaces required for another building, except as specifically provided for herein.

SECTION 412: STREET FRONTAGE

No principal building shall be erected on any lot which has less than thirty (30) feet of immediate frontage on at least one public street.

SECTION 413: SUBSTANDARD LOTS OF RECORD

Any lot of record existing at the time of the adoption of this Ordinance, which has an area or a width which is less than required by this Ordinance, shall be subject to the following exceptions and modifications.

1. **Adjoining Lots:** When two (2) or more adjoining and vacant lots within a non-approved development with continuous frontage are in a single ownership at the time of application and such lots have a frontage or lot area less than is required by the district in which they are located, such lots shall be replatted or reparcelled so as to create one or more lots which conform to the minimum frontage and area requirements of the district;

2. **Lot Not Meeting Minimum Lot Size Requirements:** When a lot has an area or frontage which does not conform with the requirements of the district in which it is located, but was a lot of record at the effective date of this ordinance, such lot may be used for any use allowed in the zoning district in which it is located provided that all other requirements of this ordinance are met.

SECTION 414: SIDE & REAR YARDS NOT REQUIRED NEXT TO RAILROAD

Within any non-residential district, side yards and rear yards shall not be required adjacent to railroad rights-of-way.

SECTION 415: BUILDINGS UNDER CONSTRUCTION

Nothing in this Ordinance shall require any change in the construction or intended use of a building which is legally under construction or for which a building permit has been issued as of the effective date of this Ordinance and the construction of which shall be diligently pursued until completion.

SECTION 416: DEVELOPMENT PROJECTS UNDER CONSTRUCTION

Nothing in this Ordinance shall require any change in development or proposed use of properties which are legally under development or for which a development plan or preliminary plat has been approved as of the effective date of this Ordinance and the development of which shall be commenced within one (1) year from said date.

SECTION 417: SUBDIVISION APPROVAL

No approval will be granted for a subdivision unless the property is served by a paved County road.

SECTION 418: OPERATION OF SANITARY LANDFILLS

Private landfills shall be certified and monitored by the Georgia Department of Natural Resources. Permits for the hauling of garbage shall be obtained from the Board of Commissioners of Henry County. Prior to approval of zoning for a landfill, the Board shall be provided sufficient data, acceptable to the Department of Natural Resources, indicating that soil types, ground water levels, etc., are conducive to landfilling operations. A site plan covering the entire tract under consideration showing access, buffer or screening areas, existing streams and non-usable lands, adjacent property owners, etc., shall be submitted for review. A five-hundred (500) foot buffer conforming to specifications of this Ordinance shall be provided around the periphery of the tract. If restriction of movement of trash and debris is necessary, a fence at least six (6) feet in height shall be provided around the periphery.

SECTION 419: ENCROACHMENT ON PUBLIC RIGHTS-OF-WAY

No building, structure, service area, or required off-street parking, and/or loading facilities, except driveways, shall be permitted to encroach on public rights-of-way.

SECTION 420: ACCESSORY USES OR STRUCTURES

Accessory uses or structures shall be permitted only in side or rear yards, except as otherwise provided in this Ordinance. An accessory use or structure shall be set back not less than ten feet from any lot line.

No accessory building shall be erected on a lot prior to the time of construction of the principal building to which it is accessory.

Accessory uses or structures shall be permitted if they meet the following:

1. Only two accessory buildings shall be permitted on a residential lot.

2. Accessory buildings shall be set back not less than ten feet from any lot line.

3. An accessory building located on a typical subdivision lot shall not be any larger than 16' x 20'. An accessory garage shall not be any larger than 22' x 24'. Such accessory garage shall be used solely to house vehicles in full operating condition. An accessory garage connected to a principal structure shall not encroach into any required yard space.

4. Accessory buildings located on property in excess of

one acre will not be restricted to size, as long as the structure meets building codes and other requirements of this Ordinance.

5. Accessory buildings in residential districts shall not be used for any type of commercial operation whether permanent, part-time or as part of a home occupation except as otherwise provided for in this Ordinance. A home occupation can be conducted in an accessory building if approved as a conditional use.

6. No accessory residential structure in a subdivision shall exceed a height of fifteen (15) feet.

7. Accessory buildings larger than 16' x 20' shall be set back a minimum of ten (10) feet from all property lines.

8. Detached accessory buildings shall be located at least twelve (12) feet from the principal structure on a lot.

9. Satellite dish antennas shall be permitted as accessory structures only in rear yards unless it can be documented that reception is impaired by such a location. In this case an antenna would be permitted in a side or front yard. If located within a front yard it cannot be within the required setback. Satellite dish antennas shall not be located on the roof of a single-family structure.

ARTICLE V

EXCEPTIONS, MODIFICATIONS AND ENCROACHMENTS

SECTION 500: YARD SPACE, GENERAL RULE

Any building, structure or use thereafter erected, altered or established shall comply with the yard space requirements of the district in which it is located except as specified herein. The required yard space for any building, structure, or use shall be contained on the same lot as the building, structure or use and such required yard space shall fall entirely upon land in a district or districts in which the principal use is permitted.

SECTION 501: EXCEPTIONS TO SIDE YARD REQUIREMENTS

When a lot of record has a width less than the frontage required in the district in which it is located and said lot cannot be increased in width as provided herein, then the Zoning Administrator shall be authorized to reduce the side yard requirements for such lot; provided, however, that the side yard shall not be reduced to less than eight (8) feet.

SECTION 502: EXCEPTIONS TO FRONT YARD REQUIREMENTS

The front yard requirements of this Ordinance shall not apply on any lot where the average depth of the front yards of existing buildings on adjoining lots located wholly or in part within two hundred feet on each side of such lot within the same block and zoning district and fronting on the same side of the street is either greater or less than the minimum required front yard depth.

If the average depth of the front yards is less than the required minimum front yard depth, the depth of the front yard of such lot may be less than the required front yard depth but shall not be less than the average of the front yards of the aforementioned buildings.

SECTION 503: PERMITTED ENCROACHMENTS OF YARDS AND SETBACKS

Architectural features such as cornices, eaves, steps, gutter, and fire escapes may project not more than three (3) feet beyond any required setback line, except where such projections would obstruct driveways which are or may be used for access for service and/or emergency vehicles; provided, however, that in case of automobile service stations, motels, and similar uses which serve the motoring public, canopies shall be allowed over a driveway or walkway within the front yard not to extend from the principal building to a point any closer than fifteen feet from the street right-of-way line.

SECTION 504: HEIGHT EXCEPTION, GENERAL RULE

Any structure hereafter erected or altered shall comply with the height limitations of the district in which it is located except as specified herein.

SECTION 505: STRUCTURES EXCLUDED FROM HEIGHT LIMITATIONS:

The height limitations of this Ordinance shall not apply to church spires, belfries, flag poles, monuments, cupolas, domes, ornamental towers, nor to observation towers not intended for human occupancy, water towers, transmission towers, radio or television towers or aerials. These exclusions shall not apply in the vicinity of airports.

SECTION 506: WALLS AND FENCES

The setback requirements of this Ordinance shall not prohibit any necessary retaining wall nor prohibit any wall or fence except that in a residential district, no wall or fence shall exceed eight feet in height within a side yard or rear yard and shall not extend into a required front yard.

SECTION 507: VISIBILITY AT INTERSECTIONS

On corner lots within all zoning districts, no fence, shrubbery or other obstruction to the traffic sight vision shall exceed a height of two and one-half (2-1/2) feet within a triangular area formed by the intersection of the right-of-way line, and a diagonal line which intersects the right-of-way lines at two (2) points, each twenty (20) feet distance from the intersection of the right-of-way lines, or, in the case of a rounded corner, from the point of intersection of their tangents; provided, however, signs, lights, or similar objects which are totally located at least twelve (12) feet above the finished grade shall be permitted.

SECTION 508: YARD FENCING OR WALLS

No fence or walls in excess of five (5) feet in height shall be installed in the front yard of any residence (Area from the building line to the road or street). Fences in subdivisions shall be limited to chain link type or other decorative type. No barb wire or field fence or electric fences are allowed in a subdivision or in residential zoned areas.

1. Residential subdivision fences maximum height five (5) ft. in height in front yard; six (6) ft. in height rear yard

2. Residential fences maximum height five (5) ft. in height in front yard; six (6) ft. in height rear yard

3. Commercial fences maximum height eight (8) ft. in height front and rear yards

4. Rural residence fences maximum height five (5) ft. in front yard; seven (7) ft. in rear yard

SECTION 509: FENCES AND HEDGES, MEASUREMENT RULE

Heights of fences, hedges and other continuous foliage shall be measured from the adjacent top of the street curb, surface of an alley or the official established grade thereof, whichever is the higher. On inside lot lines the measurement shall be from the average grade of the lot line of the parcel or property having the lower elevation.

SECTION 510: FENCES AND HEDGES, EXCEPTION

The Planning Staff may approve, or may direct as a condition for granting approval, that fences or plantings of a height in excess of these regulations be placed as shielding between different uses, or between like uses upon agreement between the parties affected thereby, provided that no such approval shall have the effect of reducing corner visibility as provided for herein.

ARTICLE VI

MISCELLANEOUS PROVISIONS

SECTION 600: USES PROHIBITED

If either a use or class of use is not specifically indicated as being permitted in a district, either as matter or right, conditioned use, or as a conditional exception, then such use, class of use, or structures for such uses, shall be prohibited in such district.

SECTION 601: REQUIREMENTS FOR MOVING A BUILDING

No dwelling unit or other permanent structure shall be relocated in the County unless, when relocated, it meets all requirements of this Ordinance and other County code requirements and prior to the transportation of the structure the relocation must be approved accordingly and permitted by the Zoning Administrator.

SECTION 602: TEMPORARY BUILDING

A temporary building or building for use in connection with a construction project or land subdivision development shall be permitted on the land of the project during the construction period. Temporary buildings related to a subdivision development shall be removed when eighty (80) percent of all lots are occupied by completed homes or within four years, whichever occurs first.

SECTION 603: FALL-OUT SHELTERS

Fall-out shelters are permitted as principal or accessory uses in any District, subject to the yard requirements of the District. Shelters shall be maintained so as not to become a hazard or blight to the community. The Board of Commissioners may permit as a conditional use construction of joint shelters by two (2) or more property owners. Where such joint shelters are permitted, the Board may waive the side and rear yard requirements on the property or properties directly involved in order to permit practical and efficient location and construction; provided, however, that side yard requirements shall be met where property involved in a joint proposal abuts or adjoins property not included in the proposal.

SECTION 604: ACCESSORY SWIMMING POOLS

Swimming pools accessory to residences shall be enclosed by a security fence of a minimum height of four (4) feet with all gates containing a self-closing, positive latch device to insure that the pool is enclosed at all times. Health Department approval shall be required prior to issuance of a building permit.

SECTION 605: PUBLIC SWIMMING POOLS

Any constructed or prefabricated pool used other than in conjunction with a private residence, requires Health Department approval. Public pools shall be enclosed by a fence of a minimum height of five (5) feet with all gates containing a self-enclosing positive latch device to ensure the pool is enclosed at all times.

SECTION 606: PARKING OR STORAGE OF MAJOR RECREATIONAL EQUIPMENT

For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, motor coaches, tent trailers, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. Such major recreational equipment may be parked or stored only in side yards or rear yards or in a carport or enclosed building, provided however, that such equipment may be parked anywhere on residential premises for a period not to exceed 24 hours during loading or unloading. In the case of a corner lot, no vehicles may be parked or stored in the side yard on the street side of the lot. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

SECTION 607: PARKING & STORAGE OF COMMERCIAL VEHICLES

It shall be prohibited in all residential districts (except RA) to park, store, or maintain any commercial vehicle with the carrying capacity of more than 1-1/2 tons. This shall include, but not to be limited to, commercial highway tractors, wreckers, earth moving equipment, dump trucks, etc.

SECTION 608: ABANDONED, WRECKED, OR JUNKED VEHICLES

It shall be prohibited in all residentially zoned districts to park or store, abandoned, wrecked or junked vehicles, power-driven construction equipment, used lumber or metal, or any other miscellaneous scrap or salvageable material in quantity. For the purposes of this subsection, an abandoned vehicle shall be a vehicle without current state license plate.

SECTION 609: KEEPING & RAISING OF LIVESTOCK

The keeping and raising of all farm animals and fowl and use of private stables shall be limited to property located within the RA District having a minimum lot area of three (3) acres. Any structure, pens, corral or other building appurtenant to the keeping and raising of livestock must be located a minimum of 100 feet from any property line. The keeping and raising of all farm

animals and fowl shall be subject to all regulations promulgated by the Henry County Health Department.

SECTION 610: PRODUCE STANDS

Temporary or permanent stands erected for purpose of sale of vegetables, fruit or produce grown on the premises are permitted in the RA District.

SECTION 611: DECORATIVE FACINGS

All buildings constructed within a commercial or industrial district of Henry County, Georgia, shall maintain a decorative facing on that portion of the building which faces on all public streets. The decorative facing on said buildings shall consist of brick, masonry, aluminum siding, or similar building materials.

SECTION 612: ACCUMULATION OF GARBAGE, TRASH & RUBBISH

It shall be prohibited in all residential districts to place, deposit, or allow the accumulation of, household garbage, rubbish, trash, refuse or any condition which provides harborage for rats, mice, snakes and other vermin.

SECTION 613: HOME OCCUPATIONS

A home occupation as defined by this Ordinance shall be governed by the following requirements:

1. Only residents of the dwelling may be engaged in the home occupation.

2. The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the building.

3. No display of products shall be visible from the street, and only products produced on the premises may be sold on the premises, except that bona fide agricultural products grown on the premises may be displayed in an agricultural residential RA district.

4. Only one (1) point of business sign, not exceeding two (2) square feet in size, motionless, non-lighted, and attached to the principle building, shall be permitted, and no advertising signs shall be permitted.

5. Use of the building for this purpose shall not exceed twenty-five percent (25%) of one floor of the principal building.

6. No internal or external alterations inconsistent with

the residential use of the building shall be permitted.

7. The occupation shall not constitute a nuisance in the neighborhood.

8. No accessory buildings or outside storage shall be used in connection with the occupation unless approved as a conditional use permit, and complying with the following conditions:

    a) The accessory structure shall maintain a residential appearance,

    b) No business shall be conducted between the hours of 8:00 p.m. and 7:30 a.m.,

    c) No automotive painting, body work, salvage, or heavy repair shall be conducted, and

    d) No machinery or equipment shall be used which generates noise detectable outside of the accessory structure.

9. Instruction in music and similar subjects shall be limited to two (2) students at a time.

10. Vehicles used primarily as passenger vehicles only shall be permitted in connection with the conduct of the customary home occupation.

11. No more than three (3) non-transient guests may be boarded at any one time as a customary home occupation.

12. The following and similar uses shall be considered home occupations: Addressing service, art instructor, beauty shop, dentist, doctor, drafting, dressmaking, insurance agent, manufacturing agent, music teacher, notary public, photographer, real estate agent, tax consultant.

SECTION 614: COMMERCIAL OUTSIDE STORAGE AND ACTIVITY

Outside storage of parts and materials, service areas, refuse, or work activity areas shall be concealed with a solid fence in zoning districts where they are permitted.

ARTICLE VII

NON-CONFORMANCES

SECTION 700: GENERAL RULE

Within the zoning districts established by this Ordinance or amendments that may later be adopted there exists:

- Lots,
- Structures, and
- Use of land and structures

which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Non-conforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. A non-conforming use of land, or a non-conforming use of structure and land in combination shall not be extended or enlarged after passage of this Ordinance.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption of this Ordinance. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction.

SECTION 701: NON-CONFORMING LOTS OF RECORD

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitation imposed by other provisions of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district, provided

that yard dimensions and requirements other than these applying to area or width, or both, of the lots shall conform to the regulations for the district in which such lot is located.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area less than the requirements stated in this Ordinance.

SECTION 702: NON-CONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance which could not be built under the terms of this Ordinance due to restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming structure may be enlarged or altered in a way which increases its degree of non-conformity, but any structure or portion thereof may be altered to decrease its degree of non-conformity.

2. Should such non-conforming structure or non-conforming portion of a structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

4. An existing, non-conforming mobile home which is lawfully permitted may be replaced with another mobile home consistent with the definition included in this ordinance within sixty (60) days from the date of removal of the original mobile home.

SECTION 703: NON-CONFORMING USES OF STRUCTURES OR OF STRUCTURES & LAND IN COMBINATION

If lawful use involving individual structures with a replacement cost of $1,000 or more, or of structures and land in combination, exists at the effective date of adoption or amendment of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building;

3. If no structural alterations are made, any non-conforming use of structure, or structure and land, may be changed to another non-conforming use provided that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Commissioners may require appropriate conditions and safeguards in accord with the provisions of this Ordinance;

4. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed;

5. When a non-conforming use of a structure, or structure and land in combination, is discontinued or abandoned for six consecutive months (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;

6. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 percent of the replacement cost at time of destruction.

SECTION 704: REPAIRS AND MAINTENANCE

For any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 10 percent of the current replacement cost of the non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.

If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

SECTION 705: AMORTIZATION AND DISCONTINUANCE

There are found to be certain uses of land, buildings and structures which have adverse effect on the carrying out of the land use plan, and which can be discontinued after a reasonable time irrespective of aforementioned rules as to non-conforming uses. The following uses shall be removed or made conforming within the specified amortization period. Said amortization period shall commence upon the effective date of this Ordinance.

1. Fences, walls and foliage which constitute a hazard by virtue of impairing sight distances at a curve or intersection shall be made conforming within ninety (90) days.

2. Outdoor advertising signs and billboards deemed a nuisance or hazard shall conform within two years.

3. All provisions in business or industrial districts of this Ordinance setting forth specifications for the operation of a business or industry requiring fencing or opaque shielding shall be complied with within two calendar years.

4. Non-conforming open storage operations, such as truck parking, automobile wrecking or salvage material storage and similar uses shall be made conforming within two calendar years.

5. Non-conforming frame, block or light metal structures shall be made conforming within 25 calendar years.

6. Structures incurring damage of less than 50 percent of fair market value above the foundation may be restored and used as before, provided that such restor-

ation is commenced within six calendar months from the date damages were incurred. If reconstruction is not commenced within six months, the use of said land or structure shall thereafter conform with the provisions of this Ordinance. Fair market value shall be determined by reference to current statutory provisions pertaining to real estate assessment and the records of the County Assessor.

ARTICLE VIII

SCHEDULE OF DISTRICT REGULATIONS

SECTION 800: ADOPTION OF DISTRICT REGULATIONS

Zoning district regulations are set forth herein in the schedule of district regulations which is hereby adopted as a part of this Ordinance.

SECTION 801: USES COMMON TO ALL SINGLE-FAMILY RESIDENTIAL DISTRICTS

There exist certain uses of land which are compatible and acceptable when located in a residential district provided that each use conforms to the use and space limits of the particular residential district.

Unless otherwise stated, the following uses are allowed in all residential districts subject to the restrictions imposed by the district regulations:

PERMITTED USES:

1. Single-family dwellings (except for mobile homes)
2. Crop gardens
3. Local, State and Federal governmental buildings
4. Publicly owned and operated parks and recreation areas
5. Temporary buildings and storage of materials in conjunction with construction of a building on a lot or adjacent lots where residential construction is taking place.
6. Home occupations, when conducted wholly within the principal structure.

ACCESSORY USES:

1. Accessory structures or buildings
2. Subdivision recreation areas owned, operated and maintained by Homeowner's Associations exclusively for the use of residents and their guests.
3. The parking of one unoccupied travel trailer, motor coach or pleasure boat subject to provisions of this Ordinance.

4. Railroad through and spur tracks, but not sidings and/or terminal facilities.

5. Utility substations, when located in accordance with the requirements and space limits set forth in the district regulations. All substations shall have a landscaped or masonry barrier on all sides.

CONDITIONAL USES:

Upon application to, and recommendation by the Planning Commission and favorable decision thereon by the Board of County Commissioners, the following conditional uses are permitted in these districts:

1. Basement apartment provided that not more than one unit shall be permitted per lot and that no exterior alterations to the building are made to provide additional entrances. Adequate off-street parking is to be provided and the apartment shall meet Health Department standards.

2. Churches, synagogues, chapels and other places of religious worship or educational instruction when located on a major thoroughfare having minimum street classification of a collector street and having a minimum frontage of two hundred (200) feet. The minimum site area shall be two (2) acres and all buildings shall be located not less than fifty (50) feet from any property line. A planted buffer strip of not less than twenty (20) feet in width shall be provided along all side and rear property lines.

3. Garage apartment provided that not more than one unit shall be permitted per lot and that such structure shall be subordinate to the principal structure and located entirely within the rear yard. The lot area must meet minimum requirements for a two-family dwelling. Adequate off-street parking is to be provided and the apartment is to meet Health Department standards.

4. Guest quarters or employee quarters provided that no more than one unit shall be permitted on a lot and this unit shall be in the rear yard. The lot on which such use is established shall meet the minimum area requirements for a two-family dwelling. These quarters shall not be used as rental property.

5. Home occupations where an accessory structure is used.

6. Nursery schools and kindergardens provided that at least two hundred (200) square feet of outdoor play

area and thirty-five (35) square feet of indoor space is provided for each child. The outdoor play areas shall be enclosed by a decorative fence at least four (4) feet in height.

7. Nursing care facilities of a denominational nature when located on the same site as a church.

8. Public, parochial and private schools when such facilities are located on the same site of the school or college. Any such facility shall front on a thoroughfare having minimum classification of collector and have minimum frontage of two hundred (200) feet. The minimum site area shall be three (3) acres.

9. Public and private golf courses provided that use is limited to daytime hours and that all facilities shall be setback a minimum of one hundred (100) feet from any property line.

10. Radio and television towers provided that all such structures and support facilities shall be setback a minimum of two hundred feet from adjacent property lines and that all Federal Aviation Administration requirements are met.

CONDITIONAL EXCEPTIONS:

1. Temporary religious meetings.

SECTION 802: RA: RESIDENTIAL - AGRICULTURAL DISTRICT

PURPOSE:

It is the intent of this district to preserve the mixed agricultural and residential character of land which presently serves as a transition between rural land and land which is becoming urban in character.

PERMITTED USES:

1. Those permitted uses common to all single-family residential districts.

2. Agriculture, including the raising of field crops, horticulture, animal husbandry, and poultry farms, all of which shall be subject to regulation by the Health Department. Farms structures which include raising or keeping of animals shall be setback a minimum of one hundred (100) feet from all property lines.

3. Riding academies and stables on tracts of not less than three (3) acres.

4. Manufactured homes

ACCESSORY USES:

1. Those accessory uses common to all single-family residential districts.

2. Living quarters for persons regularly employed on the premises; but not to include labor camps or dwellings for transient labor.

3. Roadside stands for sale of agricultural products grown on the premises, but not to exceed five hundred (500) square feet in floor area.

CONDITIONAL USES:

Upon application to, and recommendation by the Planning Commission and favorable decision thereon by the Board of County Commissioners, the following conditional uses are permitted in this district:

1. Those conditional uses common to all single-family residential districts.

2. Airports, public, private, or commercial, paved or unpaved

3. Ambulance and emergency service

4. Armories

5. Crematories

6. Colleges or universities with dormitories, fraternity and/or sorority houses when located on the main campus

7. Hospitals and care homes having a minimum lot area of three (3) acres when fronting upon a major thoroughfare. Side and rear yard setbacks to be fifty (50) feet from property lines.

8. Kennels of a commercial nature with all structures to be setback two hundred (200) feet from all property lines.

9. Private clubs and lodges

10. Rural trailer/motor coach (RV) parks with minimum lot area of five (5) acres.

CONDITIONAL EXCEPTIONS:

1. Carnivals, rodeos, fairs and similar activities of a temporary nature

2. Taxidermist studios

3. Travel trailer/motor coach (RV) campgrounds having a minimum lot area of five (5) acres

SPACE LIMITS:

Minimum Lot Area:	1.25 Acres, 3 acres for agricultural uses
Minimum Lot Width:	200 feet
Minimum Front Yard:	75 feet from right-of-way line
Minimum Side Yard:	20 feet
Minimum Rear Yard:	40 feet
Maximum Height:	35 feet
Minimum Floor Area (Heated Space):	1,000 square feet for residences
Curb & Gutter:	Not required
Paved Driveway:	Not required
Sewage System:	Septic tank permitted
Water System:	Well or County water

SECTION 803: R-1: SINGLE-FAMILY RESIDENCE DISTRICT

PURPOSE:

It is the intent of this district to provide for single-family residential dwellings of a low density character on individual lots.

PERMITTED USES:

Those permitted uses common to all single-family residential districts.

ACCESSORY USES:

Those accessory uses common to all single-family residential districts.

CONDITIONAL USES:

Upon application to, and recommendation by the Planning Commission and favorable decision thereon by the Board of County Commissioners, the following conditional uses are permitted in this district:

Those conditional uses common to all single-family residential districts.

CONDITIONAL EXCEPTIONS:

Those conditional exceptions common to all single-family residential districts.

SPACE LIMITS:

Minimum Lot Area:	43,560 square feet (1 Acre)
Minimum Lot Width:	150 feet
Minimum Front Yard:	75 feet from right-of-way line
Minimum Side Yard:	20 feet
Minimum Rear Yard:	40 feet
Maximum Height:	35 feet
Minimum Floor Area (Heated Space):	1,200 square feet
Curb & Gutter:	Yes
Paved Driveway:	Yes
Sewage System:	Septic tank permitted
Water System:	County water system

SECTION 804: R-1A: SINGLE-FAMILY RESIDENCE DISTRICT

PURPOSE:

It is the intent of this district to provide for single-family residential dwellings of a low to moderate density character

on individual lots.

PERMITTED USES:

Those permitted uses common to all single-family residential districts.

ACCESSORY USES:

Those accessory uses common to all single-family residential districts.

CONDITIONAL USES:

Upon application to, and recommendation by the Planning Commission and favorable decision thereon by the Board of County Commissioners, the following conditional uses are permitted in this district:

1. Those conditional uses common to all single-family residential districts.

CONDITIONAL EXCEPTIONS:

Those conditional exceptions common to all single-family residential districts.

SPACE LIMITS:

Minimum Lot Area:	30,000 square feet
Minimum Lot Width:	150 feet
Minimum Front Yard:	75 feet from right-of-way line
Minimum Side Yard:	20 feet
Minimum Rear Yard:	40 feet
Maximum Height:	35 feet
Minimum Floor Area (Heated Space):	1,200 square feet
Curb & Gutter:	Yes
Paved Driveway:	Yes
Sewage System:	Septic tank permitted
Water System:	County water system

SECTION 805: R-2: SINGLE-FAMILY RESIDENCE DISTRICT

PURPOSE:

It is the intent of this district to provide for single-family residential dwellings of a moderate density character on individual lots when served by septic tanks or public sewer system. Residential subdivisions in this district over 8 acres in total area shall have access onto an arterial road as identified in the Land Use Plan.

PERMITTED USES:

Those permitted uses common to all single-family residential districts.

ACCESSORY USES:

Those accessory uses common to all single-family residential uses.

CONDITIONAL USES:

Upon application to, and recommendation by the Planning Commission and favorable decision thereon by the Board of Commissioners, the following conditional uses are permitted in this district:

Those conditional uses common to all single-family residential districts.

CONDITIONAL EXCEPTIONS:

Those conditional exceptions common to all single-family residential districts with the exception of taxidermy.

SPACE LIMITS:

Minimum Lot Area:	25,000 square feet if on septic tank system, 18,000 square feet if on public sewer system
Minimum Lot Width:	125 feet on septic tank system, 100 feet on public sewer system
Minimum Front Yard:	50 feet from right-of-way line
Minimum Side Yard:	15 feet

Minimum Rear Yard:	40 feet
Maximum Height:	35 feet
Minimum Floor Area (Heated Space):	1,200 square feet
Curb & Gutter:	Yes
Paved Driveway:	Yes
Sewage System:	Septic tank permitted if lot size exceeds 25,000 square feet
Water System:	County water system

SECTION 806: R-3: SINGLE-FAMILY RESIDENCE DISTRICT:

PURPOSE:

This district is to provide for single-family residential development on smaller lots where public sewer systems are provided.

PERMITTED USES:

1. Those permitted uses common to all single-family residential districts
2. Cluster Home developments
3. Manufactured homes

ACCESSORY USES:

Those accessory uses common to all single-family residential districts.

CONDITIONAL USES:

Upon application to, and recommendation by the Planning Commission and favorable decision thereon by the Board of County Commissioners, the following conditional uses are permitted in this district:

Those conditional uses common to all single-family residential districts.

CONDITIONAL EXCEPTIONS:

Those conditional exceptions common to all single-family residential districts with the exception of taxidermy.

SPACE LIMITS:

Minimum Lot Area:	12,000 square feet
Minimum Lot Width:	75 feet
Minimum Front Yard:	50 feet from right-of-way line
Minimum Side Yard:	10 feet
Minimum Rear Yard:	40 feet
Maximum Height:	35 feet
Minimum Floor Area (Heated Space):	1,050 square feet
Curb & Gutter:	Yes
Paved Driveway:	Yes
Sewage System:	Sanitary sewer required
Water System:	County water system

MISCELLANEOUS PROVISIONS:

Cluster home developments shall be treated as a single-zoning lot; however, the maximum permissable density shall not exceed 3.6 dwelling units per acre.

SECTION 807: RD: TWO-FAMILY RESIDENCE DISTRICT

PURPOSE:

This district provides for two-family dwellings on lots of moderate size when served by septic tank or by public sewer systems.

PERMITTED USES:

1. Attached single-family dwellings
2. Two-family dwellings

3. Crop gardens

4. Local, State and Federal governmental buildings

5. Publicly owned and operated parks and recreation areas

6. Temporary buildings and storage of materials in conjunction with construction or a building on a lot or adjacent lots where residential construction is taking place.

ACCESSORY USES:

Those accessory uses common to all single-family residential districts.

CONDITIONAL USES:

Upon application to, and recommendation by the Planning Commission and favorable decision thereon by the Board of County Commissioners, the following conditional uses are permitted in this district:

Those conditional uses common to all single-family residential districts with the exception of garage apartments and basement apartments.

CONDITIONAL EXCEPTIONS:

Those conditional exceptions common to all single-family residential districts with the exception of taxidermy.

SPACE LIMITS:

Minimum Lot Area:	1.25 acres per two-family dwelling on septic tank systems; 30,000 square feet per two-family dwelling on public water and/or sewer system
Minimum Lot Width:	125 feet
Minimum Front Yard:	60 feet from right-of-way line
Minimum Side Yard:	30 feet
Minimum Rear Yard:	40 feet
Maximum Height:	35 feet

Minimum Floor Area (Heated Space):	800 square feet per dwelling unit
Curb & Gutter:	Yes
Paved Driveway:	Yes
Sewage System:	Septic tank permitted
Water System:	County water system

SECTION 808: RM: MULTIPLE-FAMILY RESIDENCE DISTRICT

PURPOSE:

It is the intent of this district to provide for the development of multiple-family residences at moderate to high densities on lots where public water and sewer systems are provided.

PERMITTED USES:

1. Multiple-family dwellings, including fee-simple townhouses or cluster homes.
2. Boarding and rooming houses
3. Local, State and Federal governmental buildings
4. Publicly owned and operated parks and recreation areas
5. Temporary buildings and storage of materials in conjunction with construction of a building on a lot or adjacent lots where residential construction is taking place.

ACCESSORY USES:

None.

CONDITIONAL USES:

Upon application to, and recommendation by the Planning Commission and favorable decision thereon by the Board of County Commissioners, the following conditional uses are permitted in this district:

Those conditional uses common to all single-family residential districts with the exception of garage apartments and basement apartments.

CONDITIONAL EXCEPTIONS:

Those conditional exceptions common to all single-family residential districts with the exception of taxidermy.

SPACE LIMITS:

Minimum Lot Area:	4,356 square feet per dwelling unit (10 dwelling units/acre)
Minimum Lot Width:	100 feet
Minimum Front Yard:	60 feet from right-of-way line
Minimum Side Yard:	15 feet
Minimum Rear Yard:	20 feet
Maximum Height:	Four stories or 45 feet, whichever is less
Minimum Floor Area (Heated Space):	700 square feet for a one-bedroom unit, 1000 square feet per two-bedroom unit, and for three or more bedroom units 200 additional square feet per bedroom.
Curb & Gutter:	Yes
Paved Driveway:	Yes
Sewage System:	Sanitary sewer required
Water System:	County water system

MISCELLANEOUS PROVISIONS:

For the purpose of promoting innovative design and building siting all multiple-family developments shall be treated as one lot with setbacks applying to exterior property lines. The maximum permissable density for a multiple-family development shall be ten (10) dwelling units per acre. Any portion of a multiple-family site designated as floodplain shall not be included in the density calculation.

SECTION 809: RMH - MOBILE HOME DEVELOPMENT DISTRICT

PURPOSE:

It is the purpose of this district to accommodate mobile home developments in accordance with the procedures, requirements and limitations set forth in Article IX of this Ordinance. Within such developments, mobile home developments may be established subject to the requirements and limitations set forth in these and other regulations of Henry County. It is intended that such mobile home developments shall be so located, designed, and improved as to provide a desirable residential environment, protection from potentially adverse neighboring influences, protection from adjacent residential properties, and access for vehicular traffic without traversing local streets in adjoining residential neighborhoods. Mobile home developments including mobile home parks, and mobile home subdivisions shall be located on a thoroughfare having minimum classifications of arterial.

PERMITTED USES:

1. Mobile homes on individual lots
2. Mobile home developments and communities including mobile home parks and subdivisions
3. Manufactured housing
4. Local, State and Federal governmental buildings
5. Publicly owned and operated parks and recreation areas

ACCESSORY USES:

1. One office/maintenance building incidental to use by residents of a mobile home park.
2. Commercial and service establishments intended to serve only persons within the mobile home park when located within mobile home parks and occupying not more than three (3) percent of the total land area of the mobile home park.
3. Home occupations
4. No mobile home sales or repair facilities of any type (including automobile repair) shall be permitted.

CONDITIONAL USES:

None.

CONDITIONAL EXCEPTIONS:

None.

SPACE LIMITS:

Mobile Homes and Manufactured Housing on Individual Lots or In Subdivisions:

Minimum Lot Area:	18,000 square feet on public water and sewer system; 25,000 square feet on septic tank system
Minimum Lot Width:	100 feet
Minimum Front Yard:	60 feet from right-of-way line
Minimum Side Yard:	15 feet
Minimum Rear Yard:	40 feet
Maximum Height:	35 feet
Minimum Floor Area (Heated Space):	720 square feet
Curb & Gutter:	Yes
Paved Driveway:	Yes
Sewage System:	Septic tank permitted
Water System:	County water system

Mobile Home Parks:

Minimum Site Area:	25 acres
Minimum Site Width:	200 feet fronting on street having minimum classification of arterial
Minimum Lot Area:	14,520 square feet
Minimum Lot Width at Pad Location:	60 feet
Minimum Front Yard:	40 feet from right-of-way line

Minimum Side Yard:	10 feet
Minimum Rear Yard:	20 feet
Maximum Height:	35 feet
Minimum Floor Area (Heated Space):	720 square feet
Curb and Gutter:	Yes
Paved Driveway:	Yes
Sewage System:	Sanitary sewer required
Water System:	County water system

MISCELLANEOUS PROVISIONS:

1. All mobile homes locating in a mobile home development subsequent to the date of adoption of this Ordinance shall provide documentation of compliance with the National Mobile Home Construction and Safety Act or compliance with specifications presented by the American National Standards Institute. Existing mobile homes within County mobile home developments not in compliance with either of these standards are non-conforming.

2. No mobile home or accessory structure shall be located within two hundred (200) feet of the right-of-way line of any Federal or State highway.

3. No mobile home or accessory structure shall be located within forty (40) feet of any exterior boundary of a mobile home park.

4. Each mobile home space within a park shall be clearly delineated and shall abut a paved street of not less than twenty-six (26) feet in width.

5. Mobile home development site plan and other regulatory requirements are contained in Article IX of this Ordinance.

6. Floodplain and undevelopable land are not to be included in the minimum site area.

SECTION 810: OI: OFFICE/INSTITUTIONAL DISTRICT

PURPOSE:

The Office/Institutional District is intended to encourage

development of suitable business and professional enterprise, hospitals, medical and dental facilities of a character and density deemed compatible with the primary purpose of this district. Limited retail uses normally appurtenant to office/institutional uses are also permitted.

PERMITTED USES:

1. Churches and similar religious facilities
2. Clubs and lodges of a business character
3. Colleges and universities, business colleges, vocational-technical schools.
4. Hospitals and clinics, but not veterinary facilities
5. Libraries, museums and art galleries.
6. Medical and dental clinics and offices
7. Nursing and rest homes
8. Professional and business offices providing that wholesale or retail merchandise is not offered for sale.
9. Public and governmental buildings and offices
10. Retail uses in conjunction with and normally appurtenant to office/institutional uses to include florist shops, cafeterias and snack shops located within office or medical buildings, pharmacies and gift shops.
11. Other uses as may be determined by the Planning Staff to be similar and compatible with the above-listed permitted uses.

ACCESSORY USES:

Parking lots and parking structures of a commercial nature.

CONDITIONAL USES:

None.

CONDITIONAL EXCEPTIONS:

None.

SPACE LIMITS:

Minimum Lot Area: 20,000 square feet

Minimum Lot Width:	100 feet
Minimum Front Yard:	50 feet from right-of-way line
Minimum Side Yard:	15 feet
Minimum Rear Yard:	20 feet
Maximum Height:	Six stories

SECTION 811: C-1: NEIGHBORHOOD COMMERCIAL DISTRICT

PURPOSE:

The neighborhood Business District provides a location for limited retail and service uses to satisfy the common and frequent needs of the residents of nearby residential neighborhoods. It is the intent of this district to encourage such uses to be a part of a neighborhood convenience (a continuous architectural unit) center on a street of appropriate classification proximate to the neighborhood(s) to be served.

PERMITTED USES:

1. Apparel stores

2. Automobile service stations; provided that petroleum derivatives are stored in accordance with safety requirements of existing County ordinances pertaining thereto, and that all pumps and structures are placed not less than fifteen (15) feet from the nearest right-of-way line of any street or highway; provided further that where any lot line of any service station property abuts other property of any residential zoning classification there shall be a yard space of not less than forty (40) feet from those lines of such property which are not also right-of-way lines of a street or highway in which no gasoline pumps or any standing structures shall be installed or constructed, provided also that the property upon which an automobile service station is established and operated shall have at least one frontage on an arterial or a major collector street for a minimum of one hundred (100) feet, and said lot shall be at least one hundred (100) feet in depth.

3. Antique and art shops provided there is no outdoor display areas.

4. Banks, including drive-in banks, provided that both the

teller's cage and vehicles awaiting service are located completely off the public right-of-way and provision is made to accommodate a minimum of five (5) waiting vehicles per service window.

5. Bakeries, whose entire products are sold at retail on the premises.

6. Barber shops, beauty parlors and similar personal service establishments.

7. Bicycle sales and repair shops

8. Books, stationery and card shops

9. Business and professional offices

10. Clothes cleaning agencies, pressing establishment, laundry pickup stations.

11. Catering establishments

12. Confectionary (candy) stores

13. Custom dress making or millinery shops

14. Dog and cat grooming and supplies, but excluding pet sales and facilities for the overnight keeping of animals.

15. Drug stores and apothecary shops

16. Dry goods, notions

17. Electrical appliance repair shops

18. Florist and gift shops

19. Gift and card shops

20. Grocery, fruit, vegetable, and meat markets, including supermarkets, but no killing, eviscerating, skinning, plucking or smoking of food products is permitted.

21. Indoor recreation including bowling alleys, theaters, pool rooms and electronic machines.

22. Hardware and appliance stores selling predominately at retail

23. Jewelry stores

24. Laundromats

25. Loan office

26. Music stores

27. Neighborhood shopping centers

28. News and tobacco shops

29. Package (beer and wine) stores

30. Paint and decorating stores

31. Photographers (including the sale of supplies and equipment)

32. Public and governmental buildings

33. Quick copy print shops when employing not more than five (5) employees

34. Radio/Television Repair (including the sale of supplies and equipment)

35. Restaurants when a part of a neighborhood shopping center

36. Shoe stores and shoe repair shops

37. Tailors and clothing shops

38. Taxi office

39. Other retail and service uses as may be determined by the Planning Staff to be similar and compatible with the above listed permitted uses.

ACCESSORY USES:

Those uses determined by the Planning Staff to be customarily appurtenant to those uses permitted in this district.

CONDITIONAL USES:

None.

CONDITIONAL EXCEPTIONS:

None.

SPACE LIMITS:

Minimum Lot Area:	10,000 square feet
Minimum Lot Width:	60 feet
Minimum Front Yard:	50 feet from right-of-way line
Minimum Side Yard:	None, but 30 feet if a corner lot
Minimum Rear Yard:	20 feet
Maximum Height:	35 feet

SECTION 812: C-2: GENERAL COMMERCIAL DISTRICT

PURPOSE:

This district is to provide for a wide range of retail, service and wholesale establishments requiring a location accessible to large sections of the County population.

PERMITTED USES:

1. Any use permitted in the C-1 District.
2. Ambulance service
3. Auction gallery
4. Automobile wash
5. Automobile service centers and stations, but not including major repair, body and fender work or painting provided that all structures and buildings except principal use signs and including storage tanks shall be located not less than twenty-five (25) feet from any side or rear property lines except where such side or rear property lines abut a street, in which case the setback shall be that required for such streets, including gasoline pumps and storage tanks, except principal use signs, shall comply with the setback requirements of any abutting street. If the automobile service station is located on a corner lot, the means of ingress and egress provided shall be not less than twenty (20) feet from the intersection of street right-of-way lines. Ingress and egress shall be arranged and designed so as to minimize the interference with the flow of vehicular or pedestrian traffic.

6. Bus terminals

7. Business and commercial schools

8. Community and regional shopping centers

9. Dancing schools including group instruction

10. Department stores

11. Drive-in configurations of any business otherwise permitted in this district, provided, that any such establishment shall provide adequate off-street space for the maneuvering and storage of patrons' vehicles, and further provided that there be a sturdy, close woven or solid fence suitable for the retaining of any discarded paper or other material on all sides of the parking area except the front, and provided that no music or loud speaker system shall be installed or operated that can be heard at neighboring residential, motel or motor hotel properties, and providing all lighting shall be directed and shielded so as to light only the property of such establishment.

12. Furniture stores

13. Professional type assembly and repair of such items as eyeglasses, custom jewelry, prosthetic devices and other similar services and manufacture.

14. Offices

15. Parking lots and structures

16. Pawn shops

17. Pet shops

18. Printing, job, when mechanical operation is not visible from a street, and employing not more than four persons.

19. Radio and television stations, except transmission towers over 35 feet high

20. Restaurants

21. Stationery and office machines sales and service

22. Upholstery shops

23. Wholesale stores, but not establishments operated primarily as a warehouse. A wholesale store shall be

distinguished from a warehouse if there is at least one square foot or more of office, sales and display space for each square foot of warehousing space, and the building is so arranged as to encourage walk-in trade.

24. Other uses as may be determined by the Planning Staff to be similar and compatible with the above listed permitted uses.

ACCESSORY USES:

Those uses determined by the Planning Staff to be customarily appurtenant to those uses permitted in this district.

CONDITIONAL USES:

Upon application to, and recommendation by the Planning Commission and favorable decision thereon by the Board of County Commissioners, the following conditional uses are permitted in this district:

1. Animal hospital or clinic, provided there are no outside runs or pens.
2. Building and lumber supply establishments
3. Clubs and lodges
4. Funeral homes
5. Gasoline service stations which conduct major automotive repair.
6. Greenhouses and nurseries including landscape service
7. Mortuaries and crematoriums
8. Outdoor amusement enterprises, including pony riding, miniature golf, carnival and bazaars
9. Radio/Television transmission towers over 35 feet high

SPACE LIMITS:

Minimum Lot Area:	10,000 square feet
Minimum Lot Width:	100 feet
Minimum Front Yard:	50 feet from right-of-way line
Minimum Side Yard:	None, but 30 feet if a

	corner lot
Minimum Rear Yard:	20 feet
Maximum Height:	35 feet

SECTION 813: C-3: HEAVY COMMERCIAL DISTRICT

PURPOSE:

This district is designed to provide for heavier commercial uses and to facilitate the effective use of land situated in relationship to major thoroughfares and highway intersections and interchange areas. Such uses shall be located on a thoroughfare having minimum classifications of arterial.

PERMITTED USES:

1. Automobile and truck sales
2. Boat sales
3. Commercial kennels for boarding of pets
4. Dry cleaning plants not employing more than twenty (20) persons
5. Farmers market
6. Feed and seed stores
7. Heavy equipment sales and service
8. Major automotive repair
9. Mini-warehouses and warehouses without outdoor storage
10. Mobile home sales lots
11. Motels and hotels
12. Outdoor theaters
13. Recreational vehicle sales and service
14. Tire retreading
15. Trade shops, including electrical, plumbing, gutter, machines, and HVAC contractors.
16. Used car and truck sales

17. Other heavy commercial and service activities not primarily of an industrial or manufacturing nature as may be determined by the Planning Staff to be similar to the above listed uses and which are in harmony with the purpose of this district, but not including those uses which are not mentioned in this district but are enumerated in another district.

ACCESSORY USES:

Those uses determined by the Planning Staff to be customarily appurtenant to those uses permitted in this district.

CONDITIONAL USES:

1. Travel Trailer/Recreation Vehicle Parks having a minimum lot area of five (5) acres.

2. Radio/Television transmission towers over 35 feet high.

CONDITIONAL EXCEPTIONS:

None.

SPACE LIMITS:

Minimum Lot Area:	10,000 square feet
Minimum Lot Width:	100 feet
Minimum Front Yard:	70 feet from right-of-way line
Minimum Side Yard:	None, but 30 feet if a corner lot
Minimum Rear Yard:	20 feet
Maximum Height:	Six stories

SECTION 814: M-1: LIGHT MANUFACTURING DISTRICT

PURPOSE:

This district is to provide for light industrial uses, all of which shall be nuisance free and not generators of hazardous wastes. It is intended that light manufacturing uses shall be located on either arterial or major collector streets or within industrial parks having access to such thoroughfares.

PERMITTED USES:

1. Any commercial or industrial use which involves manufacturing, processing or assembly operations or the storage and sale of heavy materials, products or equipment; but not including uses which may cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odor, dust, fire hazard or other objectionable conditions to nearby areas.

2. Armories

3. Bakeries and other establishments manufacturing prepared foods and miscellaneous food products.

4. Bottling plants

5. Cabinet shops

6. Canning plants

7. Clinics, cafeterias, employee credit unions and recreational facilities for employees only

8. Cold storage, ice plants and freezer lockers

9. Cosmetics and pharmaceuticals

10. Dairy plants and ice cream manufacturing

11. Distribution of products and merchandise

12. Dry cleaning and laundering establishments

13. Education and training facilities

14. Electrical appliances and equipment, sales and repairs

15. Electronic manufacturing and assembly plants

16. Fabricating shops such as woodworking, upholstery and sheet metal shops

17. Garages, repair shops and machine shops

18. Machine shop

19. Offices and administrative facilities

20. Plumbing shops and other contractors, including open storage of materials when located in the rear yard.

21. Printing, publishing and reproducing establishments

22. Sign painting and fabricating shops

23. Textile manufacturing plants

24. Wholesaling or warehousing

25. Other uses as may be determined by the Planning Staff to be similar and compatible with the above-listed permitted uses.

ACCESSORY USES:

Those determined by the Planning Staff to be customarily appurtenant to those uses permitted in this district.

CONDITIONAL USES:

Upon application to, and recommendation by the Planning Commission and favorable decision thereon by the Board of County Commissioners, the following conditional uses are permitted in this district:

1. Airports and heliports

2. Radio and television transmission towers over 35 feet high

CONDITIONAL EXCEPTIONS:

1. Caretakers quarters

2. One (1) mobile home for use as a temporary office

SPACE LIMITS:

Minimum Lot Area:	30,000 square feet
Minimum Lot Width:	100 feet
Minimum Front Yard:	70
Minimum Side Yard:	None, but 30 feet if a corner lot
Minimum Rear Yard:	20 feet
Maximum Height:	35 feet

SECTION 815: M-2: HEAVY MANUFACTURING DISTRICT

PURPOSE:

This district provides for the broadest range of industrial operations permitted in the County. It is the district for location of those industries which have not reached a technical stage which renders them free of all nuisance factors. These uses are to be located on either an arterial or major collector street or when located within in an industrial park shall have access to such thoroughfares.

PERMITTED USES:

1. Any use permitted in the M-1 Light Manufacturing District provided there is no generation of nuisance conditions or hazardous wastes.
2. Acid manufacture and storage
3. Bulk petroleum plants
4. Cement, lime, gypsum or plaster of paris manufacture
5. Ceramic products limited to use of electric kilns
6. Commercial livestock processing or feedlots
7. Concrete, cement products or clay products manufacture
8. Feed, grain, or fertilizer manufacture or storage
9. Food processing plants
10. Foundry or forging plants
11. Grain elevators
12. Ice manufacture, including dry ice plants
13. Lumber yard for wholesaling of building products
14. Planing and sawmills
15. Poultry killing, plucking or processing plants
16. Railroad yards
17. Re-cycling centers
18. Rock, sand or gravel distribution or storage

19. Sheet metal products

20. Tinsmith/roofing operations

21. Truck terminals

22. Other uses as may be determined by the Planning Staff to be similar and compatible with the above-listed permitted uses.

ACCESSORY USES:

Those uses determined by the Planning Staff to be customarily appurtenant to those uses permitted in this district.

CONDITIONAL USES:

Upon application to, and recommendation by the Planning Commission and favorable decision thereon by the Board of County Commissioners, the following conditional uses are permitted in this district:

1. Airports and landing areas

2. Radio/Television transmission towers over 35 feet high

3. Asphalt and concrete batching plants

4. Central mixing plants for cement, mortar, plaster or housing materials.

5. Development of natural resources including the removal of minerals and natural materials together with necessary buildings and machinery, provided:

   A. Any extension of quarrying operations beyond the property lines actually being quarried at the effective date of this Ordinance shall be considered as a new operation and shall be subject to requirements herein.

   B. Quarry areas being excavated shall be entirely enclosed within a fence located at least ten (10) feet back from the edge of any excavation and of such construction and height as to be demonstrably able to exclude children and livestock.

   C. At the time of application for use permit the owners or operators of the quarry shall present to the Commissioners comprehensive plans for the re-use of the property at the cessation of the quarry operation.

6. Salvage and junk yards, provided any such use is screened from public view by a solid wall, planted screen or similar opaque partition at least six (6) feet in height, and provided such wall or opaque partition is set back at one hundred (100) feet from all property lines.

7. Sanitary landfills when designed and operated in accordance with provisions of this Ordinance and complying with regulations of the Georgia Environmental Protection Division.

CONDITIONAL EXCEPTIONS:

1. Caretakers quarters

2. One (1) mobile home for use as a temporary office

SPACE LIMITS:

Minimum Lot Area:	One acre
Minimum Lot Width:	150 feet
Minimum Front Yard:	70 feet
Minimum Side Yard:	None, but 30 feet if a corner lot
Minimum Rear Yard:	40 feet
Maximum Height:	75 feet

SECTION 816: -PD: PLANNED DEVELOPMENT DISTRICT

PURPOSE:

It is the intent of this district to encourage development of compatible land uses on a scale larger than that of individual small parcels. This district is designed to be appended to a residential, commercial, or industrial district to provide greater latitude with regard to the internal site planning considerations of a group development. All planned developments shall be consistent with the County Land Use Plan. For purposes of zoning compliance, a Planned Development property shall be treated as one lot. All Planned Developments shall be located on a street having minimum classification of minor arterial. Planned developments containing a mixture of residential, commercial or industrial uses shall be prohibited. Each area developed for residential, commercial, or industrial uses within a Planned Development district shall therefore be zoned separately

according to the appropriate zoning district.

PERMITTED USES:

Residential Planned Development

1. Single-family, attached single-family, two-family, cluster-home, townhouse, multiple-family development, provided however, that attached single-family, two-family and multiple family developments cannot occur in combination with single-family development.

2. Public buildings and recreational facilities for use only of residents.

3. Other uses as may be determined by the Planning Staff.

Office Planned Development

1. Professional business, medical and dental offices

2. Public and governmental buildings and offices

3. Cultural facilities

4. Retail uses normally appurtenant to office uses such as florist shops, cafeterias, snack shops, pharmacies and gift shops when located on the ground floor of an office structure.

Shopping Center Planned Development

1. Any use permitted in the C-1 or C-2 Districts when part of a shopping center.

2. Department stores

3. Other retail and service uses as determined by the Planning Staff to be similar to uses permitted in the C-1 or C-2 districts.

Industrial Park Planned Development

1. Any use permitted in the M-1 District with the exception of the following:

    1. Armories

    2. Cold storage, ice plants and freezer lockers

    3. Garage and repair shops

4. Other uses as may be determined by the Planning Staff to be similar and compatible with uses permitted in the M-1 District.

GENERAL PROVISIONS:

In order to qualify for a Planned Development zoning classification, a proposed Planned Development must first meet the following specific requirements:

1. The area proposed shall be in one ownership, or if in several ownerships the application for amendment to the Zoning Ordinance shall be filed jointly by all of the owners of the properties included in the plan. Any subsequent change in owners of the property involved, or in anyone having a legal or equitable interest in the property, shall be reported to the Planning and Zoning Department. Failure to provide current information on property ownership status may result in the Board of Commissioners withdrawing approval.

2. A sketch plan of the proposed Planned Development shall be submitted to the Planning Staff for review. The sketch plan may be a free-hand sketch made on a plat showing topography, having contour intervals of ten (10) feet or less. The sketch plan shall include all of the contiguous property under one ownership and shall contain the following information:

   - The Planned Development name;
   - The owner and designer of the Planned Development;
   - Date, scale and north arrow;
   - Proposed uses and the acreage in each proposed use;
   - Acreage in the total tract;
   - Any proposed street design and layout;
   - Vicinity map;
   - Approximate number of lots, if any, and approximate lot boundaries;
   - Proposed buffers and/or screening, if required;
   - Location of proposed buildings.

3. A formal development plan shall be prepared incorporating comments and modifications suggested by the Planning

Staff.

This plan shall be reviewed and approved by the Planning Commission and the Board of Commissioners. Specifically, such plan shall include the following elements, where applicable:

A. A plot plan drawn to scale by a registered engineer, land surveyor, or architect showing the exact dimensions of the parcel or parcels of land under consideration, and including the following:

1. A site plan drawn to scale (1" = 100' or 1" = 50') and indicating all property dimensions, platting and street systems, proposed building sites, and sizes, types of use proposed for buildings, plans for the protection of abutting properties, means of ingress and egress, access and circulation arrangements, off-street parking and loading facilities, proposed reservation or dedications for streets and other public facilities, and, if requested, two-foot contour intervals. The site plan shall include the name of the development and the developers, a north point, the depth of field survey, tract boundary lines, dimensions, bearing, angles and reference points to at least two (2) permanent monuments for reference points.

2. If the proposal includes the subdivision of land for any purpose or the provision of new streets, the information required above and any additional information required with the submittal of Preliminary Plats under the Subdivision Regulations of Henry County, the site plan shall be processed simultaneously as a Preliminary Plat under the Subdivision Regulations of Henry County and as a part of the application for a Planned Development District classification as provided for in this Ordinance.

B. A written report shall be submitted by the applicant, reviewed and approved by the Planning Staff, Planning Commission, and Henry County Board of Commissioners, and such report shall explain the type, nature, intent and characteristics of the proposed development, and shall specifically include, where applicable:

1. A general description of the proposal;

2. A detailed legal description of the location of the site;

3. Proposed standards for development, including restrictions on the use of the property, density standards, yard requirements, and restrictive covenants;

4. Proposed dedication of land for public use, including streets, easements, parks and school sites;

5. Exceptions or variations from the requirements of the Zoning Ordinance if any, are being requested;

6. Plans for the provision of utilities, including water, sewer and drainage facilities and appropriate calculations regarding the sizing of drainage areas and pipes.

7. Plans for protection of abutting properties;

8. Tables showing the total number of acres in the proposed development and the percentage designated for each proposed type of land use, including public facilities;

9. Plans for open space, courts, walks, and common areas; and

10. Tabulations of the overall density for residential uses, if any such uses are proposed, and other data that the Planning Staff, Planning Commission, or the Board of County Commissioners may require.

B. The Planning Staff may also request that the applicant have prepared by a qualified professional an environmental impact report. This report shall objectively discuss positive and negative impact of the proposed development on adjacent land uses, traffic patterns and volumes, vegetation and wildlife habitat and area aesthetics. An environmental impact report shall be mandatory if a proposed project generates 2,000 vehicle trips per day or adds at least 30,000 gallons per day to sewage treatment plant capacity.

ADMINISTRATIVE PROCEDURES:

Any request to establish a -PD District shall be considered an amendment to the Zoning Ordinance and shall be processed in accord with procedures established herein.

The proponents of the Planned Development shall begin construction exactly as proposed within two years of the recording of the amendments. If such construction is not commenced and pursued in an orderly manner toward completion, the Board of Commissioners may initiate action to abolish the zoning or reduce the size of the tract to fit the scope of the actual development. It is intended that a Planned Development District be designed to carry out the objectives of the planning practices established by this Ordinance and to be so developed within a reasonable time.

It is recognized that changes in the detail of an originally proposed plan could occur. The Planning Commission is therefore authorized to act on proposed changes from the original plan provided said changes do not materially affect the basic design or negate any special features which were designed to facilitate traffic or preserve neighborhood character.

SPACE LIMITS:

Minimum Lot Area:	10 acres
Minimum Lot Width:	200 feet
Minimum Front Yard:	60 feet from right-of-way line
Minimum Side Yard:	None, but 50 feet if non-residential uses abut a residential district and 100 feet if M-1 industrial uses abut a residential district.
Minimum Rear Yard:	None, but 50 feet if non-residential uses abut a residential district and 100 feet if M-1 industrial uses abut a residential district.
Maximum Building Height:	Same as for uses in the primary district to which the -PD District is appended.

Minimum Floor Area	The floor area required by the primary district to which the -PD is appended.

Maximum Permissable Density:

Residential Planned Development:	For single-family detached seven dwelling units per acre; for attached single-family and two-family eight dwelling units per acre; for multiple-family 12 dwelling units per acre.
Office Planned Development:	85,000 square feet per net acre for offices.
Shopping Center Planned:	17,500 square feet per net acre for commercial uses.
Industrial Planned:	26,000 square feet per net acre

MISCELLANEOUS PROVISIONS:

Buffer requirements of this Ordinance will be met by Planned Developments. The size of required buffers shall be determined by the classification of the Planned Development.

SECTION 817: -FP: FLOOD-PROTECTION DISTRICT

PURPOSE:

Within the land area covered by this Ordinance, there exists land which is subject to periodic flooding and inundation. Development of these lands is regulated by provisions contained in the Federal Insurance Administration Flood Hazard Boundary Map for Henry County of which is made a part of the Henry County Zoning Ordinance by reference.

The flood hazard boundary maps (FHBM) and the flood insurance rate maps (FIRM) for Henry County are also made a part of the Henry County Zoning Ordinance by reference and shall be used to determine the location and extent of flood prone areas.

PERMITTED USES:

Any use permitted in provisions of the Henry County Flood Protection Ordinance, provided these uses are permitted in the primary district to which this district is appended.

ACCESSORY USES:

Any accessory use permitted in provisions of the Henry County Flood Protection Ordinance, provided these uses are permitted in the primary district to which this district is appended.

CONDITIONAL USES:

None.

CONDITIONAL EXCEPTIONS:

None.

SECTION 818: -TWPD: WATERSHED PROTECTION DISTRICT

PURPOSE:

The purpose of this district is to protect the Towaliga River watershed area which has a unique environmental importance to Henry County. This district is intended to maintain the current high water quality of the surface water (rivers, creeks, streams and springs) and underground water of the Towaliga River Basin and to preserve and ensure the same continuing high water quality of said basin for the future. The zoning for said district is intended to provide for certain permitted uses as hereinafter provided and to protect the underground and surface water of said basin from the polluting effects of more intense development and from encroachments of those uses that are not compatible with a protected watershed.

The Towaliga Watershed Protection District shall hereinafter be referred as the TWPD.

The TWPD is described and designated as all that parcel of tract of land that lies in the 2nd, 3rd, 6th and 7th Districts of Henry County, Georgia, as delineated on the Towaliga Watershed Map which is by reference attached hereto and made a part of this Ordinance.

PERMITTED USES:

The following uses of the property located within TWPD are permitted provided they meet all the requirements stated in

this Ordinance:

1. Single-family dwellings.

2. Multi-family dwellings that are served by public sewerage.

3. Row crops and pasture.

4. Commercial agriculture so long as the commercial agricultural activity and any other activity associated therewith complies with Georgia Pesticide Act of 1976, Georgia Pesticide Use and Application Act of 1976, and Georgia Laws 1982, House Bill 1780 (O.C.G.A.2-1-4).

5. Non-commercial agriculture, poultry, horse and livestock raising as an accessory use to a single-family dwelling for the principal benefit of the occupants thereof.

6. Riding stables and academies.

7. Sale of products and commodities raising on the premises only.

8. Accessory buildings.

9. Home occupations.

10. Public, private or parochial, elementary and high schools and publicly owned and operated community structures, lands and athletic fields.

11. Public utility structures.

12. Privately operated day nurseries, preschools and kindergartens.

13. Churches and other places of worship and accessory facilities.

14. Public and private golf courses and accessory facilities.

15. Fishing clubs and fishing lakes, swimming pools, hunting and hunting clubs, gun clubs, golf driving ranges and similar recreational uses.

16. Lakes and impoundments built to Soil Conservation Service specifications.

17. Authorized commercial activities that are not hereinafter prohibited.

18. Authorized industrial activities that are not hereinafter prohibited.

ACCESSORY USES:

Those accessory uses common to all single-family residential districts.

CONDITIONAL USES:

None.

CONDITIONAL EXCEPTIONS:

None.

PROHIBITED USES:

The following uses are specifically prohibited within the -TWPD:

1. No sewage treatment facility shall be constructed in the -TWPD unless prior approval is granted by Henry County Water and Sewerage Authority and E.P.D.

2. No commercial business which uses, sells, stores or maintains any toxic chemicals, toxic wastes or toxic products.

3. No agricultural business which uses, sells, stores or maintains any toxic chemicals, toxic wastes or toxic products.

4. No agricultural activity that does not strictly comply with Georgia Pesticide Act of 1976, Georgia Pesticide Use and Application Act of 1976, and Georgia Laws 1932, House Bill 1780 (O.C.G.A.2-1-4).

5. No industry, business or facility which uses, makes or creates as a product or byproduct any toxic wastes, heavy materials, grease, animal fat or organic loading.

6. No dumping, discharging, releasing, spraying, distributing of any toxic or other harmful products onto the land, into the atmosphere or in a stream or body of water located in the area above described.

SPACE LIMITS:

Any setback measurements stated herein shall be measured from the outer edge of any river, creek, stream, spring or body of water that is located within -TWPD, or the outer property line of any property owned, operated, managed or maintained by Henry County or the Henry County Water and Sewerage Authority as a water source, whichever is greater.

1. For any property located within 1,000 feet to any property owned, managed, maintained or operated by Henry County or by the Henry County Water and Sewerage Authority as an existing water source or reservoir within the -TWPD or any property that is designated by Henry County or the Henry County Water and Sewerage Authority as a reservoir within the -TWPD shall conform to the following minimum space limits:

   Agricultural and Residential Uses:

Minimum Lot Area:	3 acres
Minimum Front, Side and Rear Yard:	250 feet
Minimum Setback for Nitrification Field Lines:	250 feet
Minimum Setback for Cultivation:	250 feet

   Commercial Uses:

   None permitted.

   Industrial Uses:

   None Permitted

2. For other properties located within the -TWPD but not located within 1,000 feet of any property owned, managed, maintained or operated by Henry County or by the Henry County Water and Sewage Authority as an existing water source or reservoir, the following minimum space limits shall apply:

   Agricultural Uses:

Minimum Lot Area:	3 acres
Minimum Front, Side and	

Rear Yards:	100 feet
Minimum Setback for Nitrification Field Lines:	100 feet

Residential Uses:

Minimum Lot Area:	1.25 acres for Single-Family dwellings unless served by public sewerage; 30,000 square feet per two-family dwellings (only to be served by public sewerage); and 4,356 square feet per dwelling unit for multiple-family dwellings (only to be served by public sewerage)
Minimum Front, Side and Rear Yards:	100 feet
Minimum Setback for Nitrification Field Lines for Single-Family Dwellings:	100 feet

Commercial Uses:

Minimum Lot Area:	1.25 acres
Minimum Front, Side and Rear Yards and Parking Lots:	200 feet
Minimum Setback for Nitrification Field Lines:	200 feet

Industrial Uses:

Minimum Lot Area:	5 acres
Minimum Front, Side and Rear Yards and Parking Lots:	200 feet
Minimum Setback for Nitrification Field Lines:	200 feet

MISCELLANEOUS PROVISIONS:

1. No buildings or accessory buildings shall be constructed any lower than the maximum flood elevation for a distance of one mile downstream from said reservoir dam.

2. Should the owner of a lot, parcel or tract of land, included in the -TWPD propose to subdivide any portion of a property that is located within the -TWPD, the owner or his authorized agent shall submit a plat or drawing to scale showing the exact location of any surface water that is located on or within 250 feet of the subject property prior to a rezoning request for any permit.

3. Variances may be considered by the Board of Commissioners of Henry County or by any municipal governing authority located in the -TWPD as to lot sizes and yards provided that sewage generated by the facility located on said property is serviced by an approved public sewage facility. However, variances can not be made as to any residential, commercial, agricultural or industrial facilities which use, makes or creates as a product or byproduct any toxic substance or wastes.

SPACE LIMITS

All of the space limit provisions of the primary district to which this district is appended shall be complied with.

ARTICLE IX

MOBILE HOME DEVELOPMENT

SECTION 900: USES GOVERNED BY THESE REGULATIONS

Mobile home development, including mobile homes located on individual lots, mobile home parks, mobile home subdivisions, and mobile home condominiums as permitted in the RMH District shall conform with all of the following provisions.

SECTION 901: PRE-APPLICATION MEETING

Prior to filing a formal application for a mobile home development the applicant shall meet with Planning Staff to review sketch development plans to determine conformance with provisions of this Ordinance. A single mobile home to be located on an individual lot is exempt from this requirement but must comply with development provisions of the RMH District. This meeting will familiarize the applicant with County requirements.

SECTION 902: DEVELOPMENT PLANS

The applicant shall file a petition with the Planning and Zoning Department requesting review and approval for a mobile home development. The application shall be accompanied by eight (8) copies of a site plan and narrative report summarizing the development concept and time schedule. The site plan and narrative report shall include at minimum the following information:

Site Plan:

1. The site plan shall be drawn at a scale not to exceed one inch equals one hundred feet and shall include a north arrow and correct scale.

2. Existing topographic conditions including contour intervals of not less than then (10) feet based on field surveys or photogrammetric methods. Contour intervals of less than ten (10) feet may be required on specific parcels.

3. The land, area, exterior dimensions, and bearings and distance of the proposed developed boundaries.

4. All setbacks and lot lines documenting compliance with provisions of this Ordinance; and if a mobile home subdivision is proposed, documentation of compliance with the Henry County Subdivision Regulations.

5. A layout of interior streets and driveways referenced

to exterior thoroughfares. Right-of-way pavement widths shall be depicted.

6. The location of all mobile home lots or pads.

7. The proposed location of all utility lines, easements, and fire hydrants.

8. A preliminary drainage plan prepared and stamped by a registered professional engineer.

9. The location and dimensions of all buffers, recreation areas, structures and appurtenant facilities.

Narrative Report:

1. A legal description of subject property.

2. A statement of the present ownership of all land within the proposed development.

3. A summary of acres, dwelling units, and gross density, as well as a statement of the number of acres devoted to buffer areas, recreation acres, and green belts, or other amenities, such as lakes, etc.

4. A description of the phases under which construction shall be programmed, depicting the geographical limits of each phase of construction.

5. A draft of the proposed rules and regulations which shall be established and enforced by management if the development is a mobile home park.

6. A draft of the text of covenants running with the land which shall be binding on the applicant and/or any future owner of the property so long as the property is used as a mobile home development, which shall provide for perpetual upkeep and maintenance in a clean and healthy state, all grass, lawns, shrubbery, trees, recreation areas, and other natural amenities of the property including buffer zones. Said covenants shall be drawn to the satisfaction of, and subject to approval of Henry County; and Henry County shall be made a party thereto having full powers of enforcement at law or equity or otherwise. Upon approval by the County Attorney said covenants shall be recorded in Superior Court of Henry County and the recording of said covenants shall be a condition precedent to any development, defoliation, or other construction on the property.

In addition, typical elevation drawings, including

general architectural style and buildings exterior materials, if possible, of all permanent buildings and structures to be constructed on the premises shall be submitted. The building elevation drawing may be submitted for approval by the Board of Commissioners at a later date, if necessary.

SECTION 903: APPROVAL OF MOBILE HOME DEVELOPMENT

An application for approval of a mobile home development will be reviewed by the Planning Staff and County Engineer to determine compliance with provisions of this Ordinance, and with other codes and regulations of Henry County. If a rezoning is not necessary, approval is subject to compliance with these provisions.

If a rezoning is required, at a public hearing, the Board of Commissioners may approve , disapprove, or approve with modifications to the site plan and/or narrative report, after receiving the recommendation of the Henry County Planning and Zoning Board.

SECTION 904: MOBILE HOME PARK DEVELOPMENT STANDARDS

Within a mobile home park the following development standards shall be met:

General:

1. All requirements of the County and State Health Departments that are not included in these regulations shall be complied with.

2. All regulations of the County and State Fire Marshall's office shall be adhered to.

3. No permanent addition of any kind shall be built onto or become a part of any mobile home unit unless a building permit is obtained for such additions and the additions comply with the building, electrical, and plumbing codes and other applicable laws of regulations, and further provided that no additions encroach upon the required open spaces as required herein.

4. If no construction or affirmative action to develop the property in accordance with the approved site plan and narrative report occurs within twelve (12) months of the granting of an application for a mobile home park, said park shall become invalid unless extended by official act of the Board of Commissioners, and the property shall revert to its prior or appropriate zoning classification.

5. No mobile home unit shall be admitted to any mobile

home park unless it can be demonstrated that it meets the current requirements of American Standards Association Code Provision A-119.1, "American Standard for Installation in Mobile Homes of Electrical, Heating and Plumbing Systems".

6. Each mobile home shall provide an area for the storage of boats, travel trailers, and/or other vehicles. This storage area shall be adequate to serve the needs of the Mobile Home Park and shall be enclosed by a fence. Storage other than listed in this paragraph shall be enclosed in a building.

7. Each lot shall be defined by a marker at each corner. Precise engineering of lot limits is not defined.

8. Each lot shall provide a paved concrete or all-weather patio area having a minimum area of two hundred (200) square feet.

9. No mobile home or structure shall be located within twenty-five (25) feet of any street, or drive within the mobile home park.

10. Within sixty (60) days of the siting of a mobile home on its lot the under-carriage of said mobile home shall be concealed from view, through the use of permanent, non-flammable construction materials.

11. A chain link fence, or other type fence may be required by the Planning Commission where deemed necessary for the safety of the residents of the mobile home park.

Structural:

1. Each mobile home unit shall be installed on a concrete pad foundation, of which the base block shall be solid and equal in size to the pier block size (a minimum of 8 inches x 8 inches x 16 inches). Top course of said parts of foundation shall be a solid cap block with a minimum dimension of 4 inches x 8 inches x 16 inches. The mobile home unit shall be installed true and plumb. The tongue and wheels shall be removed and an approved permanent skirting shall be installed.

2. Each mobile home in a mobile home park shall be provided with safety tie-downs. The ties shall consist of wire cable or rust-resistant steel straps, and withstand a minimum stress of 4,800 pounds. The cable or strap shall be secured to the mobile home frame and the anchor with a yoke-type fastener and tensioning device, but not with hook-end turn-buckles. Mobile homes

having factory installed over-the-top tie downs shall have these ties secured to the anchors in addition to the frame ties. Mobile homes which do not have factory installed over-the-top tie downs shall be provided with same by the mobile home owner prior to occupancy. Double-wide mobile homes do not require over-the-top tie downs, but are subject to the frame tie requirements applicable to single-wide mobile homes. Four over-the-top and frame and tie combinations are required for single-wide mobile homes sixty feet or less in length. Acceptable types of anchors include expanding anchors, screw augers, and concrete deadmen. Auger type anchors shall be installed to a depth of four feet minimum in the ground. All anchors shall be designated to withstand a pull of 4,800 pounds.

Utilities:

1. Each mobile home park shall be served by central water, sanitary sewer, electricity, gas, and central television antenna system. All utilities shall be located underground.

2. Each mobile home shall be connected with public water and sanitary sewer facilities in a manner approved by Henry County Health Department, Henry County Water and Sewer Authority, and be in compliance with the regulations of the Henry County Building Inspector.

3. Garbage and refuse collection facilities shall be provided by management of the mobile home park.

4. Each mobile home shall be equipped with a fire extinguisher and smoke alarms of a design or type approved by the State Fire Marshall, provided by park owner.

5. An electrical outlet supplying both sixty (60) and one hundred fifty (150) amperes of service shall be provided for each mobile home space. All such outlets shall be weather proof, and installations shall meet the requirements of the National Electrical Code.

6. All private streets, driveways and pedestrian walkways within the mobile home park shall be lighted between sunset and sunrise with electric lights emitting light at an intensity of at least five thousand lumens, and the light poles shall be no more than two hundred fifty (250) feet apart.

Sanitation:

1. The area around and underneath each mobile home unit

shall be kept clean and free from collections of refuse, rubbish, glass bottles, or other unsightly material.

2. Each mobile home space shall be provided with an approved metal garbage container with a tight fitting cover. The container shall be kept in sanitary condition and shall be stored at least three inches off the ground, preferably on a metal rack or hanger for such purpose. Waste shall be removed from the premises and disposed of often enough to prevent creating a nuisance or health hazard and to insure that the garbage can shall not overflow.

3. No mobile home park shall be served by a privy.

4. Every mobile home park shall be equipped at all times with fire equipment in good working order and of such type, size, number and location as to satisfy applicable fire regulations of Henry County provided further that no open fires or burning of leaves or other refuse shall be permitted within the boundaries of any mobile home park.

Recreation and Buffer Areas:

1. A minimum of ten (10) percent of the gross acreage of the mobile home park shall be set aside for the recreational use by residents of the mobile home park. Said recreational park shall be one contiguous tract or several tracts each no smaller than one-half (1/2) acre and located within the mobile home park in such a manner as to be convenient to all its residents. Street open space shall not be included in this percentage. No more than 20% may lie in flood plain area. If the park management fails to maintain open spaces the County may provide this service and file a lien against the property owner. The recreational park shall be located on land suitable for park development and shall contain a sufficient amount of play equipment designed for school age children.

2. A buffer area having a minimum width of forty (40) feet shall be provided so as to provide a continuous buffer along all side and rear yards of any mobile home park. All mobile homes should be set back a minimum of at least fifteen (15) feet.

3. A buffer area having a minimum depth of two hundred (200) feet shall extend along the entire frontage of any mobile home park where it abuts a public thoroughfare.

4. Where the existing foliage in the buffer area is not sufficient to provide and maintain an evergreen visual screen between adjacent properties, landscaping and planting shall be required sufficient to provide visual separation and privacy between mobile home park and adjacent properties and/or street.

5. All buffer areas shall comply with provisions of Article 10 of this Ordinance.

SECTION 905: TRAVEL TRAILER/MOTOR HOME (RV) PARKS

No such park may hereafter be developed or expanded until the site plan thereof has the approval of the Planning Commission, which approval shall be given, provided the plans as submitted meet the following requirements:

1. No such park shall be located except with direct access to an arterial thoroughfare and having a minimum of three hundred (300) feet of frontage thereon to permit adequate design of entrances and exits. No entrance or exit shall be through a residential district, or shall require movement of traffic from the park through a residential district.

2. The minimum area for such park shall be five (5) acres, and maximum density of such park shall be five (5) units per gross acre.

3. Condition of soil, groundwater level, drainage, and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences and no portion subject to unpredictable and/or sudden flooding, subsidence, or erosion shall be used for any purpose which would expose persons or property to hazards.

4. Spaces in such parks may be used by motor coaches, travel trailers, equivalent facilities constructed in or on automotive vehicles, and tents, but not by mobile homes or manufactured housing.

5. Management headquarters, recreational facilities, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to operation of a recreational vehicle park are permitted as an accessory use in any district in which recreational vehicle parks are allowed provided:

   a) Such establishments and the parking areas primarily related to their operations shall not occupy more

than ten (10) percent of the area of the park.

b) Such establishments shall be restricted in their use to occupants of the park.

c) Such establishments shall present no visible evidence of their commercial character which would attract customers other than occupants of the park.

6. In addition to yard requirements, the following limitations shall apply with respect to such parks. No space shall be so located that any part intended for occupancy for sleeping purpose shall be with fifty (50) feet of right-of-way line of any county street or state highway.

7. The regulations governing such parks prescribed by the Health Department, as well as county or state regulations, shall be complied with.

8. All spaces within such parks designed for short-term occupancy of less than thirty days shall be large enough to meet the minimum requirements pertaining to design, buffering, yard space, setback and open areas for the size and type of unit the space is designed to accommodate.

ARTICLE 10

BUFFER AREAS

SECTION 1000: PROVISION FOR PLANTED BUFFER AREAS

It is recognized that the adjacent location of certain land uses may create an incompatible situation that can be mitigated by the installation of a planted buffer. An incompatible situation can arise due to the location of commercial or industrial uses adjacent to residentially-zoned land, or to a lesser extent due to location of mobile home parks or multiple-family residences adjacent to single-family residential districts.

Therefore, when land is to be rezoned for a use creating an incompatible situation, or when a use deemed incompatible is modified or expanded, a planted buffer shall be provided along all side and rear property lines to insulate adjacent properties from adverse impacts.

The following situations constitute creation of incompatibilities and are subject to buffer requirements of this Ordinance:

1. The location of commercial or industrial land use directly adjacent to residentially-zoned land.

2. The location of mobile home parks, duplex developments or multiple-family developments directly adjacent to land zoned for single-family residences.

The Board of Commissioners upon recommendation by the Planning Commission may require a planted buffer between other districts or land uses when it is determined by the Planning Commission that an incompatible situation exists.

SECTION 1001: BUFFER AREA REQUIREMENTS

The required buffer shall provide necessary visual privacy for the conduct of residential lifestyles in an undisturbed environment, and shall provide for the protection and preservation of property values in residential districts.

Planted buffers shall be established and maintained by the owner of the property containing the incompatible land use. The determination of incompatibility shall be based upon the existing character of the area in which the proposed action takes place. For example, proposed development or modification of commercial or industrial land use adjacent to an area developed as residential shall require the owner of the commercial or industrial property to install and maintain the planted buffer. If however, non-residentially zoned land is rezoned for development of residences and

this property is located adjacent to land developed as, or zoned for non-residential use the owner of the property to be rezoned for residences shall be required to install and maintain the buffer.

The requirements for planted buffers are as follows:

1. Where office/institutional, commercial or industrial land uses are contiguous with land zoned for single-family residential use, the minimum width of the required planted buffer shall be forty (40) feet.

2. Where commercial or industrial land uses are contiguous with land zoned for mobile home developments, duplexes, or multiple-family residences, the minimum width of the required planted buffer shall be thirty (30) feet.

3. Where mobile home developments, duplexes, or multiple-family land uses are contiguous with land zoned for single-family residences, the minimum width of the required planted buffer shall be twenty (20) feet.

In all other instances, the minimum width of a planted buffer shall not be less than twenty (20) feet and no more than seventy-five (75) feet. Plantings attaining a minimum height in excess of that required herein might be required to mitigate the impacts of certain projects.

The required planted buffer can be incorporated into the yard setback as specified in the appropriate zoning district. In some instances the Planning and Zoning Department may require a masonry wall or decorative fence as part of the buffer requirement. This would result in a reduction of width of the required buffer.

SECTION 1002: BUFFER AREA SPECIFICATIONS

The following are minimum specifications for required planted buffers. Buffers shall:

1. Be depicted in detail (the type and location of natural and planted vegetation are to be illustrated) on each site plan or plat prior to approval, and shall be designated as a permanent easement.

2. Not to be disturbed by grading, property improvements or construction activities except where necessary to prevent a nuisance, or to thin such natural growth, where too dense to permit normal growth, or to remove diseased, misshapen, or dangerous and decayed timbers. Any contemplated disturbance shall first be brought to the attention of the Planning and Zoning Department formal approval secured prior to initiating activity within required buffer areas.

3. Utilize existing vegetation in an undisturbed state where it has been determined that existing vegetation is appropriate for inclusion within the buffer strip, or when required be supplemented with approved, additional plantings.

4. Retain the natural topography of the land, except when a portion must be cleared and graded as required by the local law to prevent soil erosion or sedimentation.

5. Be completely installed in accordance with the approved plan prior to issuance of the certificate of occupancy.

6. Not be used for temporary or permanent parking or loading, other than for provision of drainage improvements as mandated by local law, or for a structure other than a fence.

7. Attain a minimum height of six feet within three years of the planting date.

SECTION 1003: BUFFER AREA COMPOSITION

In those instances where the natural vegetation and topography are sufficient to achieve the desired level of screening as determined by the Planning Staff a planted buffer shall be provided and shall consist of plant material of such growth characteristics as will provide an acoustical and visual screen. The following plants are approved for use as part of the screening buffer:

1.	**Trees**	Yaupon Holly American Holly Eastern Red Cedar Laurel Cherry Arizona Cypress Redbay Virginia Pine
2.	**Shrubs**	Cleyera Euonymus Japanese Privet California Privet European Privet Southern Waxmyrtle Northern Bayberry Pittosporum Japan Yew Red Tip
3.	**Ground Cover**	Short Juniper Periwinkle Lippia Evergreen Candyturf

Other evergreen plant materials having the same growth characteristics as the aforementioned may be substituted, subject to approval by the Planning Staff prior to installation.

SECTION 1004: MAINTENANCE

The buffer area installed as required by this Ordinance shall be guaranteed for the duration of the incompatible land use, or until such use changes to a compatible type. Necessary trimming and maintenance shall be performed to maintain the health of the plant materials, to provide an aesthetically pleasing appearance, and to assure that the buffer serves the purpose for which it was intended.

SECTION 1005: OTHER SCREENING REQUIRED

Certain uses such as junk or salvage yard operations and other commercial and industrial operations requiring the storage of inoperative equipment or vehicles for prolonged periods of time could present unsightly views or health hazards. To preclude this from occurring, the Board of Commissioners shall require owners of such properties to completely enclose such operations by a fence which completely obscures views of the property from adjacent sidewalks and streets, built to a height greater than that of the height of the highest piece of equipment or vehicle stored on the property provided that no fence shall be less than eight feet nor more than twenty feet in height when measured from the crown of the adjacent street(s). Such fences shall be constructed of solid materials. Construction of cyclone fencing which utilizes metal or plastic inserts as screening shall be prohibited. Fencing along street frontages shall be located not closer than ninety feet from the centerline of the adjacent street. Uses existing at the date of adoption of this Resolution shall have three (3) years to come into compliance.

Many operations which involve the stacking of inoperative or obsolete equipment or vehicles pose a direct health hazard to the public. The Board of Commissioners shall require all such operations to submit to annual inspection by the Henry County Board of Health. The results of such inspections shall be delivered to the Board of Commissioners for review. If a business fails to pass such inspection it shall have thirty (30) days to comply or it shall cease operations until such time that compliance is effected.

ARTICLE XI

PARKING AND LOADING

SECTION 1100: GENERAL PROVISIONS

It is the intent of this Ordinance that all buildings, structures and uses of land shall provide off-street parking and loading space in an amount sufficient to meet the needs caused by the building or use of land and that such parking and loading spaces be so oriented that they are in fact readily usable for such purposes.

Except as provided in this Article, no application for a building permit shall be approved unless there is included with the plan for such building, improvements or use, a plot plan showing the required space reserved for off-street parking and service purposes. Occupancy shall not be allowed unless the required off-street parking and service facilities have been provided in accordance with those shown on the approved plan.

Each use of land and each building or structure hereafter constructed or established, and each addition to a structure shall provide off-street parking and loading according to the standards set forth herein. When an addition is made to a building containing less than the required parking or loading requirements, a conforming amount of parking or loading shall be supplied based upon the size of the addition. Off-street parking spaces shall not be reduced below the minimum required number for the use or facility to which they are assigned.

Two (2) or more neighboring uses, of the same or different types may provide joint facilities, provided that the number of off-street parking spaces are not less than the sum of the individual requirements.

No addition to an existing building shall be constructed which reduces the number of spaces, area or usability of exiting parking or loading space unless such building and its addition conform with the regulations for parking and loading contained herein.

Parking spaces for the handicapped shall be required. Existing uses providing off-street parking shall have twelve (12) months from date of adoption of this Ordinance to comply with handicapped parking requirements. New uses providing off-street parking shall incorporate handicapped spaces into the design of parking facilities.

When multiple uses occupy a building, the parking and loading requirement shall be met by determining the percentage of the total building area devoted to each type of use and then applying

the appropriate requirements by use.

Up to twenty (20) percent of the total parking spaces required may be used for the parking of compact cars provided that all such spaces are labelled as such on the ground.

SECTION 1101: PARKING AND LOADING REQUIREMENTS

The following table depicts the minimum number of off-street parking spaces and loading stalls required by type or permitted use:

PARKING AND LOADING SPACES REQUIRED

	Parking	Loading
Apartments & Other Multiple-Family Uses	Two per Unit	None
Auditorium, Stadium, Assembly hall, Gymnasium, Theatre, or Community Recreation Center	(a) One (1) space per four (4) fixed seats in largest assembly room or area, or (b) one (1) space for each forty (40) square feet of floor area available for the accommodation of moveable seats in the largest assembly room or (c) one (1) space per one-hundred fifty (150) square feet of gross floor areas; whichever is greater.	
Automotive or Machinery Sales and Service Garages	One for each 400 sq. ft. of gross floor area plus one for each employee	One for each 5,000 sq. ft. of gross area
Banks, Professional and General Offices	One for each 300 sq. ft. of floor area	None
Beauty and Barber Shops	Three for each operator	None
Boarding or Rooming House	Two for up to two bedrooms plus one for each additional bedroom	None
Churches	One space for each three seats in main assembly area	None
Duplexes	Two per dwelling unit	None
Fraternity or Sorority Houses	Two for up to two bedrooms plus one for each additional bedroom	None
Funeral Homes and Mortuaries	One for each three seats in chapel or one per 50 square feet of public area, whichever	One for each hearse, ambulance

PARKING AND LOADING SPACES REQUIRED

	Parking	Loading
Funeral Homes and Mortuaries (Cont'd)	is greater	or other non-passenger vehicle
Furniture and Appliances	One per each 500 sq. feet of space	One for first 5,000 square feet plus one for each additional 20,000 square feet or fraction thereof
Gasoline Service Stations	Two spaces per gas pump plus three spaces for each service bay or similar facility plus one space for each attendant	None
Hospitals, Group Homes, and Rest Homes	One for each three beds plus one space for each staff member plus one space for each plus one space for each employee on the largest shift	One space for the first 5,000 sq. ft. of floor area plus one additional 50,000 sq. ft. or fraction thereof
Hotels and Motels	One per unit plus one per two employees on the same shift	One space for the first 5,000 sq. ft. of floor area plus one for each additional 50,000 sq. ft. or fraction thereof
Libraries, Museums, and Similar Uses	One space for each 400 sq. ft. of gross space to which the public has access	One space for the first 5,000 sq. ft. of gross floor area plus one additional 30,000 sq. ft. or fraction thereof
Manufacturing, Freight Terminals	Four spaces per each 10,000 sq. ft or major fraction thereof plus one space for each employee on the largest shift	Sufficient to allow for complete off-street loading but in no event less

PARKING AND LOADING SPACES REQUIRED

	Parking	Loading
Medical and Dental Offices	Six spaces per practitioner	None
Mobile Home Parks	Two spaces per unit	None
Places of Public Assembly or Amusement without Fixed Seats	One space for each 200 sq. ft. of floor space devoted to public use	None
Places of Public Assembly (Buildings including theatres)	One space per each three seats in main assembly area, or one space for each 50 sq. ft. where fixed seats are not provided	None
Personal service establishment	One (1) space for each two-hundred (200) sq. feet of gross floor area, but not less than two (2) spaces for each employee	None
Real Estate Sales Office	Two for first 200 sq. ft. plus one for each 100 sq. ft. of office and public space	None
Restaurants and Taverns	One per each three seats plus one for each employee on the largest shift.	One for first
Retail Stores	One per each 200 sq. ft. of gross sales space	One for first 5,000 sq. ft. plus one for each additional 30,000 sq. ft. or fraction thereof
Schools	One space for each teacher and employee plus one space for each 100 sq. ft. of seating space in auditoriums. For senior high schools and colleges where students drive to and from school, there shall be an additional requirement of one space for each ten students for which the school was designed	None
Shopping Centers	Five spaces per 1,000 sq. ft. of gross floor up to 800,000 sq. ft. 4.5 spaces per 1,000 sq. ft. of gross floor space over 800,000 sq. ft.	One for the first 5,000 sq. plus one for each additional 50,000 sq. ft. or fraction thereof
Single-Family Residence	Two Spaces	None

PARKING AND LOADING SPACES REQUIRED

	Parking	Loading
Small Item Repair	One space for each 200 sq. ft of gross floor area	None
Swimming Pool to be	One (1) space for every two-hundred (200) sq. feet of water service area plus requirements for additional uses in association with the establishment such as a restaurant, etc.	None
Warehouses	Four spaces for the first 5,000 sq. ft. of gross floor area, plus one additional space for each 5,000 sq. ft. or fraction thereof plus one for each full-time employee	Two spaces for the first 5,000 sq. ft. of gross floor space for each additional 10,000 sq. ft. or fraction thereof
Wholesale Stores	One space for each 400 sq. ft. of gross floor area plus one for each full-time employee	One space for the first 6,000 sq. ft. of gross floor area plus one space for each additional 20,000 sq. ft. or fraction thereof

For any uses not listed the Planning Staff shall determine the proper requirement by classifying the proposed use among the uses specified herein as to assure equal treatment. In making any such determination, the Planning Staff shall follow the principles set forth in the statement of purpose at the beginning of this Article.

SECTION 1102: HANDICAPPED PARKING REQUIREMENTS

Handicapped spaces shall be provided in accordance with the following scale:

TOTAL PARKING REQUIREMENTS	HANDICAPPED SPACES REQUIRED
Up to 25	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 - 200	6
201 - 300	7
301 - 400	8
401 - 500	9
501 +	2% of Total Required

SECTION 1103: DESIGN CRITERIA AND STANDARDS

Off-street parking and loading areas, spaces and stalls are to be designed to conform to the following criteria and standards.

All multiple-family, commercial and industrial uses shall provide a paved, dust-free surface. The use of approved "porous pavement" is encouraged provided such paving is approved for use by the County Engineer. If these facilities are to be used at night, proper illumination shall be provided for the safety of pedestrians, vehicles and for security purposes. Lighting shall be designed so as not to reflect onto or cause glare in any adjacent residential district. Driveways serving single-family and duplex residences shall be paved for the entire width of the public right-of-way.

Each off-street parking space shall be clearly marked, and directional arrows or signs shall be provided wherever necessary. Markers, directional arrows, and signs shall be properly maintained so as to ensure their maximum efficiency.

All off-street parking, loading, and service areas shall be drained so as to prevent damage to abutting properties and/or public streets and shall be constructed of materials which will assure a surface resistant to erosion. All such areas shall be at all times maintained at the expense of the owners thereof in a clean, orderly, and dust-free condition to the extent that it does not create a nuisance.

All off-street parking, loading, and service areas shall be separated from walkways, sidewalks, and streets by curbing or other suitable protective device.

The following design standards shall be used to achieve compliance with parking provisions of this Ordinance. These requirements are summarized in the accompanying table.

1. Each full-size automobile parking space shall not be less than eight and one-half (8-1/2) feet wide and twenty (20) feet deep. Compact car spaces shall not be less than eight (8) feet wide and 17 feet deep. Parallel spaces for the handicapped adjacent to a walk shall be a minimum of 12 feet six (6) inches in width by 24 feet in length. If a walk is at an elevation of the parking space a 1:6 ramp shall be provided up to the walk. For ninety degree or angled spaces the minimum width of a handicapped stall shall be nine feet. An aisle, having a width of not less than three feet six inches shall be provided between each stall.

2. Handicapped spaces shall be marked on the pavement and by appropriate signage, both markings to use the universally accepted "Handicapped" symbol. Handicapped spaces shall be located in closest proximity to major building entrances, but in no event shall such spaces be more than one hundred (100) feet from an entrance.

3. There shall be provided adequate interior driveways to connect each parking space with a public right-of-way. Interior driveways shall be at least twenty-four (24) feet wide where used with ninety (90) degree angle parking, at least eighteen (18) feet wide where used with sixty (60) degree angle parking, at least twelve (12) feet wide where used with forty-five (45) degree angle parking, and at least twelve (12) feet wide where used with parallel parking, or where there is no parking, interior driveways shall be at least twelve (12) feet wide for one-way traffic movement and at least twenty-four (24) feet wide for two-way traffic movement.

The following are the design requirements for off-street loading stalls:

1. Each loading stall shall be a minimum of 10 feet in width and 30 feet in length with 14 feet of overhead clearance except that for wholesale and industrial uses loading stalls shall be a minimum of 10 feet wide and 50 feet in length.

2. All off-street loading stalls shall have access from a public street.

3. All off-street loading stalls and access shall be provided with a paved, dust free surface. If loading stalls are to be used at night, they shall be properly illuminated for the safety of pedestrians, vehicles and for security. Lighting shall be designed to preclude light spill into adjacent properties.

4. Loading stalls are not to hinder movement of pedestrians or vehicles over a street, sidewalk or alley, or to and from an off-street parking area.

SECTION 1104: CURB CUT REQUIREMENTS AND DESIGN STANDARDS

Within any Zoning District where the lowering or cutting away of any curbs for purposes of ingress and egress is required, such curb cut shall be subject to the following provisions:

1. No more than two (2) combined entrances and exits shall be allowed any parcel of property, the frontage of which is less than two-hundred (200) feet on any one street. Additional entrances or exits for parcels of property having a frontage in excess of two-hundred (200) feet shall be permitted after showing of actual requirements of convenience and necessity and upon approval of the Planning Commission. Where frontage is fifty (50) feet or less, only one (1) combined entrance-exit shall be permitted.

2. At street intersections, no curb cut shall be located within fifty (50) feet of the intersections of two (2) curb lines or such lines extended, or within fifteen (15) feet of the intersection of two (2) property lines extended, whichever is least restrictive. When a culvert is required it must be approved by the Henry County DOT.

3. The distance between any two curb cuts on the same side of the street and located on one property shall be not less than ten (10) feet. Said distance shall be measured between the points of tangency of the curb return radii and the established curb line of the abutting street.

4. All driveways shall be constructed so as to be at least two

(2) feet from any property line.

5. The maximum width of any driveway shall not exceed forty (40) feet measured at the right-of-way line.

6. Maximum width of any curb cut including curb returns shall not exceed fifty (50) feet except that a bona fide truckstop may exceed the maximum figure as determined by the Zoning Administrator.

7. The sum of the two curb return radii for any one curb cut shall not exceed fifteen (15) feet.

ARTICLE XII

SIGN REGULATIONS

SECTION 1200: PURPOSE

The sign regulations contained herein are intended to promote aesthetic conditions with Henry County, reduce traffic hazards and prohibit signs which carry commercial messages other than the advertisement of any product, service, event, person, institution or business located on the premises where the sign is located or the sale or rental of such premises. It is also determined that the regulations contained herein are the minimum amount of regulation necessary to achieve these purposes.

For purposes of these sign regulations the following provisions shall apply:

1. Premises shall mean the contiguous land in the same ownership which is not divided by any public highway, street or alley or right-of-way thereof.

2. On-premises signs and point of business signs shall be considered as free-standing business signs.

3. Identification signs and incidental use signs shall be considered as attached business signs.

4. Sign area is that area within a continuous perimeter enclosing the limits of writing, representation, emblem or any figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed. For projecting or double-face signs, only one display face shall be measured in computing sign area where the interior angle formed by the faces of a double-face sign are of unequal area, the area of the sign shall be taken as the area of the larger face.

5. These regulations do not apply to any sign which is not visible to motorists or pedestrians on any public highway, street or alley, nor to any specific information panel for the direction of motorists which may be located, under authority of any statute, on any highway property of the County.

SECTION 1201: SIGN REGULATIONS

The following schedule lists the number of signs permitted, the zoning districts in which signs are permitted, and the maximum area of signs.

Type of Sign	Number Permitted	District in Which Permitted	Maximum Area of Sign
Advertising Sign (Billboard)		None	N/A
Point of Business Sign	One per use or one per shopping center, or planned center. Two signs shall be permitted where two street frontages bound the use subject to provisions of Section 1206	Any district except residential district	Where one sign is permitted thirty-six sq. ft. except in shopping centers, planned centers where such signs shall not exceed 400 sq. ft. when incorporating a listing of businesses or tenants or 200 sq ft when limited to the name of the facility. In those instances where a sign is permitted this sign shall not exceed 30 percent of the area of the main sign and shall not exceed a height of 15 feet.
Identification Sign	One per occupant	Any commercial or industrial district	Thirty percent of the total area of the front face of the building
On Premises Sign	One per use. Where more than one business is located in a structure, only one free-standing sign shall be permitted. Two signs shall be permitted where two street frontages bound the use subject to	Any district except for residential districts	Where one sign is permitted it shall have a maximum area of 125 square feet for buildings having a width of up to 100 linear feet. Signs accompanying building's width or 50 sq. feet whichever is

Type of Sign	Number Permitted	District in Which Permitted	Maximum Area of Sign
	provisions of Section 1206		larger, but in no event shall the sign area exceed 100 sq. feet. In those instances where a second sign is permitted this sign shall not exceed 50 percent of the area of the main sign and shall not exceed a height of 15 feet.
Portable Signs	1. Only one (1) portable sign per business location or per lot. 2. All portable signs shall be setback behind any street right-of-way with a minimum of ten (10) feet to any road surface or curb and shall not be located in a manner which can obstruct or interfere with the vision of a motorist. 3. All portable signs shall be spaced a minimum of 100 feet from any other portable sign on same property. 4. All portable signs shall not exceed fifty (50) square feet. 5. All portable signs shall be secured to the ground. 6. All portable signs may be illuminated, however, they shall not flash. 7. Portable signs in strip shopping centers may be per-	Any commercial or industrial District	50 Sq. ft.

Type of Sign	Number Permitted	District in which Permitted	Type of of Sign
	mitted for a period not to exceed sixty (60) days in a 6 month period. Fee shall be thirty (30) dollars for each permit.		
	8. Portable signs shall be used for on premises advertising only.		
	9. There shall be an annual fee of thirty (30) dollars for each portable sign to be paid along with annual business license fee.		

SECTION 1202: SIGN EXCEPTION

The following signs are permitted in any zoning district subject to the provisions listed herein:

1. Real estate signs not exceeding six (6) square feet in residential areas which advertise the sale, rental or lease of the premises upon which said signs are located and that only one sign be permitted for each street on which the building or property faces.

2. Professional name plates not exceeding one (1) square foot in area.

3. Bulletin boards not over thirty-two (32) square feet in area for public, civic, charitable or religious institutions when the same are located on the premises of said institutions.

4. Signs denoting the architect, lender engineer or contractor when place upon work under construction and not exceeding thirty-two (32) square feet in area.

5. Occupational signs denoting only the name and profession of an occupant in a commercial building and not exceeding two (2) square feet in area.

6. Signs not exceeding twelve (12) square feet in area giving information concerning the location or use of accessory off street parking facilities or loading and unloading facilities.

7. Signs indicating bus stops, taxi stands, and similar transportation facilities.

8. Traffic control signs on private property not to exceed four (4) square feet in area.

9. Political signs not to exceed twelve (12) square feet in area, but not to be located on utility poles, trees or natural objects. Signs are to be located on public or private property only with permission of the property owner and shall conform with all sign setback requirements. Political signs shall be removed by the candidate, property owner or occupier of the property where such sign is located within three (3) days after such candidate has been finally elected or defeated.

10. Garage sale signs not to exceed four square feet in area when mounted on a substantial frame and erected on private property with owner's approval. A twenty-five dollar ($25.00) fee is required prior to erection. Deposit to be returned by the city subsequent to sale completion and sign removal.

11. Memorial signs, historical signs, or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other combustible material. Traffic or other municipal signs, legal notices, railroad crossing signs, danger, and such temporary, emergency or non-advertising signs as may be approved by the Planning Commission of Henry County.

SECTION 1203: SIGNS PROHIBITED

The following signs are expressly prohibited in all zoning districts:

1. Signs imitating warning signals are prohibited. No sign shall display lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles; nor shall any signs use the words, slogans, dimensional shape or size, of any governmental traffic sign.

2. No signs, except traffic signs and signals and informational signs erected or authorized by a public agency, are permitted within any street or highway right-of-way.

3. Signs painted or attached to natural features such as trees or rocks, telephone poles, utility poles, or fence posts are prohibited.

4. Fluttering ribbons and banners are prohibited.

5. Signs within 300 feet of any officially designated historical site or monument, except signs pertaining to that particular site or monument are prohibited.

SECTION 1204: INTERSTATE SIGNS

All signs located on sites abutting or visible from the Interstate rights-of-way shall conform with Georgia Code Annotated Section 32-6-70, et seq. (The Georgia Outdoor Advertising Code) and shall meet all federal and state requirements necessary to obtain a permit from the Georgia Department of Transportation under said code. In instances where the sign controls of this ordinance are more strict, the regulations of this ordinance shall apply.

Any sign located on an Interstate highway which advertises an activity, business, product or service which has ceased operation or production shall be removed within six (6) months of the discontinuance of said activity, business, product or service.

SECTION 1205: SIGN SETBACKS AND RESTRICTIONS

The following regulations govern the location of all signs within Henry County:

1. Signs shall be required to be located within the required front yard of a principal structure, and shall not be permitted to extend beyond the front property line into the street right-of-way, and shall not be closer than 20 feet to the edge of the zoned pavement. The location of signs shall not interfere with the view of a traffic signal or traffic vision as provided by Section 1205, paragraph 4.

2. Signs located within commercial and in industrial zoning districts shall not exceed thirty-five (35) feet in height.

3. A sign attached to, and mounted parallel to a building shall not extend beyond the overhang (eaves, cornice or marquee) of the building more than twelve (12) inches. A sign attached to, and mounted perpendicular to a building shall not extend outward from the building face more than four (4) feet. No free standing sign shall project into the street right-of-way.

4. No sign may be located in a manner which can obstruct or interfere with the view of a traffic signal. No sign may be located within 100 feet of an intersection of a public road if the sign obstructs the vision of a motorist within the distance of 100 feet of the intersection or causes confusion with a traffic control sign or a signal by reason of color, lighting or other means.

5. In order to erect a second point of business sign a use must have frontage on two publically dedicated streets with each including a legal curb cut. In addition there must be a minimum lot area of one acre to permit a second such sign to be erected. In those instances where one of the street frontages is on a street serving a residential subdivision a second sign shall be prohibited. If any applicant has an existing sign that does not conform to the Countys sign regulations, the sign in violation shall be brought into conformance prior to a permit being issued for a second sign.

SECTION 1206: FILING PROCEDURE AND PERMIT ISSUANCE

The procedure outlined herein shall be complied with by all persons erecting signs within the corporate limits of the County.

1. All signs erected, replaced, modified or relocated shall be in conformance with all Ordinances and codes of Henry County. A permit shall be secured from the Building Administrator. prior to erection of any sign. This permit is to be issued prior to installation or modification of any sign. No permit shall be required for any change of copy on a sign provided no modification is made to the size or location of the sign.

2. Application for permits to erect, hang, or place a sign shall be submitted on forms obtainable from the Building Administrator. Each application shall be accompanied by plans showing the area of the sign, size and character and the method of illumination, if any, the exact location proposed for such sign and in the case of a projecting sign, the proposed method of fastening said sign to the building structure, the vertical distance between such sign and the finished grade, and the horizontal distance between such sign and the street right-of-way line. The application shall also include a photograph or line drawing of the face of the sign showing exactly what is to be portrayed. Each applicant shall, upon the request of the Building Administrator, submit any additional information deemed necessary by said Administrator.

   The County shall complete review of the application within thirty (30) days, notifying the applicant of its decision. If approved, the County shall issue a sign permit to the applicant. If denied, the applicant may re-apply, correcting deficiencies in the original application or file notice of appeal to the Board of Commissioners within thirty (30) days of denial.

3. The Board of Commissioners shall establish a schedule of fees, charges and expenses relating to signage. The schedule of fees shall be posted in the office of the Building Administrator, and may be altered or amended only by the Board of Commissioners.

   Signs listed as exceptions in Section 12.3 are not required to pay a fee.

4. All lighted signs must be erected and maintained to preclude light spill onto adjacent residential properties by being located not less than fifty (50) feet from the nearest residence property line or residential district and being shielded if necessary.

SECTION 1207: UNLAWFUL SIGNS

The Building Administrator shall inspect at any time each sign regulated by the provisions herein. Should any sign be installed or maintained improperly or should any violation of these provisions be noted, the Buildling Administrator shall notify the owner or lessee of said sign in writing of the reasons for non-compliance. The Building Administrator is empowered to revoke any permit issued upon failure of sign owner or lessee to comply with provisions of these Regulations. The owner or lessee shall have three (3) business days from receipt of notice to bring sign into compliance or it may be removed by the county at the expense of the owner or lessee. The Building Administrator shall not be required to provide written notice to owners or lessees of signs addressed in Section 12.4, nor shall the three (3) day compliance period apply.

SECTION 1208: NON-CONFORMING SIGNS

Non-conforming signs shall be removed by the owner or lessee within a period of five (5) years from the date of adoption of this Ordinance.

No conforming sign shall be erected on the same lot having an existing non-conforming sign until the non-conforming sign is removed or brought into conformance.

Signs which advertise a discontinued use of a building shall be removed within ninety (90) days from the date the use was terminated. If such signs are not removed within this time period, they shall be removed at the direction of the Building Administrator. The cost of the removal shall be placed as a lien against the property until such cost is paid.

ARTICLE XIII

ADMINISTRATION AND ENFORCEMENT

SECTION 1300: ADMINISTRATION OF ORDINANCE

The provisions of this ordinance shall be administered by the Planning and Zoning Administrator. The Planning and Zoning Administrator shall be responsible for interpretation of the provisions of the zoning ordinance, and maintenance of the official zoning map.

The Planning and Zoning Administrator shall be responsible for the acceptance of applications for rezoning and map amendments, conditional use, conditional exceptions, and variances. The Planning and Zoning Administrator shall present these applications to the Planning and Zoning Board, Board of Commissioners (Board of Zoning Appeals) and municipal governing authorities.

In interpreting and applying the provisions of this Ordinance they shall be held to the minimum requirements for the promotion of health, safety, aesthetics, and convenience of the general welfare. The lot or yard area required by these regulations for a particular building shall not be diminished and shall not be included as part of the lot or yard areas of any other building. The lot or yard areas of buildings existing at the time of this Ordinance became effective shall not be diminished below the requirements herein provided for buildings hereafter erected, and such required areas shall not be included as a part of the required areas of any building hereafter erected.

SECTION 1301: ENFORCEMENT

The Building Administrator shall be responsible for the issuance of permits for construction according to the regulations of the Zoning Ordinance, and shall be responsible for enforcement against any violations of the Zoning Ordinance.

No permit or license shall be issued for any use, building, or other purpose if the same shall be in conflict with the regulations of this ordinance.

If it is found that any of the regulations of this Ordinance are being violated, the person responsible for such violations shall be notified in writing indicating the nature of the violation and ordering the action necessary condition precedent to enforcement of the Ordinance. The County shall order discontinuance of illegal use of land, buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Resolution to ensure compliance with or to

prevent violation of its provisions.

SECTION 1302: BUILDING PERMITS

A building permit issued by the Building Administrator (Chief Building Inspector) is required in advance of the initiation of construction, erection, moving or alteration of any building or structure where the estimated cost of such construction, erection, moving, or alterations is figured to be in excess of three hundred dollars ($300.00).

All applications for building permits shall be accompanied by a plot or site plan drawn to scale, showing the actual dimensions of the lot to be built upon, the right-of-way of the existing road, the size of the building to be erected, the location of the building on the lot, the number of dwelling units the building is designed to accommodate, if for a residential structure, the setback lines of proposed buildings, the location of easements and other such information as may be essential for determining whether the provisions of all County ordinances are being observed. A record of such applications and plot or site plans shall be kept.

No building permit shall be issued by the Building Administrator until Henry County Health Department shall have approved the proposed water supply and sewerage disposal facilities required in connection with the proposed buildings; provided that in an area served by a public utility for water or for sewerage disposal, or both the Health Department may elect to waive the requirement for approval. The Henry County Health Department shall either approve or disapprove said water and sewer facilities within thirty (30) days after the receipt thereof.

Nothing contained in these regulations shall be deemed to prevent the Commissioner of Health, after study of the site of a proposed use, from requiring for reason of health that all or any portion of such site not to be used for the intended purpose or that the minimum lot sizes set forth for the zoning district in which the use will be located be increased with regard to the proposed use; provided that the Commissioner of Health shall define his decision in writing, with reasons therefore, within (30) days upon being so requested by an applicant for the building permit.

SECTION 1303: REASONS FOR DENIAL OF BUILDING PERMIT

When a building permit is denied, the Building Administrator shall provide in writing, upon request of the applicant for a permit, the reasons for denial of the permit within ten (10) days after said request.

SECTION 1304: PERMITS AND LICENSES VOID WHEN ISSUED IN CONFLICT

Any permit or license issued in conflict with the regulations of this Ordinance shall be null and void.

SECTION 1305: CONSTRUCTION AND USE TO BE AS STATED IN APPLICATIONS, PLANS AND PERMITS

Building permits or certificates of occupancy issued on the basis of plans and applications approved by the Building Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance.

SECTION 1306: CERTIFICATE OF OCCUPANCY

It shall be unlawful to use or occupy or permit the use of occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use of structure until a certificate of occupancy shall have been issued stating that the building or land conforms to the requirements of this Ordinance.

A temporary certificate of occupancy may be issued for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

A certificate of occupancy shall be required for any of the following:

1. Occupancy and use of a building hereafter erected or enlarged.

2. Change in use of existing buildings to use of a different classification.

3. Occupancy and use of vacant land, except for raising of crops.

4. Change in use of land to a different classification, except for the raising of crops.

5. Any change in use of a non-conforming use.

6. Development of a mobile home park.

Said certificate of occupancy may be applied for either coincidently with a building permit or at any time thereafter, provided

however, that no such occupancy, use or change of use shall take place until a certificate of occupancy shall have been issued by the Building Administrator.

A record of all certificates of occupancy shall be maintained and a copy shall be furnished upon request to any person. Failure to obtain a certificate of occupancy shall be a violation of this Ordinance.

SECTION 1307: EXPIRATION OF BUILDING PERMIT

If the work described in any building permit has not begun within six (6) months from the date of issuance thereof said permit shall expire; and it shall be cancelled. Construction is said to have commenced at the time when initial inspection is made prior to installation of the foundation system. Once construction is underway, and discontinuation for a period in excess of twelve (12) months shall result in cancellation of the building permit.

ARTICLE XIV

APPEALS AND VARIANCES

SECTION 1400: APPEALS

When it is alleged that an error has been made in interpretation of the provisions of this Ordinance or when decision relating to provisions of this Ordinance aggrieves any person an appeal shall be made within thirty (30) days of the decision.

Such appeal shall be filed with the Planning Administrator and the purpose of the appeal shall be specified in writing.

SECTION 1401: APPEALS PROCESS

The Board of Commissioners shall establish a reasonable time for the hearing of the appeal and shall give public notice thereof as well as due notice to the parties in interest; and shall decide the appeal within reasonable time. At the hearing any party may appear in person or by agent or by attorney.

SECTION 1402: VARIANCES

The Board of Commissioners is authorized upon appeal in specific cases to consider such variances from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will, in an individual case, result in practical difficulty of unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. The existence of a non-conforming use of neighboring land, buildings, or structures in the same or n other districts shall not constitute a reason for a variance. A variance may be granted in an individual case of unnecessary hardship upon a finding by the Board of Commissioners that all the following conditions exist:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.

2. A literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.

3. Granting the variance requested will not confer upon the property of the applicant any special privileges

that are denied to other properties of the district in which the applicant's property is located.

4. The requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare.

5. The special circumstances are not the result of the actions of the applicant.

6. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.

7. The variance is not a request to permit a use of land, buildings, or structures which is not permitted by right in the district involved.

SECTION 1403: VARIANCE PROCEDURE

An applicant for a variance shall file a written request with the Planning Administrator. The Board of Commissioners or municipal authorities shall establish a reasonable time for hearing the variance request and shall give public notice thereof and due notice to the parties in interest; and shall decide the variance request within reasonable time. At the hearing any party may appear in person, or by agent or by attorney.

SECTION 1404: ADMINISTRATIVE VARIANCES

The Planning Administrator shall have the power to grant variances in unincorporated areas from the development standards of this Ordinance, where, in his opinion, the intent of the Ordinance can be achieved and equal performance obtained by granting a variance. The authority to grant such variances shall be limited to variance from the following requirements:

1. Front yard or yard adjacent to public street -- variance not to exceed five feet.

2. Side yard -- variance not to exceed two feet.

3. Rear yard -- variance not to exceed four feet.

4. Height of building -- variance not to exceed five feet.

SECTION 1405: FEES

All requests by private groups, individuals, businesses and other non-public organizations for appeals and variances shall be accompanied by a filing fee which is maintained in the Office of the Zoning Administrator.

ARTICLE XV

CONDITIONAL USES AND CONDITIONAL EXCEPTIONS

SECTION 1500: CONDITIONAL USES AND CONDITIONAL EXCEPTIONS

Several of the zoning districts contained herein permit certain uses subject to compliance with stated conditions. The evaluation of conditional use and conditional exception requests and determination of compliance shall be the responsibility of the Planning Commission.

SECTION 1501: PROCEDURE

The Planning Commission shall accept applications for conditional uses and conditional exceptions. This application shall be submitted to the Planning Administrator for technical review. A site plan depicting compliance with all appropriate provisions of this Ordinance shall accompany this submittal. The Planning Administrator shall make a report to the Planning Commission at the meeting date at which the conditional use or conditional exception request shall be considered. The Planning and Zoning Administrator may require additional information necessary to evaluate the application.

The Planning Commission shall consider all of the following prior to making recommendations or conditional uses or conditional exceptions:

1. The report submitted by the Planning Administrator.

2. That all specific conditions of this Ordinance relative to the conditional use or conditional exception have been met.

3. The proposed use shall not cause traffic congestion or conditions that will adversely affect other nearby properties in the area.

4. The physical conditions of the site including topography, drainage, and size and shape are suitable for the proposed development.

5. There are adequate public facilities to serve the proposed use.

6. That the applicant has made a binding agreement for any specific limitations or conditions necessary to protect the public interest and assure the continued beneficial use and enjoyment of nearby properties or that no special limitations are necessary to protect the public.

7. That the conditional use or conditional exception with specific limitations and design features as may have been required will further the aims of the Land Use Plan and will not be unduly detrimental to nearby properties.

The Board of Commissioners shall hold a public hearing to either approve or deny the request.

SECTION 1502 HEARING BEFORE BOARD OF COMMISSIONERS

The Board of Commissioners shall hold a public hearing to either approve or deny the request.

The Board of Commissioners shall consider all of the following prior to making its decision:

1. The report submitted by the Planning Administrator.

2. That all specific conditions of this Ordinance relative to the conditional use or conditional exception have been met.

3. The proposed use shall not cause traffic congestion or conditions that will adversely affect other nearby properties in the area.

4. The physical conditions of the site including topography, drainage, and size and shape are suitable for the proposed development.

5. There are adequate public facilities to serve the proposed use.

6. That the applicant has made a binding agreement for any specific limitations or conditions necessary to protect the public interest and assure the continued beneficial use and enjoyment of nearby properties or that no special limitations are necessary to protect the public.

7. That the conditional use or conditional exception with specific limitations and design features as may have been required will further the aims of the Land Use Plan and will not be unduly detrimental to nearby properties.

The Board of Commissioners may consider such other information as may be appropriate and shall have complete discretion to approve or deny conditional uses and/or conditional exceptions.

ARTICLE XVI

AMENDMENTS

SECTION 1600: AMENDMENTS TO ORDINANCE AND TO OFFICIAL ZONING MAP

This Ordinance, including the Official Zoning Map, may be amended by the Board of Commissioners on its own motion, or on recommendation to the Planning Commission, but no amendment shall become effective unless it shall have been proposed by or shall first have been submitted to the Planning Commission for review and recommendation.

SECTION 1601: APPLICATION FOR AMENDMENT

A zoning amendment may be proposed by any public agency or department of Henry County or by the Henry County Planning Commission. Unless initiated by one of the above bodies, all applications for map amendments must be submitted by an individual with 51 or more percent ownership in fee simple of the subject property being petitioned for rezoning, or his legal agent authorized in writing over the owner's signature.

Any petition for amendment of the Henry County Zoning Ordinance or Official Zoning Map shall be accompanied by a filing fee established by separate resolution of the County Commission and available at the Zoning Administrator's Office.

Applications for zoning amendments shall be filed with the Zoning Administration, no later than the close of business fifteen (15) days prior to the date of the Planning Commission meeting. The fifteen day period will allow sufficient time for technical review of the application to be conducted by the Planning Staff.

Application for rezonings must contain the following:

1. A completed copy of the application for amendment.
2. A correct site plan depicting the proposed use of the property including:
    a) A correct scale and north arrow,
    b) The proposed land use and building outline as it would appear should the rezoning application be approved,
    c) The present zoning classification of all adjacent parcels,
    d) The gross square footage of buildings,

e) The proposed location of all driveways and entry/-exit points for vehicular traffic, using arrows to depict direction of movement,

f) The location of required off-street parking and loading spaces to include number of spaces and driveway dimensions.

g) Required yard setbacks appropriately dimensioned, and,

h) The location and extent of required buffer areas, depicting extent of natural vegetation and type and location of additional vegetation if required.

i) Report from the Henry County Health Department and the Henry County Water and Sewer Authority. The Planning and Zoning Department may require additional information if necessary to evaluate the application.

SECTION 1602: REVIEW OF APPLICATION FOR AMENDMENT

All proposed amendments to this Ordinance or to the Official Zoning Map with required site plans shall be transmitted to the Planning Administrator and Planning Commission for study and recommendation. The Planning Administrator and Planning Commission shall study the need and justification of the following facts:

1. The possible effects of the change in the regulations or map on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community.

2. The relation that the proposed amendment bears to the purpose of the overall zoning scheme with due consideration given to whether or not the proposed change will help carry out the purposes of this Ordinance.

3. Consistency with the Land Use Plan.

4. The potential impact of the proposed amendment on County infrastructure including water and sewerage systems.

5. The impact of the proposed amendment on adjacent thoroughfares and pedestrian and vehicular circulation and traffic volumes.

6. The impact upon adjacent property owners should the request be approved.

7. The ability of the subject land to be developed as it is presently zoned.

8. The physical conditions of the site relative to its capability to be developed as requested, including topography, drainage, access, and size and shape of the property.

9. The merits of the requested change in zoning relative to any other guidelines and policies for development which the Planning Commission and Board of Commissioners may use in furthering the objectives of the Land Use Plan.

After completing its studies of the proposed amendment, the Planning Commission shall submit its recommendation and report to the Board of Commissioners. The recommendation of the Planning Commission shall be of an advisory nature and shall not be binding on the Board of Commissioners.

SECTION 1603: NOTIFICATION AND PUBLIC HEARING

If Henry County is taking action resulting in a zoning decision, it shall provide for a hearing on the proposed action. At least 15 but not more than 45 days prior to the date of the hearing, the County shall cause to be published within a newspaper of general circulation within the territorial boundaries of Henry County a notice of the hearing. The notice shall state the time, place, and purpose of the hearing.

If a zoning decision of Henry County is for the rezoning of property and the rezoning is initiated by a party other than County Officials or a County Department then:

1. The notice, in addition to the foregoing requirements shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property; and

2. A sign containing information required by this Ordinance shall be placed in a conspicuous location on the property not less than 15 days prior to the date of the hearing.

If the property proposed for rezoning does not have frontage on a public street, then the sign may be posted on the right-of-way of the nearest public street which provides access to the site. No public hearing may be held by the Board of Commissioners until said sign(s) have been posted for at least fifteen (15) days. Said signs shall remain posted until final action has been taken by the Board of Commissioners.

Before enacting an amendment to this Ordinance whether the

proposed amendment is a text or map amendment, the Henry County Board of Commissioners shall hold a public hearing thereon for the purpose of receiving and considering public comment on the merits of the proposed amendment. Said hearings shall be held only after full compliance with all required public notification of the hearing as set forth herein.

If the zoning decision of the Board of Commissioners is for the rezoning of property and the amendment to the zoning ordinance to accomplish the rezoning is defeated by the Board of Commissioners, then the same property may not again be considered for rezoning until the expiration of at least 12 months immediately following the defeat of the rezoning by the Board of Commissioners.

SECTION 1604: PROCEDURE FOR HEARING BEFORE BOARD OF COMMISSIONERS

All proposed amendments to this Ordinance or to the official zoning map with required site plans shall be considered at public hearing. The Board of Commissioners shall consider the following:

1. The possible effects of the change in the regulations or map on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community.

2. The relation that the proposed amendment bears to the purpose of the overall zoning scheme with due consideration given to whether or not the proposed change will help carry out the purposes of this Ordinance.

3. Consistency with the Land Use Plan.

4. The potential impact of the proposed amendment on County infrastructure including water and sewerage systems.

5. The impact of the proposed amendment on adjacent thoroughfares and pedestrian and vehicular circulation and traffic volumes.

6. The impact upon adjacent property owners should the request be approved.

7. The ability of the subject land to be developed as it is presently zoned.

8. The physical conditions of the site relative to its capability to be developed as requested, including topography, drainage, access, and size and shape of the property.

9. The merits of the requested change in zoning relative

to any other guidelines and policies for development which the Planning Commission and Board of Commissioners may use in furthering the objectives of the Land Use Plan.

The following rules of procedure shall govern the public hearing before the Board of Commissioners:

1. Each applicant shall appear before the Board, identify himself/herself by name, address and whether or not applicant is owner or agent for owner.

2. Each applicant or other interested party who provides the Board with documents shall have each document numbered and shall identify each document and each such document submitted shall be made a part of the official record of the hearing.

3. a. Each applicant shall have 15 minutes to present facts pertinent to the application. An applicant may have additional time to address the Board if the applicant notifies the Clerk prior to the start of the public hearing that applicant needs additional time. The additional time shall be limited to 15 minutes.

   b. Each person in opposition to rezoning of property and amendment to the zoning ordinance shall have five minutes to address the Board of Commissioners and shall provide the Clerk with name and address; however, the total time for all interested parties in opposition shall be 30 minutes.

4. At the conclusion of the hearing, the Board of Commissioners shall announce its decision and direct the Planning Administrator to notify the applicant in writing of the Board's decision. The written notification shall immediately be entered on the minutes and made a part of the record on the date that written notification is given to the applicant.

5. Any aggrieved party shall have thirty (30) days from the date of written notification to file an appeal from the Board's decision with the Superior Court.

SECTION 1605: REVERSION

After an approval has been granted for a map amendment to create or extend any zoning district, the applicant, agent, or property owner has twelve (12) months in which to make substantial progress in developing the property. Substantial progress shall mean the point of construction at which time the first inspection is

carried out. If no substantial construction or alteration of the property or other affirmative action to develop the property has occurred within twelve (12) months of the granting of an application for rezoning, the Planning Commission shall review the situation and report its findings with recommendations to the Board of Commissioners who can at a public hearing change the zoning category to its prior or other appropriate zoning district classification.

SECTION 1606: INVALIDATION OF PRELIMINARY SUBDIVISION PLAT

If no substantial construction or alteration of the property or other affirmative action to develop the property occurs within twelve (12) months of the effective date of granting approval of a preliminary plat, said plat approval may become void. Unless there are circumstances that clearly justify an extension of time, the Henry County Planning Commission may nullify the preliminary plat approval and so instruct the Zoning Administrator to:

Inform the preliminary plat applicant by letter of the actions of the Planning Commission; and

Inform the property owner that land alteration shall terminate until another preliminary plat is approved.

ARTICLE XVII

LEGAL STATUS PROVISIONS

SECTION 1700: PROVISIONS OF THIS ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, aesthetics, or general welfare. Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, Ordinances, deed restrictions, or covenants, the most restrictive or that imposing higher standards shall govern.

SECTION 1701: PENALTIES FOR VIOLATION

It is unlawful to violate the provisions of this Ordinance or to fail to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances, conditional uses or conditional exceptions). Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $500, spend thirty (30) days in jail, or both and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offence.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 1702: FEE SCHEDULE

A 'complete schedule of fees for rezoning applications, appeals, variances, conditional use or conditional exception application, building permits, certificates of occupancy, sign permits and final inspection permits shall be maintained in the office of the Zoning Administrator. The Board of Commissioners may, from time to time alter these fee structures.

SECTION 1703: REMEDIES

If any building or structure is constructed, reconstructed, altered, repaired, converted or maintained or if any building, structure or land is used in violation of this Ordinance, the Board of Commissioners of Henry County, the Zoning Administrator, Building Administrator, the Planning Staff or any adjacent property owner who would be damaged by such violation, in addition to other remedies, may institute an injunction, mandamus or other appropriate action in proceeding to stop the violation in the case of such building, structure or land use.

SECTION 1704: SEPARABILITY

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 1705: REPEALER

All Ordinances and regulations or parts of other regulations in conflict with this Ordinance are heavily repealed. More specifically the following Zoning Ordinances and Official Zoning Maps appurtenant thereto are hereby repealed and declared null and void as of the effective date of this Ordinance:

1. The "Zoning Regulations of Henry County" and "Zoning Districts Map" of 1963, as amended,

2. The "Zoning Ordinance of Henry County, Georgia" and the "Zoning Map of Henry County" of 1973, as amended,

3. "The Zoning Ordinance of Henry County, Georgia" and the "Zoning Map of Henry County" of 1978, as amended, and

4. The "Zoning Ordinances of Henry County, Georgia" and the "Zoning Map of Henry County" of 1982, as amended.

SECTION 1706: EFFECTIVE DATE

This Ordinance shall be in full force and effect on the time of its passage as provided for by law.

Ordained, adopted and approved by the Henry County Board of Commissioners after a public hearing on the 3rd day of JUNE, 1986.

Chairman, Board of Commissioners
Henry County, Georgia

Approved As To Legal Sufficiency:

County Attorney
Henry County, Georgia

Attest:

County Clerk
Henry County, Georgia

Pat

HENRY

COUNTY

The Jewel of the Southern Crescent

Zoning Ordinance

Henry County Planning & Development
140 Henry Parkway, Suite 106
McDonough, GA 30253

2001 Edition
As of July

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ZONING

Chapter 3-7

ZONING*

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*Editor's note—Chapter 3-7 contains the zoning ordinance of the county adopted on June 3, 1986, as amended. At the request of the county, the sections thereof have been renumbered in accord with established Code format. Absence of a history note indicates that a section derives, unamended, from the June 3rd ordinance; conversely a history note enclosed in parentheses following a section indicates addition of the section or amendment by the legislation noted therein. Chapter 3-7 previously contained the county's former zoning ordinance, Ord. No. 82-5, adopted April 6, 1982, as amended by:

Ord. No.	Date	Ord. No.	Date
83-07	3- 1-83	84-11	6- 5-84
83-08	3- 1-83	84-15	9-18-84
83-15	4- 5-83	84-16	9-18-84
83-16	5-17-83	84-22	12-18-84
83-19	6-21-83	85-01	3- 5-85
83-20	6-21-83	85-12	8- 6-85
83-25	7- 5-83	85-16	9- 3-85
83-30	11- 1-83	85-23	12-17-85
83-31	11- 1-83	86-02	2- 4-86
84-03	2- 7-84	86-03	2- 4-86
84-08	5- 1-84		

Cross references—Planning and development, Ch. 3-6; subdivisions, Ch. 3-8; buildings and building regulations, Ch. 3-9.

ARTICLE I. ENACTMENT, SHORT TITLE, PURPOSE AND JURISDICTION

Sec. 3-7-1. Preamble and enactment.

Pursuant to the authority conferred by House Bill No. 51 amending Title 36 of the official Code of Georgia Annotated to include Chapter 66, "The Zoning Procedures Law" and for several purposes of promoting the health, safety, aesthetics, convenience, order, prosperity and the general welfare of the present and future inhabitants of Henry County; of improving the county's appearance; lessening congestion in the streets; furthering traffic safety; securing safety from fire, panic and other dangers; providing adequate light and air; preventing the overcrowding of land, avoiding both undue concentration of population and urban sprawl; facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; protecting property against blight and depreciation; encouraging the most appropriate use of land, buildings, and other structures throughout the county; securing economy in government expenditures; and for other purposes, all in accordance with a comprehensive land use plan for the development of the county, the board of commissioners of Henry County and the governing bodies of the City of Locust Grove, the City of Hampton, and the City of Stockbridge do hereby ordain and enact into law the following articles and sections of the zoning ordinance of Henry County, Georgia.

Sec. 3-7-2. Short title.

These regulations [this chapter] shall be known and cited as the "Zoning Ordinance of Henry County, Georgia."

Sec. 3-7-3. Jurisdiction.

These regulations shall govern the use of all land and the developments thereof within the unincorporated areas of Henry County and the cities of Hampton, Locust Grove and Stockbridge, Georgia.

Sec. 3-7-4. Purpose.

The purpose of these regulations shall be to promote the proper location, height, bulk, number of stories, and size of buildings and other structures, the sizes of yards, courts, and the use of buildings, structures, and land for trade, industry, residence, recreation, agriculture, forestry, conservation, sanitation, protection against floods, public activities, and other purposes in accordance with a land use plan for Henry County.

Secs. 3-7-5—3-7-20. Reserved.

ARTICLE II. INTERPRETATION AND DEFINITIONS

Sec. 3-7-21. Interpretation.

For the purpose of this chapter the following interpretations shall apply: All words used in the present tense include the future tense. All words in the plural number include the singular number, and all words in the singular number, include the plural number, unless the natural construction of the wording indicates otherwise. The word "shall" is mandatory and not directory. The word "used" shall be deemed also to include "designed, intended or arranged to be used."

Sec. 3-7-22. Definitions.

For the purpose of this chapter certain words and terms used herein shall be defined and interpreted as follows. All other terms not defined shall have their customary dictionary definitions.

Accessory apartment (garage apartment): A dwelling unit created within an existing single-family home or on the same lot. It is an independent dwelling unit, but it may share an entrance, yard and parking with the principal unit.

Accessory use: A use or detached structure on the same lot, and of a nature customarily and subordinate to the principal use or structure.

Administrator, planning and zoning: The person, officer, or official and his authorized representative designated by the board of commissioners, Henry County, as its agent for the administration of this chapter. The planning and zoning administrator is also the director of the community development department.

Agriculture: Cultivating the soil, producing crops and raising of livestock (farming, and associated activities) upon one or more tracts of land containing not less than three (3) acres. Selling of products raised on the premises shall be considered a permissible activity; provided, that space for off-county right-of-way parking is available to customers.

Archery range: A public or privately owned facility designed and operated for the purpose of archery practice at targets within a controlled setting.

Automotive service, major: Repair services to motor vehicles which require substantial replacement and/or repair of major components. Examples of major automotive repair services include, but are not limited to, transmission repairs/replacement, paint and body work, engine overhaul and radiator repair. Any repair services to construction equipment, agricultural equipment, commercial highway tractors, dump trucks, or wrecker services and associated storage yards shall be considered major automotive services.

Automotive services, minor: Repair and maintenance services which require only very brief adjustment and replacement of minor components. Examples of minor automotive services include, but are not limited to, tune-up, oil change, lubrication, brake repair, air conditioning system servicing, muffler replacement and alignment.

Automobile service station: A building or premise where products necessary for automobile service or maintenance are sold; provided, there is no storage or dismantling of automobiles and only minor services are rendered. An automobile service station is neither a repair garage nor a body shop.

Basement: The area below the first floor level in a building and having not more than one-half (1/2) of its height above grade.

Boarding or rooming house: A building dedicated to and used for the lodging and/or feeding, for compensation, of three (3) or more nontransient, persons of separate families as defined herein.

Body shop: A building or location where motor vehicle repair and/or replacement is performed, including, but not limited to, painting and metal fabrication of motor vehicle bodies or structures. A body shop is a major automotive service.

Buffer: An area of a lot established and maintained to create an open and neutral space between properties with different and possible incompatible types of use, and it is measured from the common property line of the different uses.

Buildable area: The portion of a lot remaining after required yards have been provided.

Building: Any structure attached to the ground which has a roof and which is designed for the shelter, housing or enclosure of persons, animals or property of any kind.

Building, height of: The vertical distance measured from average elevation of the proposed finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

Building administrator: The official designated by the board of commissioners of Henry County as being responsible for issuing construction permits and certificates of occupancy.

Building, principal: A building or structure in which is conducted the principal use of the lot on which said building is situated.

Care home: An orphanage, rest home, nursing home, convalescent home, boarding home for the aged or similar use established to render domiciliary care, but not including facilities for the care of mental patients, alcoholics, drug addicts and nursery schools.

Central sanitary sewer systems: Collection, transportation and treatment of sanitary sewerage, via a pipe network, to a common collection point as required by the department of natural resources for the State of Georgia.

Certificate of occupancy: A document issued by the building administrator or designee indicating the use of a particular building or land conforms with the requirements of this chapter or that there has been a variance therefrom granted.

Church or other place of worship: A building used for public worship including temples, synagogues and related Sunday school or church school facilities.

Clinic: An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one physician or dentist or a group of physicians or dentists practicing medicine.

Club: A building or facilities owned or operated by and for special educational or recreational purposes, but not primarily for profit or to render a service that is customarily carried on for gain.

Cluster housing: A residential development which provides for the grouping of attached and/or detached single-family dwellings on lots that may be smaller than normally permitted in a certain zoning district for purposes of preserving open space and natural features of the terrain thereby allowing public facilities and services to be provided for more economically. Development shall be limited to not more than four (4) units occupying one building.

Commercial vehicle: A vehicle whose gross vehicle weight rating (GVWR) is over twenty-six thousand (26,000) pounds, or a trailer with a gross vehicle weight rating (GVWR) of over ten thousand (10,000) pounds, including commercial tractor-trailers, dump trucks, wreckers, and earth-moving equipment. Agricultural vehicles and equipment and school buses shall be excluded from this definition.

Commission: The board of commissioners of Henry County, Georgia. The word "commission" is synonymous with "council."

Community development department: The county department responsible for planning and zoning administration, subdivision administration and maintaining a comprehensive land use plan for the county.

Conditional exception: A use within a certain zoning district which is not permitted as a matter of right, but may be permitted within the district upon approval by the board of commissioners for Henry County. A conditional exception is temporary and limited to one year.

Conditional use: A use within certain zoning districts of this chapter which is not permitted as a matter of right, but may be permitted within these districts by the Henry County Board of Commissioners. A conditional use is permanent in nature.

Condominium: The ownership in fee simple title of a single unit in a multi-unit structure and an undivided ownership interest, in common with other owners of the common elements of the structure, including the common areas of land and its appurtenances.

Council: The mayor and city council of the cities of Locust Grove, Hampton and Stockbridge.

County street: A street which is owned and/or maintained by Henry County.

Curb cut: The providing of vehicular ingress and/or egress between property and an abutting public street.

Density: The number of dwelling units per acre of land used for residential, commercial or industrial purposes. Unless otherwise specified, density figures are to be set forth in terms of net acres or the amount of land devoted to residential, commercial or industrial use exclusive of streets or other public lands.

Drive-in: A retail or service enterprise wherein service is provided to the customer on the outside of the principal building.

Drive-in restaurant: Any place or premises used for sale, dispensing or servicing of food, refreshment or beverages in automobiles or other vehicles, including those establishments where customers may consume same on the premises.

Dwelling: A building or portion thereof which is designed or used exclusively for residential purposes, including single-family, two-family, multiple-family dwellings, rooming and boarding houses, fraternities, sororities and modular dwellings, but not including hotels or motels.

Dwelling, single-family:

(1) A detached residential dwelling unit, other than a mobile home, hotel or motel de-

signed for and occupied by one family, containing rooms for living, sleeping, toilet facilities and one kitchen.

(2) A single-family dwelling is a structure or portion of a structure designed, arranged and used for occupancy by one or more persons living as a single housekeeping unit or family which meets or exceeds the following standards:

1. Minimum width in excess of sixteen (16) feet.
2. Minimum square footage as required by the zoning district in which it is located.
3. The roof shall have a minimum of four/twelve (4:12) roof pitch and shall have a surface of wood stakes, asphalt composition, wood shingles, concrete, fiberglass or metal tiles, slate, built-up gravel materials, or other materials approved by the building official.
4. The exterior siding material shall consist of wood, masonry, concrete, stucco, masonite, metal or vinyl lap or other material of like appearance.
5. The structure must be attached to a permanent foundation comprised of masonry blocks joined by mortar or poured concrete walls having a height of at least eighteen (18) inches and four (4) inches wide.
6. The structure must be constructed according to standards established either by the State Minimum Standard Codes as amended from time to time or the Standard Building Code if locally adopted or the National Manufactured Housing Construction and Safety Standards Act, or the State of Georgia Industrialized Building Act.
7. Manufactured homes and industrialized buildings placed in residential zoning districts or areas shall meet the minimum compatibility standards set forth in Section 3-7-38 in addition to the district standards applicable to all housing located therein.

(3) A structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) or more body feet in length, or when erected on site is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes plumbing, heating, air conditioning, and electrical systems contained therein and was manufactured prior to June 15, 1976. Any structure meeting the requirements under this definition shall be permitted in Manufactured Home Parks.

(4) Documentation of compliance with specifications prescribed by the American National Standards Institute are required for all mobile homes.

(5) Removal of the wheels and axles and placement on a foundation does not change the structure's classification as a mobile home. Camping style trailers are not mobile homes.

(6) A mobile home shall not be construed to be a travel trailer, motor home, or other form of recreational vehicle.

Dwelling, single-family attached: A residential unit subdivided by a coincidental property line and wall which separates the structure into a maximum of two (2) dwelling units, each occupying its own lot. The two (2) lots created by the coincidental property line and wall shall each contain at least:

(1) Fifty (50) percent of the minimum lot area in the zoning district in which they are located; and

(2) Fifty (50) percent of the minimum gross floor area in the zoning district in which they are located.

An attached single-family structure must meet all front, rear and side yard setback requirements

in the zoning district in which it is located, except for the coincidental property line and wall. Each dwelling unit must be separately metered for all utilities and the coincidental property line and wall must be fire-rated and extend from the foundation to the roof decking of the structure. Otherwise, an attached single-family structure must meet all standards that would be required for two-family dwellings in the zoning districts in which they are located. Each dwelling unit shall contain rooms for living, sleeping, toilet facilities and one kitchen.

Dwelling, mobile home: A detached residential unit with the following characteristics:

(1) Designed for long-term occupancy as opposed to transient locations, containing sleeping accommodations and toilet facilities with plumbing and electrical connections provided.

(2) A structure built in a factory, transported to its site on a chassis which is a distinct part of the floor system, built to arrive at the site where it is to be occupied as a dwelling unit complete (with the exception of a double-wide mobile home which arrives at the site in two (2) or more sections), including major appliances, and ready for occupancy except for necessary unpacking and assembly operations.

(3) For all units built since June 15, 1976, documentation of compliance with the National Mobile Home Construction and Safety Standard Act (United States Department of Housing and Urban Development certification) shall be required.

(4) For all units built prior to June 15, 1976, documentation of compliance with specifications prescribed by the American National Standards Institute shall be required.

(5) Mobile homes do not meet Southern Standard Building Code requirements for house construction or prefabricated housing. Removal of the wheels and axles and placement on a foundation does not change the structure's classification as a mobile home. Camping style trailers are not mobile homes.

(6) A mobile home shall not be construed to be a travel trailer, motor home, or other form of recreational vehicle.

Dwelling, townhouse: One of a series of three (3) or more attached dwelling units on separate lots which are separated from each other by party wall partitions extending at least from the lowest floor level to the roof.

Dwelling, two-family: A detached residential unit containing two (2) dwelling units, designed for occupancy by not more than two (2) families living independent of each other.

Dwelling, multiple-family: A residential unit or portion thereof designed for three (3) or more dwelling units, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling unit: One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, for rental or lease on a weekly, monthly, or longer basis and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent living, sleeping, toilet and single cooking facilities.

Family: One or more persons occupying a premise and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, hotel, fraternity or sorority house.

Farm: A farm includes all places of three (3) or more acres devoted to the raising of agricultural products regardless of the quantity or value of production.

Firing range: A public or privately owned facility designed and operated for the purpose of discharge of rifles, shotguns and handguns at targets within a controlled setting.

Flood hazard area: The area possibly threatened by periodic flooding as determined by various data, e.g., maps provided by the United States Department of Housing and Urban Development, United States Soil Conservation Service, Army Corps of Engineers, or hydrological studies utilizing generally accepted engineering practices. Flood hazard areas shall include all lands underneath a

permanent body of water, e.g., a lake, pond, river, and stream, and all land within the limits of a flood hazard area having a one-hundred-year return frequency.

Floor area, gross: The total number of square feet of floor area in a building determined by horizontal measurements between the exterior faces of walls, excluding unfinished basement areas, attics, porches, carports and garages.

Garage, parking: A structure, lot or any portion thereof which is open to the public in which one or more vehicles are housed or kept, not including exhibition, show rooms, storage of cars or cars for sale.

Garage, repair: A building or structure used to house, cover or protect automobiles or other vehicles from the elements while repairs are being made thereto.

Ground coverage: The area of a lot occupied by all buildings expressed as a percentage of the gross area of the lot.

Home occupation: An occupation for gain or support customarily conducted on the premises by a person or family residing thereon. The term "home occupation" shall not be deemed to include a tourist home.

Hospital: An institution receiving in-patients, or a public institution receiving out-patients, and authorized under Georgia law to render medical, surgical and/or obstetrical care. The term "hospital" shall include a sanitarium for the treatment and care of mental patients, alcoholics or drug addicts, but shall not include office facilities for the private practice of medicine or dentistry.

Hotel: A building in which overnight accommodations without separate cooking facilities are provided to the public. The term "hotel" includes the terms "motel" and "tourist court".

Industrialized building: Any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. Industrialized buildings are constructed and regulated in accordance with the "Industrialized Buildings Act," Georgia Law 1981 pp 1637-1643 (Official Code of Georgia Annotated, Title 8, Chapter 2, Article 2, Part 1).

Inoperable vehicle: Any motorized vehicle incapable of immediately being driven.

Junk/salvage yard: Any use on public streets or private property involving the parking, storage or disassembly of vehicles and/or machinery; the storage, sale or resale of used auto parts, tires, scrap iron, metal; used plumbing fixtures, old stoves, refrigerators and other old household appliances; used brick, wood, or other building/structural materials, used paper, rags or other scrap materials.

These uses shall be considered junk yards whether or not all or part of these operations are conducted inside a building or in conjunction with, or accessory to other uses of the premises.

Junked vehicle: Any wrecked, nonoperable, dismantled automobile, truck or other vehicle which does not bear a current state license plate.

Kennel: The following shall constitute a kennel:

(1) *Commercial kennel:* Any location which provides board and care for dogs, cats, or other small animals for pecuniary gain.

(2) *Noncommercial kennel:*

a. In an RA zoning district outside a subdivision, on a tract of land having a minimum area of three (3) acres, a noncommercial kennel is a location upon which more than six (6) dogs are kept as pets, or otherwise not for pecuniary gain;

b. In an R1, R2, R3, RD, RM, or RMH zoning district, or in an RA zoning district where the location does not meet the requirements of subsection (2)a., a noncommercial kennel is a location upon which more than three (3) dogs, cats, or other small animals, or any combination thereof, are kept as pets, or otherwise not for pecuniary gain.

Kindergarten: A state-approved institution for the education of preschool aged children.

Loading space, off-street: Space logically and conveniently located for bulk pickups and deliveries, scaled to the size of delivery vehicles expected to be used.

Lot: A lot of record, or any combination of lots of record, held in a single ownership by one person, or in common ownership by more than one which has both lot area requirements established by this chapter for the zoning district in which such tract of land is located and for the use proposed for the tract of land.

Lot, corner: A lot situated at the intersection of two (2) streets, or bounded on two (2) or more adjacent sides by street right-of-way lines.

Lot, through: A lot other than a corner lot, having frontage on more than one street, or a corner lot having frontage on three (3) or more streets.

Lot frontage: That portion of a lot adjacent to a street.

Lot, interior: A lot other than a corner lot or a through lot.

Lot line: A boundary of a lot. Lot line is synonymous with property line.

Lot of record: An individual lot or a lot which is a part of a subdivision, the map of which has been recorded in the office of the clerk of superior court of Henry County, Georgia, or a parcel of land the deed of which has been recorded in the office of the clerk of superior court of Henry County.

Lot width: The distance between the side lot lines, measured along the front yard setback line as established by this chapter, or if no setback line is established, the horizontal distance between the side lot lines measured along the street right-of-way lines.

Manufactured home: A structure defined by and constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, 42 U.S.C. 5401, et seq. The definition in effect as of the date of the adoption of this part reads as follows:

> Manufactured home means a structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under this title.
>
> (1) Mass-produced in a factory;
>
> (2) Designed and constructed for transportation to a site for installation and use when connected to required utilities;
>
> (3) Either an independent, individual building or a module for combination with other elements to form a building on the site.

Mini-warehouse: A building or portion thereof used for dead storage, mainly of the excess personal property of an individual or family, but also of small amounts of goods or merchandise for businesses or individuals. Mini-warehouses shall not include retail sale on the premises, commercial repair or other services, manufacturing or any other commercial use.

Mobile home community: A mobile home development with continuing local general management and with special facilities for common use by the occupants, including such items as common recreational buildings and areas, common open space, laundries and the like.

Mobile home development: A mobile home development includes mobile home parks, mobile home subdivisions and mobile home condominiums.

Mobile home park: A parcel of land that has been planned and improved for the placement of mobile homes for living or sleeping purposes, or where spaces or lots are set aside and offered for rent for use by mobile homes for living or sleeping purposes, including any land, building or structure or facility used by occupants of mobile homes on such premises. A mobile home park does not include an automobile or mobile home sales lot on which unoccupied mobile homes are parked for inspection or sale.

Mobile home or manufactured home subdivision: A tract of land that is used, designated, maintained or held out for sale of lots to accommodate mobile homes or manufactured housing. A mobile home or manufactured home subdivision shall meet the requirements of the zoning district in which it is located.

Motel: A building in which lodging or board and lodging are provided to transient guests or offered to the public for compensation, in which ingress or egress to and from all rooms are made primarily directly from an exterior walkway rather than from an inside lobby. A building in which overnight accommodations without separate cooking facilities are provided to the public. The term "motel" includes the term "hotel" and "tourist court".

Move in house: Pre-existing dwelling, relocated to another lot.

Nonconforming use: Use of lands and/or structures for a purpose or in a manner contrary to provisions of this chapter; generally of two (2 types:

(1) Lawful, where such use is rendered nonconforming by terms of this chapter; and

(2) Unlawful, where such use was illegal when commenced or became so thereafter prior to adoption of this chapter.

Nursery school or day care facility: A firm, partnership, corporation, individual, or other business entity providing care for more than six (6) children not related by blood or marriage or not the legal wards or foster children of the attendant adult or adults.

Parking space, off-street: An off-street parking space consisting of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, design standards for which are contained in this chapter.

Planning commission: The Henry County Municipal Planning and Zoning Commission of Henry County, Georgia and the cities of Locust Grove, Hampton and Stockbridge.

Planning and zoning department: The professional planning staff of Henry County, Georgia, responsible for administering the zoning ordinance, subdivision regulations and comprehensive land use plan.

Principal building: The building or structure containing or to contain the principal use of a lot.

Principal permitted use: That use of a lot which is among the uses allowed as a matter of right under the zoning classifications.

Private deed restrictions or covenants: Private deed restrictions or covenants imposed on land by private land owners. They bind and restrict the land in the hands of present owners and subsequent owners. They are enforceable only by the land owners involved and not by the county or other public agency.

Public water facilities: Mains and service lines owned and operated by the Henry County Water System, or when approved by the county commissioners, a private water system operating under the direct supervision of the department of natural resources.

Public street: Right-of-way dedicated to the county or owned by the county for public street purpose.

Right-of-way: Access over or across a particularly described property for a specific purpose.

Set back: The area designed [designated] by this chapter in which a structure may not be erected, as measured from the property boundaries of the lot or from the buffer line if a buffer is required.

Shopping center: A group of commercial establishments having a building composition that is a single architectural unit and is not a miscellaneous assemblage of stores. It is planned and developed as a unit, related in location, size and type of shops to the trade area that the unit serves, and provides on-site parking in definite relationship to the types and sizes of stores. Shopping centers are classified by type, each distinctive in its own function:

(1) *Neighborhood Shopping Center.* Provides for the sale of convenience goods (foods, drugs, sundries, etc.) and personal services (laundry, dry cleaning, barbering, shoe repair, etc.) for the day to day living needs of the immediate neighborhood. It is generally built around a supermarket which is the major tenant. Neighborhood shopping centers may have an average gross leasable area (GLA) close to fifty thousand (50,000) square feet and range between thirty thousand (30,000) square feet and one hundred thousand (100,000) square feet GLA. Typically, the lot size for a neighborhood shopping center is between four (4) and ten (10) acres, with a trade area population of five thousand (5,000) to forty thousand (40,000) people.

(2) *Community shopping center.* Provides for the sale of a wide range of durable goods and other types of merchandise in addition to convenience goods and personal services

found in a neighborhood shopping center and typically has a junior department store or specialty store as the major tenant. Community shopping centers may have an average GLA close to one hundred fifty thousand (150,000) square feet and range between one hundred thousand (100,000) square feet and three hundred thousand (300,000) square feet GLA. Typically, the lot size for a community shopping center is between ten (10) and thirty (30) or more acres, with a trade area population of forty thousand (40,000) to one hundred fifty thousand (150,000) people.

(3) *Regional shopping center.* Provides for the sale of a wide range and variety of general merchandise, apparel, furniture, furnishings, novelties, personalized services and amusements in addition to those items found in neighborhood and community shopping centers. Typically, there are several major tenants which include nationally known department stores and grocery stores. Regional shopping centers may have an average GLA close to four hundred thousand (400,000) square feet and range between three hundred thousand (300,000) square feet and one million (1,000,000) square feet GLA. Typically, the lot size for a regional shopping center is thirty (30) to fifty (50) or more acres, with a trade area population in excess of one hundred fifty thousand (150,000) people.

Sign: Any surface, fabric or device bearing lettered, pictorial, or sculptured matter designed to convey information visually and exposed to public view, or any structure (including billboard or poster panel) designed to carry the above visual information. The term "sign" shall mean and include every sign billboard, ground sign, wall sign, roof sign, illuminated sign, projecting sign, temporary sign, marquee, awning, and canopy, and shall include any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person when the same is placed out of doors in view of the general public.

(1) *Freestanding sign.* A sign attached to a structure with its own support and not attached to a building, walls or roof.

a. *Off-premises advertising sign (billboard).* Any existing structure or portion thereof, situated on private premises, on which lettered, figured or pictorial matter is displayed for advertising purposes, except for the name and occupation of the user of the premises or the products primarily sold or manufactured on the premises or noncommercial messages. Any signboard carrying a message excepted in this definition which also carries extraneous advertising shall be considered a billboard.

b. *Off-premises real estate directional sign.* Any structure or sign, as defined herein, conveying, illustrating or displaying directions to real estate or a real estate subdivision designed to direct an individual to a certain location. All such signs must be constructed of wood and/or other biodegradable substances so as to cause no pollution of the soil.

(2) *On-premises principal identification sign.* A freestanding sign which advertises or promotes a product, service, person, place, activity, event, idea, or anything located or obtainable on or at the lot or property where the sign is located. On-premises signs include:

a. *Shopping center or planned center sign:* A freestanding on-premises sign which advertises the name of the facility and may include a listing of businesses or tenants.

b. *Point of business sign:* A freestanding on-premises sign located on the property being advertised in commercial or industrial zoning districts.

(3) *Identification sign.* A sign which is affixed to or represented directly on a building roof, wall or canopy and which advertises or promotes a product, service, person, place, activity, event, idea or anything located or obtainable on or at the lot or property where the sign is located.

(4) *Point of entry sign.* Signs erected on the ground which identify the entrance of a residential, multiple-family, religious facility or commercial or industrial development but which do not provide advertising for any one commercial activity which may be located therein; for example, signs identifying residential subdivisions or communities, churches, industrial parks and commercial planned complexes.

(5) *Portable sign.* A sign supported by adjustable uprights or braces placed upon the ground that does not conform to height and erection requirements for permanent on-premises signs.

a. *Weekend directional real estate signs.* Temporary signs erected between 3:00 p.m. Friday and 11:59 p.m. Sunday which convey directions to specific real estate events.
b. Reserved.

(6) *Bulletin board.* A sign used to announce meetings or programs to be held on the premises of a church, community recreation center, school, auditorium, library, museum, or similar noncommercial places of public assembly.

(7) *Illuminated sign.* Any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper. Flashing signs are prohibited.

(8) *Nonconforming sign.* Any sign, legally erected, prior to the enactment of this chapter which does not now comply to the provisions of this chapter.

Stable, private: A stable with a capacity of not more than four (4) horses, mules or other draught animals.

Stable, public: A stable other than a private stable with a capacity of more than four (4) horses, mules or other draught animals.

Street: A street includes the land between the right-of-way lines, whether improved or unimproved, and may comprise pavement, shoulders, curb and gutter, sidewalks, drainage ditches and structures and other areas within the street right-of-way lines. Streets are classified as follows:

(1) *Expressway.* The expressway system includes high volume limited access thoroughfares through the county and region beyond. These include I-75, U.S. 19/41 and I-675.

(2) *Major arterial.* An arterial street which is designed or intended for moderate to high levels of traffic flow for the county and region beyond and is designated on the future thoroughfare plan in the Henry County Comprehensive Land Use Plan, and also includes the state and federal highway system for the county.

(3) *Minor arterial.* An arterial street similar in function to a major arterial but which is intended to provide moderate levels of traffic flow and greater access to abutting properties. Minor arterials serve as traffic feeders to major arterials and for cross-country and regional travel.

(4) *Collector street.* A street which carries traffic from local streets to minor and major arterial streets, and may include the principal entrance of a development.

(5) *Local street.* A street designed to provide access to adjoining properties within a subdivision or other development.

(6) *Cul-de-sac.* A local street with only one outlet, closed and terminated by a vehicular turnaround.

(7) *Marginal access street.* A street which is parallel to, and adjacent to an arterial street or highway and which provides access to abutting properties and protection from through traffic.

Structure. Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include but are not limited to, site-built buildings, industrialized buildings, manufactured homes, mobile homes, gasoline pumps, walls, fences, billboards, signs, and satellite dish antennas.

Subdivision: The division of a parcel or tract of land into more than three (3) lots for the purpose of creating sites for development, the rearrangement of existing lot lines, or for the purpose of transfer of ownership. Every subdivision must have frontage on a paved county road. Every lot must have a minimum of thirty (30) feet of road frontage and comply with the zoning ordinance. A subdivision may include the construction, extension, or relocation of public improvements including streets, public rights-of-way, public water and sewer facilities and other improvements for the purpose of creating building sites.

Surface water: Includes any river, creek, stream, or body of water located within the Towaliga Watershed Protection District, Tussahaw Watershed Protection District and Walnut Creek Watershed Protection District.

Tourist home: A dwelling in which sleeping accommodations are provided or offered to transient visitors for compensation.

Townhouse, fee simple: A townhouse unit has a common wall or walls between it and the adjoining dwelling unit or units which is its property line or lines, has individual meters for all utilities, has access to a public street and meets the standards described herein.

Toxic: The word "toxic" as used herein shall mean any chemical or substance that has been defined as toxic by the Environmental Protection Agency of the United States (E.P.A.), Environmental Protection Department of the State of Georgia (E.P.D.), or the Department of Agriculture of the State of Georgia (A.D.).

Trailer (motor home): A motorized vehicle, designed and/or maintained for use as a temporary dwelling or sleeping place for travel or recreation purposes exclusively, having no foundation other than wheels or jacks.

Trailer (travel): A nonmotorized vehicle, pulled by an automobile or truck designed and/or maintained for use as a temporary dwelling or sleeping place for travel or recreation purposes exclusively.

Trailer park: A parcel of land which is used solely for the rental or lease of lots for transient campers, trailers, motor homes or temporary parking of any other recreational vehicle that is not a mobile home.

Underground water: Any underground water located within the Towaliga Watershed Protection District, Tussahaw Watershed Protection District and Walnut Creek Watershed Protection District.

Use: The purpose or purposes for which land or a building is designed, arranged, intended, or for which said land or building is occupied, maintained or leased.

Variance: A variance is a minimal relation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the chapter would result in unnecessary and undue hardship. As used in this chapter, a variance is authorized only for height, area and size of a structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in adjoining zoning districts.

Vehicle, abandoned: A vehicle which does not bear a current state license plate, unless said vehicle is stored within a completely enclosed building or it is stored on a bona fide sales lot and is in a satisfactory operating condition.

Watershed protection district: An overlay district with regulations for the protection of drinking water resources for certain drainage basins in Henry County.

Yard: A required open space located on the same lot as the principal building, unoccupied and unobstructed except for accessory uses and for shrubs and fences.

Yard, front: That area of a lot lying between the abutting street right-of-way line and the principal building of the lot and extending across the front of a lot from side lot line to side lot line.

Yard, rear: That area of a lot extending across the rear of a lot from side lot line to side lot line and lying between the rear lot line and the principal building on the lot.

Yard, side: That area of a lot between the side lot line and the principal building on the lot extending from the front yard to the rear yard.

Zoning district: Area of zoned property within Henry County and shown on the official zoning map which is part of this chapter.

(Ord. No. 87-23, 2-15-87; Ord. No. 88-10, 9-6-88; Ord. No. 90-03, 9-18-90; Ord. No. 92-04, 5-19-92; Ord. No. 93-11, 12-21-93; Ord. No. 94-03, 4-26-94; Ord. No. 96-05, 12-2-96; Ord. No. 98-04, § 1, 2-17-98)

Secs. 3-7-23—3-7-30. Reserved.

ARTICLE III. OFFICIAL ZONING MAP; ESTABLISHMENT OF DISTRICTS

Sec. 3-7-31. Zoning map adopted; seal.

(a) Henry County is hereby divided into zoning districts, as shown on the official zoning map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter.

(b) The official zoning map shall be identified by the signature of the chairman of the board of commissioners, attested by the county clerk, and bearing the seal of the county under the following words: "This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Henry County," together with the date of adoption of this chapter.

Sec. 3-7-32. Amendments to official zoning map.

(a) If, in accordance with the provisions of the chapter, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map periodically after the amendment has been approved by the board of commissioners, with an entry in the minutes of such board of commissioners meeting as follows: "On _____, 19____ by official action of the Board of Commissioners, the following (change) changes (was) were made to the Official Zoning Map: (brief description of nature of change or changes)," which entry shall be signed by the chairman and attested by the clerk.

(b) No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this chapter.

(c) Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map which shall be located in the office of the planning and zoning department shall be the final authority as to the current zoning status of the county.

Sec. 3-7-33. Replacement of official zoning map.

In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the board of commissioners may, by ordinance, adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map, and this new map shall be identified by the signature of the chairman attested by the county clerk, and bearing the seal of the county under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted on _____, 19____, as part of the Zoning Ordinance of Henry County." Unless the previous official zoning map has been lost, or has been totally destroyed, the prior map or any significant remaining parts thereof shall be preserved, together with all available records pertaining to its adoption or amendment.

Sec. 3-7-34. Rules for interpretation of district boundaries.

Where uncertainty exists with respect to the location of the boundaries of any zoning district in

Henry County, or in the cities of Locust Grove, Hampton, or Stockbridge, the following rules shall apply:

(1) Where district boundaries are indicated as approximately following the centerlines of streets or highways, street lines, or highway right-of-way lines, such street lines, or highway right-of-way lines shall be construed to be district boundaries.

(2) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

(3) Where district boundaries are so indicated that they are approximately parallel to the centerlines of streets, highways, or railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance therefore as indicated on the official zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on said official zoning map.

(4) Where a district boundary line as appearing on the official zoning map divides a lot in single ownership at the time of enactment of this chapter, the district requirements for each portion of such lot shall be deemed to apply, provided that such extension shall not include any part of such a lot more than one hundred (100) feet beyond the district boundary line.

(5) In the case of a through lot fronting on two (2) approximately parallel streets that is divided by a zoning district boundary line paralleling the streets, the restrictions of the zoning district in which each frontage of the through lot lies shall apply to that portion of the through lot.

(6) Where zoning district boundaries are in doubt, the planning and zoning administrator shall make such interpretation using the appropriate scale from the official zoning map.

Sec. 3-7-35. Zoning districts listed.

For purposes of this chapter the unincorporated land area of Henry County and the incorporated areas of the cities of Locust Grove, Hampton and Stockbridge are divided into zoning districts designated as follows:

RA	*Residential-Agricultural District:* Low density residential development in conjunction with limited agricultural endeavor.
R-1	*Single-Family Residence District:* Low density residential development on septic tanks or public water and sewerage systems.
R-2	*Single-Family Residence District:* Low density residential development on septic tanks or public water and sewerage systems.
R-3	*Single-Family Residence District:* Moderate density residential development on lots served by public water and sewerage systems when part of a planned development project.
RD	*Two-Family Residence District:* Moderate density residential development limited to duplex dwellings on lots served by public water and sewerage systems.
RM	*Multiple-Family Residence District:* Moderate density residential multiple-family development on lots served by public water and sewerage systems.
RMH	*Mobile Home Development District:* Moderate density residential development of mobile home parks and subdivisions where there is adequate land area and public water with individual/public sewerage systems.
OI	*Office-Institutional District:* Businesses and institutions limited to office and closely related commercial activities.

C-1 *Neighborhood Commercial District:* Businesses serving the day-to-day needs of discrete portions of Henry County.

C-2 *General Commercial District:* Businesses serving the general shopping needs of county residents.

C-3 *Heavy Commercial District:* Businesses of a regional commercial nature typified by larger land areas, access to major arterial thoroughfares, and having the need to provide for orderly outside storage of materials.

M-1 *Light Manufacturing District:* Manufacturing uses that are nuisance-free and not generators of hazardous wastes.

M-2 *Heavy Manufacturing District:* Manufacturing uses requiring larger land areas and the need to incorporate substantial outside storage of products and materials.

PD *Planned Development District:* An overlay district to provide for innovative development and siting techniques for planned residential, office, commercial or industrial uses.

FP *Flood-Protection District:* An overlay district reflecting provisions of the FEMA flood-prone area studies, incorporating by reference the boundaries of the FIRM flood maps depicting the limits of the one hundred-year flood.

TOWPD *Towaliga Watershed Protection District:* An overlay district with regulations for protection of the Towaliga River and tributaries in its drainage basin and protection of Henry County water resources.

TUWPD *Tussahaw Watershed Protection District:* An overlay district with regulations for the protection of the Tussahaw Creek and tributaries in its drainage basin and protection of Henry County water resources.

WCWPD *Walnut Creek Watershed Protection District:* An overlay district with regulations for the protection of the Walnut Creek and tributaries in its drainage basin and protection of Henry County water resources.

(Ord. No. 87-19, 10-20-87; Ord. No. 89-08, 3-21-89; Ord. No. 90-04, 9-19-90)

Sec. 3-7-36. Intent.

(1) It is the intent of this ordinance to encourage the provision of affordable housing in a general residential environment by permitting the use of manufactured homes meeting the definition of dwelling, single-family in all residential districts in which similar dwellings constructed on-site or otherwise are permitted, subject to the requirements and procedures set forth herein to assure similarity in the exterior appearance between such residentially-designed manufactured homes and dwellings which have been or may be constructed under these or other lawful regulations on lots in the same zoning district or general use.

(2) Manufactured homes meeting the definition of dwelling, single-family, either individually or by specific model, shall be permitted in all residential districts subject to the requirements and limitations set forth in this ordinance which are applicable to manufactured homes and the requirements and limitations applying generally to residential use in such zoning districts, including minimum lots, yard and building spacing, percentage of lot coverage, off-street parking requirements and approved foundations as required by law.

(3) Manufactured homes placed on individual lots within Henry County shall be taxed in the same manner as comparable site-built homes within the area where the manufactured home is located.

(Ord. No. 93-11, 12-21-93)

Sec. 3-7-37. Permitted locations.

Manufactured homes which meet the definition of dwelling, single-family and the compatibility standards shall be permitted in all residential zoning districts.
(Ord. No. 93-11, 12-21-93)

Sec. 3-7-38. Compatibility standards.

Compatibility standards for manufactured homes meeting the definition of dwelling, single-family are as follows:

(1) Manufactured homes qualifying as dwelling, single-family shall be compared to site-built and other housing in the general area and within the same zoning district. Approval shall be granted by the compatibility standards review committee upon the finding that the manufactured home is substantially similar or superior in size, siding material, roof material, foundation and general aesthetic appearance to:

(a) Site-built or other forms of housing which may be permitted under this ordinance in the same zoning district or general area, or

(b) Existing development in the same zoning district or general area, or

(c) Proposed development permitted in the same zoning district or general area.

(2) All towing devices, wheels, axles and hitches must be removed.

(3) At each exit door there must be a landing that is a minimum of thirty-six (36) inches by thirty-six (36) inches.

(Ord. No. 93-11, 12-21-93)

Sec. 3-7-39. Procedure for approval of manufactured homes classified as dwellings, single-family.

The procedures for approval are as follows:

(1) Applications for approval of placement of manufactured homes shall be made on a form or forms developed for that purpose and the completed application shall be submitted to the compatibility standards review committee for review and approval in accordance with this Code by filing the completed form or forms with the Henry County Department of Community Affairs.

(2) Such applications shall include only information reasonably necessary to make determination as to conformity with the provisions of this ordinance as applicable to each such structure and, as applicable, conformity with the standards herein, including photographs or renderings of the front and side of the manufactured home or mobile home exterior finish and other information reasonably necessary to make determinations required by this Code.

(3) Approval or denial of the application shall be made within thirty (30) days of the date of receipt of the application and all required supporting materials. The applicant shall be notified in writing of the approval, conditional approval or denial of the application within two (2) working days after such decision is made. Conditional approval shall require that the specific conditions and the reasons therefore be stated in writing and be agreed to by the applicant; such conditions shall be binding upon the applicant upon agreement. In the case of disapproval, the reasons therefore shall be specifically stated in writing by designating each specific provision of this Code and ordinance which is not met and an explanation as to the reason or reasons why each such provision is not met. The applicant may appeal the decision of the compatibility standards review committee to the board of commissioners who will act on said appeal within thirty (30) days after said appeal is filed. The applicant may submit such additional information, documents or other materials as are deemed appropriate to the board of commissioners for which [its] consideration in connection with any such appeal. The decision of the board of commissioners shall be in writ-

ing and shall specifically set forth findings of fact and identity specific provisions contained in this ordinance upon which it relies, if the applicant's appeal is denied.

(4) In the event that the compatibility standards review committee has not approved or denied any application submitted to it within seven (7) days of receipt of that application, then such application shall be deemed to have been approved. In the event that the board of commissioners fail to act upon any appeal filed pursuant to the provisions of subparagraph (3) above within thirty (30) days after the date of the filing of such appeal, then the appeal of any applicant so submitted shall be deemed to have been sustained and approved by the board of commissioners and the applicant shall be entitled to locate the home in accordance with the application.

(Ord. No. 93-11, 12-21-93)

Sec. 3-7-40. Compatibility standards review committee.

For the purpose of reviewing the location of manufactured homes, other manufactured homes or mobile homes, as contemplated in this Code, a compatibility standards review committee consisting of the county zoning administrator, the county building official and the county tax assessor is hereby established. A quorum shall consist of any of the three (3) members, and the decision of any two (2) of the three (3) members shall be binding on the committee and this county. The committee shall adhere to the provisions of this ordinance. In the event that one or more members of the committee is/are unable to participate in the review process contemplated in this section and the ordinance, then such named member of [or] members may designate his or her associate or assistance [assistant] as an alternate to act in the place of the named member until such member is able to again participate in the committee review process.

(Ord. No. 93-11, 12-21-93)

Secs. 3-7-41—3-7-40. Reserved.

ARTICLE IV. GENERAL PROVISIONS

Sec. 3-7-41. Applicability to land, buildings and open space.

No building, structure, land or open space shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

Sec. 3-7-42. Every use must be upon a lot.

No building or structure may be erected or use established unless upon a lot as defined by this chapter, except as otherwise provided herein.

Sec. 3-7-43. One principal building on a lot.

Except for planned developments or as otherwise provided, only one principal residential building and its accessory buildings may hereafter be erected on any one lot in any single-family or two-family residential district.

Sec. 3-7-44. Annexation or unincorporated area additions.

All undeveloped land area subsequently added to the unincorporated area of Henry County or undeveloped land annexed to the cities of Locust Grove, Hampton and Stockbridge shall automatically be classified RA-20 until otherwise classified by amendment to the official zoning map. All developed land areas subsequently added to the unincorporated area of Henry County or annexed to the cities of Locust Grove, Hampton or Stockbridge shall retain its present zoning classification by the board of commissioners or by the mayor and city council of an affected municipality at a legally advertised public hearing.

Sec. 3-7-45. Height and density.

No building or other structure shall hereafter be erected or altered:

(1) To exceed the height or bulk limits of this chapter;

(2) To accommodate or house a greater number of families;

(3) To occupy a greater percentage of lot area;

(4) To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner be contrary to the provisions of this chapter.

Sec. 3-7-46. Open space not to be encroached upon.

No open space shall be encroached upon or reduced in any manner except in conformity to the yard, setback, off-street parking spaces, and such other regulations required by this chapter for the zoning district in which such building is located. Shrubbery, driveways, retaining walls, fences, curbs and planted buffer strips shall not be construed to be encroachments of yards. Open space areas as required by this chapter shall be permanently maintained as open space and appropriately landscaped with trees, shrubs, flowers, grass, stones, or other landscaping materials.

Sec. 3-7-47. Required open space may not be used by another building.

No part of any yard, other open space, or off-street parking or loading space required in connection with any building, structure, or use by this chapter shall be considered to be part of a required yard, or other open space, or off-street parking or loading space, for any other building, structure, or use except as otherwise provided herein.

Sec. 3-7-48. Reduction of yards or lot area.

Except as otherwise provided herein, no lot existing at the time of passage of this chapter shall be reduced, divided, or change so as to produce a tract of land which does not comply with the minimum dimension or area requirements of this chapter for the district in which it is located unless said reduction or division is necessary to provide land which is needed and accepted for public use.

Sec. 3-7-49. Lots with multiple frontage.

In case of a corner lot, side yard setback requirements from the right-of-way of abutting streets shall be equal to seventy-five (75) percent of that lot where the main entrance into a residence is facing a side yard. It shall be permissible for purposes of this chapter, to construe the residence to be fronting on the street other than that street which said entrance faces, and side and rear yard requirements may be provided accordingly. If a building is constructed on a through lot having frontage of two (2) roads not at an intersection, a setback from each road shall be provided equal to the front yard requirement for the district in which the lot is located.

Sec. 3-7-50. Minimum lot size for residences using septic tank systems.

All residential building utilizing a septic tank shall be on a lot of not less than twenty-five thousand (25,000) square feet with a minimum lot width of one hundred twenty-five (125) feet and must be served by a public water system, regardless of any zoning classification which permits smaller lot sizes. With respect to existing platted lots, the Henry County Board of Health will evaluate each individual request for a permit on a case-by-case basis. This restriction on lot size does not apply to residential development served by public sewerage systems.
(Ord. No. 90-05, 9-19-90)

Sec. 3-7-51. Landlocked lots.

In the event property is a landlocked lot, as of the effective date of this chapter, the property owner shall be entitled to one (1) building permit, provided:

(1) No other principal building exists or is being constructed on said property;

(2) No other valid building permit has been issued prior to the effective date of this chapter and is currently valid;

(3) The property was and continues to be under single ownership since the effective date of this chapter;

(4) The property owner has acquired a thirty-foot easement to a county-maintained street, and said easement has been duly recorded and made a part of the property deed; and

(5) In the event said property is divided, no additional permits will be issued.

Sec. 3-7-52. Yards and other spaces.

No part of a yard or other open space or off-street parking or loading spaces required for any one (1) building shall be included as a part of the yard or off-street parking or loading spaces required for another building, except as specifically provided for herein.

Sec. 3-7-53. Road frontage.

In all zoning districts other than RA, residential-agricultural, each lot or parcel of land on which a principal building is to be erected shall have at least thirty (30) feet of frontage on a public road. In the RA, residential-agricultural zoning district, the following road frontage requirements shall apply:

(1) Lots consisting of two (2) or more acres shall have at least thirty (30) feet of frontage on a public road;

(2) Lots consisting of less than two (2) acres shall have at least sixty (60) feet of frontage on a public road.

(Ord. No. 97-10, § 1, 6-17-97) ('82 R4W)

Sec. 3-7-54. Substandard lots of record.

Any lot of record existing at the time of the adoption of this chapter, which has an area or a width which is less than required by this chapter, shall be subject to the following exceptions and modifications.

(1) *Adjoining lots:* When two (2) or more adjoining and vacant lots within a nonapproved development with continuous frontage are in a single ownership at the time of application and such lots have a frontage or lot area less than is required by the district in which they are located, such lots shall be replatted or reparcelled so as to create one (1) or more lots which conform to the minimum frontage and area requirements of this district.

(2) *Lot not meeting minimum lot size requirements:* When a lot has an area or frontage which does not conform with the requirements of the district in which it is located, but was a lot of record at the effective date of this chapter, such lot may be used for any use allowed in the zoning district in which it is located provided that all other requirements of this chapter are met.

Sec. 3-7-55. Side and rear yards not required next to railroad.

Within any nonresidential district, side yards and rear yards shall not be required adjacent to railroad rights-of-way.

Sec. 3-7-56. Buildings under construction.

Nothing in this chapter shall require any change in the construction or intended use of a building which is legally under construction or for which a building permit has been issued as of the effective date of this chapter and the construction of which shall be diligently pursued until completion.

Sec. 3-7-57. Development projects under construction.

Nothing in this chapter shall require any change in development or proposed use of properties which are legally under development or for which a development plan or preliminary plat has been approved as of the effective date of this chapter and the development of which shall be commenced within one (1) year from said date.

Sec. 3-7-58. Subdivision approval.

No approval will be granted for a subdivision, or subsequent phase or addition to an existing subdivision, unless the property is served by a paved county road, with right-of-way sufficient to meet the requirements of the Henry County Subdivision Ordinance.

(Ord. No. 90-06, 9-19-90)

Sec. 3-7-59. Operation of sanitary landfills.

Private landfills shall be certified and monitored by the Georgia Department of Natural Resources. Permits for the hauling of garbage shall be obtained from the board of commissioners of Henry County. Prior to approval of zoning for a landfill, the board shall be provided sufficient data, acceptance to the department of natural resources, indicating that soil types, ground water levels, etc., are conducive to landfilling operations. A site plan covering the entire tract under consideration showing access, buffer or screening areas, existing streams and nonusable lands, adjacent property owners, etc., shall be submitted for review. A five-hundred-foot buffer conforming to specifications of this chapter shall be provided around the periphery of the tract. If restriction of movement of trash and debris is necessary, a fence at least six (6) feet in height shall be provided around the periphery.

Sec. 3-7-60. Encroachment on public rights-of-way.

No building, structure, service area, or required off-street parking, and/or loading facilities, except driveways, shall be permitted to encroach on public rights-of-way.

Sec. 3-7-61. Accessory uses and structures.

Accessory structures and uses shall be on the same lot and subordinate to the principal use or structure as follows:

(1) Shall be permitted only in side or rear yard, unless otherwise stated.

(2) Shall be set back not less than three (3) feet from any property line, when located in a rear yard. Accessory structures in subdivisions with recorded easements for drainage, sanitary sewer and utilities shall not be permitted within the easement.

(3) Shall not be erected on a lot prior to the time of construction of the principal structure to which it is accessory.

(4) Accessory structures in residential districts shall not be used for any type of commercial operation, except in conjunction with a home occupation when approved by conditional use permit as authorized in Section 613, Home Operations.

(5) Accessory structures shall not be used as a residence or dwelling unit, except as otherwise provided.

(6) Accessory structures in a subdivision shall not exceed fifteen (15) feet in height.

(7) Accessory structures shall be located at least twelve (12) feet from the principal structure on a lot.

(8) Total square footage of accessory structures on a typical subdivision lot, except RA subdivisions as defined in the subdivision ordinance [Chapter 3-7 of this Code], shall not exceed fifty (50) percent of the minimum required floor area (heated spaced) requirements of the zoning district.

Zoning	*Square Feet*
R-1:	
Minimum floor area (heated)	1,500
Accessory structure	750
R-2:	
Minimum floor area (heated)	1,300
Accessory structure	750
R-3:	1300
Minimum floor area (heated)	~~1,050~~ 650
Accessory structure	~~525~~
RD:	
Minimum floor area (heated) per dwelling unit	800
Accessory structure	400
RM:	
Not allowed	
RMH:	
Minimum floor area (heated per dwelling unit)	720
Accessory structure	360
RA:	
Accessory structure	50% Actual heated floor area

(9) Accessory structures located in RA zoning in excess of one (1) acre (not in a subdivision) will not be restricted to size, as long as the structure meets building codes and other requirements of this chapter.

(10) Satellite dish antennas shall be permitted as accessory structures only in rear yards unless it can be documented that reception is impaired by such a location. In this case an antenna would be permitted in a side or front yard. If located within a front yard it cannot be within the required setback. Satellite dish antennas shall not be located on the roof of a single-family structure.

(11) Swimming pools shall be considered accessory uses and shall comply with minimum side and rear yard requirements of that zoning district. Setback minimum shall be measured from the decking or closed part of the pool structure to the property line.

(Ord. No. 87-10, 6-16-87; Ord. No. 88-09, 9-6-88; Ord. No. 90-06, 9-19-90)

Sec. 3-7-62. Fire lanes.

No-parking areas shall be established for the use of fire equipment and emergency vehicles to ensure access to the premises in cases of emergency. Said areas shall be marked "Fire Lane-No Parking." The fire lane areas shall comply with provisions of the Henry County Code of Public Safety.

(Ord. No. 89-07, 3-21-89)

Editor's note—Ordinance No. 89-07, enacted March 21, 1989, amended the county zoning ordinance by adding certain provisions to § 1100 thereof; designation of such provisions as § 3-7-62 of this Code was at the discretion of the editors.

Cross reference—Accessibility for firefighting and emergency equipment, § 3-4-114.

Secs. 3-7-63—3-7-70. Reserved.

ARTICLE V. EXCEPTIONS, MODIFICATIONS AND ENCROACHMENTS

Sec. 3-7-71. Yard space, general rule.

Any building, structure, or use hereafter erected, altered or established shall comply with the yard space requirements of the district in which it is located except as specified herein. The required space for any building, structure, or use shall be contained on the same lot as the building, structure or use and such required yard space shall fall entirely upon land in a district or districts in which the principal use is permitted.

Sec. 3-7-72. Exceptions to side yard requirements.

When a lot of record has a width less than the frontage required in the district in which it is located and said lot cannot be increased in width as provided herein, then the zoning administrator shall be authorized to reduce the side yard requirements for such lot; provided, however, that the side yard shall not be reduced to less than eight (8) feet.

Sec. 3-7-73. Exceptions to front yard requirements.

(a) The front yard requirements of this chapter shall not apply on any lot where the average depth of the front yards of existing building on adjoining lots located wholly or in part within two hundred (200) feet on each side of such lot within the same block and zoning district and fronting on the same side of the street is either greater or less than the minimum required front yard depth.

(b) If the average depth of the front yard is less than the required minimum front yard depth, the depth of the front yard of such lot may be less than the required front yard depth but shall not be less than the average of the front yards of the aforementioned buildings.

Sec. 3-7-74. Permitted encroachments upon yard setbacks.

Architectural features such as cornices, eaves, steps, gutters and fire escapes may project up to three (3) feet beyond a required setback line, except where such projections would obstruct driveways which are used or may be used for access of service and/or emergency vehicles; provided, however, in the case of automobile service stations, motels and similar uses which serve the motoring public canopies shall be allowed over a driveway or walkway within the front yard not to extend from the principal building to a point any closer than fifteen (15) feet from the street right-of-way line or future right-of-way line as desig-

nated by the master thoroughfare plan element of the Henry County Comprehensive Land Use Plan. (Ord. No. 90-07, 9-19-90)

Sec. 3-7-75. Height exception, general rule.

Any structure hereafter erected or altered shall comply with the height limitations of the district in which it is located except as specified herein.

Sec. 3-7-76. Structures excluded from height limitations.

The height limitations of this chapter shall not apply to church spires, belfries, flagpoles, monuments, cupolas, domes, ornamental towers, nor to observation towers not intended for human occupancy, water towers, transmission towers, radio or television towers or aerials. These exclusions shall not apply in the vicinity of airports.

Sec. 3-7-77. Walls and fences.

The setback requirements of this chapter shall not prohibit any necessary retaining wall nor prohibit any wall or fence except that in a residential district, no wall or fence shall exceed eight (8) feet in height within a side yard or rear yard and shall not extend into a required front yard.

Sec. 3-7-78. Visibility at intersections.

On corner lots within all zoning districts, no fence, shrubbery or other obstruction to the traffic sight vision shall exceed a height of two and one-half (2½) feet within a triangular area formed by the intersection of the right-of-way line, and a diagonal line which intersects the right-of-way lines at two (2) points, each twenty (20) feet distant from the intersection of the right-of-way lines, or, in the case of a rounded corner, from the point of intersection of their tangents; provided, however, signs, lights, or similar objects which are totally located at least twelve (12) feet above the finished grade shall be permitted.

Sec. 3-7-79. Yard fencing or walls.

No fence or wall in excess of six (6) feet in height shall be erected in the front yard of any lot in a residential district. In residential subdivisions, front yard fencing shall be limited to decorative fencing; and chain link, barbed wire, welded wire, hog wire, electric wire and similar nondecorative fencing shall be prohibited. "Front yard" as utilized in this section means the area from the rear building line to the road or street.

All other walls and fencing shall be subject to the following height restrictions:

(1) In residential zoning districts, six (6) feet in front yards and eight (8) feet in rear and side yards;

(2) In office-institutional, commercial, and industrial zoning districts, eight (8) feet.

(Ord. No. 90-07, 9-19-90; Ord. No. 97-11, 9-16-97)

Sec. 3-7-80. Fences and hedges, measurement rule.

Heights of fences, hedges and other continuous foliage shall be measured from the adjacent top of the street curb, surface of the alley or the official established grade thereof, whichever is the higher. On inside lot lines the measurement shall be from the average grade of the lot line of the parcel or property having the lower elevation.

Sec. 3-7-81. Fences and hedges, exception.

The planning staff may approve, or may direct as a condition for granting approval, that fences or planting of a height in excess of these regulations be placed as shielding between different uses, or between like uses upon agreement between the parties affected thereby, provided that no such approval shall have the effect of reducing corner visibility as provided for herein.

Secs. 3-7-82—3-7-90. Reserved.

ARTICLE VI. MISCELLANEOUS PROVISIONS

Sec. 3-7-91. Uses prohibited.

If either a use or class of use is not specifically indicated as being permitted in a zoning district, either as a principal permitted use or conditional use, then said use or class of use shall be prohibited in such district. If the proposed use or class of use is stated with such certainty that the plan-

ning office can make a determination that a use or class of uses is sufficiently similar to other uses or classes of use permitted in the district, it may therefore be permitted.
(Ord. No. 90-08, 9-19-90)

Sec. 3-7-92. Requirements for moving a building.

No building or other permanent structure shall be relocated (moved-in) into the county unless, when relocated, it meets the requirements of this chapter and other code requirements. Prior to transportation, the structure and the relocation must be approved by the community development department and all required permits issued by the building department as required by the Henry County Move-In Structures Ordinance as adopted in the Henry County Code.
(Ord. No. 90-08, 9-19-90)

Sec. 3-7-93. Temporary buildings.

A temporary building or building for use in connection with a construction project or land subdivision development shall be permitted on the land of the project during the construction period. Temporary buildings related to a subdivision development shall be removed when eighty (80) percent of all lots are occupied by completed homes or within four (4) years, whichever occurs first.

Sec. 3-7-94. Fall-out shelters.

Fall-out shelters are permitted as principal or accessory uses in any district, subject to the yard requirements of the district. Shelters shall be maintained so as not to become a hazard or blight to the community. The board of commissioners may permit, as a conditional use, construction of joint shelters by two (2) or more property owners. Where such joint shelters are permitted, the board may waive the side and rear yard requirements on the property or properties directly involved in order to permit practical and efficient location and construction; provided, however, that side yard requirements shall be met where property involved in a joint proposal abuts or adjoins property not included in the proposal.

Sec. 3-7-95. Accessory swimming pools.

Swimming pools, accessory to residences, shall be construed in accordance with the Southern Building Code for Swimming Pools as adopted by Henry County and shall be approved by the Henry County Health Department prior to obtaining a building permit. Swimming pools, accessory to residences, shall be enclosed by a security fence of not less than four (4) feet in height. All gates shall contain self-closing, positive latch devices to insure the pool is enclosed and secure at all times. The security fence shall be installed prior to occupancy.
(Ord. No. 90-08, 9-19-90)

Sec. 3-7-96. Public swimming pools.

Any constructed or prefabricated pool used other than in conjunction with a private single-family residence shall be deemed a public swimming pool. Public pools, including ones constructed and operated by a public agency, or as part of a multiple-family residential development, a subdivision association, a two-family residential development, a condominium association or a private club shall be enclosed by a security fence of not less than five (5) feet in height. All gates shall contain self-closing, positive latch devices to insure the pool is enclosed and secure at all times. The security fence shall be installed prior to occupancy.
(Ord. No. 90-08, 9-19-90)

Sec. 3-7-97. Parking or storage of major recreational equipment.

For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwelling, motor coaches, tent trailers, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. Such major recreational equipment may be parked or stored on in side yards or rear yards or in a carport or enclosed building; provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading or unloading. In the case of a corner

lot, no vehicles may be parked or stored in the side yard on the street side of the lot. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

Sec. 3-7-98. Parking and storage of commercial vehicles.

Parking, storing, or maintaining any commercial vehicle is prohibited in all residential subdivisions, and in all residential zoning districts except RA.
(Ord. No. 90-08, 9-19-90; Ord. No. 98-04, § 2, 2-17-98)

Sec. 3-7-99. Abandoned, wrecked, or junked vehicles.

Parking or storing abandoned, wrecked or junked vehicles, power-driven construction equipment, lumber, metal, or any other miscellaneous scrap or salvageable material in all residential zoning districts is prohibited. For the purposes of this subsection, an abandoned vehicle shall mean a vehicle without a current state license plate, and/or a nonoperable vehicle.
(Ord. No. 87-23, 12-15-87; Ord. No. 90-09, 9-19-90)

Sec. 3-7-100. Keeping and raising of livestock.

The keeping and raising of all farm animals and fowl and use of private stables shall be limited to property located within the RA zoning district and must have a minimum lot area of three (3) acres. Any structure, pens, corral or other buildings associated with the keeping and raising of livestock must be located a minimum of one hundred (100) feet from the property line. The keeping and raising of animals and fowl shall be subject to all regulations of the Henry County Health Department and the Henry County Animal Control Ordinance.
(Ord. No. 90-08, 9-19-90)

Sec. 3-7-101. Produce stands.

Temporary or permanent stands erected for purpose of sale of vegetables, fruit or produce grown on the premises are permitted in the RA district.

Sec. 3-7-102. Decorative building facings.

All buildings constructed within a commercial or industrial district of Henry County, Georgia, shall maintain a decorative facing on that portion of the building which faces on all public streets. The decorative facing on said building shall consist of brick, masonry, aluminum siding, wood, stone, glass, vinyl siding or factory metal with baked-on painted finish. Prior to obtaining a building permit from the building department of the county, the plans for said building shall be submitted to the chief building inspector. The plans shall provide for a decorative facing to be placed on the building and the type of materials to be used in the facing. If the plan for the decorative facing is in accordance with this section, the building inspector shall be authorized to issue the building permit. Prior to any occupancy certificate being issued by the building inspector, the decorative facing for the building shall be completed.
(Ord. No. 88-07, 5-3-88; Ord. No. 90-08, 9-19-90)

Sec. 3-7-103. Accumulation of garbage, trash and rubbish.

It shall be prohibited in all residential districts to place, deposit, or allow the accumulation of, household garbage, rubbish, trash, refuse or any condition which provides harborage for rats, mice, snakes and other vermin.

Sec. 3-7-104. Home occupations.

A home occupation as defined by this chapter is permitted subject to the following requirements:

(1) Only the residents of the dwelling may be engaged in the home occupation.

(2) The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the residential character of the building.

(3) No display of products shall be visible from the street except agricultural products grown on the premises in RA (residential agricultural) zoning district. Only products produced on the premises may be sold on the premises.

(4) Only one (1) sign, not exceeding two (2) square feet in size, motionless, nonlighted and attached to the dwelling shall be permitted. Said sign shall be for the limited purpose of identifying the premises as a home occupation.

(5) Use of a dwelling for a home occupation shall not exceed twenty-five (25) percent of one (1) floor.

(6) No internal or external alterations inconsistent with the residential use of the building is permitted.

(7) The home occupation shall not constitute a nuisance.

(8) No outside storage of materials to be used in connection with a home occupation is permitted.

(9) No accessory buildings shall be used in connection with the home occupation, unless it is approved as a conditional use and then in the RA (residential agricultural) district only. The use of an accessory building shall comply with the following conditions:

a. The accessory building shall maintain a residential appearance.

b. No business shall be conducted between the hours of 7:30 p.m. and 7:30 a.m.

c. No automotive painting, body work, salvage, major automotive or heavy equipment repairs are to be conducted.

d. No machinery or equipment shall be used which generates noise detectable outside the accessory structure.

(10) Instruction in music and similar subjects shall be limited to two (2) students at a time.

(11) Only passenger vehicles may be used in connection with the management of a home occupation.

(12) Beauty shops, barber shops, manicurists and similar services conducted as home occupations shall be limited to two (2) chairs (stations) and one (1) shampoo chair (station).

(13) No more than three (3) nontransient guests may be boarded at any one time as a home occupation.

(14) The following and similar uses shall be considered home occupations, provided they follow the minimum standards described in this section: attorney, addressing service, art instruction, beauty and barber shop, day care for six (6) or fewer children, dentist, doctor, drafting and surveying, dress making, insurance agent, manufacturers' representative, music teacher, notary public, photographer, real estate agent and consultant.

(15) All home occupations shall obtain a business license from Henry County.

(16) Agricultural activities associated with the raising of crops and farm animals on properties over three (3) acres in size shall not be subject to the requirements for home occupations.

(Ord. No. 87-12, 6-16-87; Ord. No. 90-08, 9-19-90; Ord. No.96-05, 12-2-96)

Sec. 3-7-105. Commercial outside storage activity.

(a) In any district where outside storage involving machinery and equipment, service areas for vehicles in need of major service or repair, materials for construction or distribution are allowed, the same shall be contained within a rear yard or side yard and shall be concealed with a solid fence, in addition to the requirements of Article X, Buffer Areas. Commercial or industrial activities requiring outside storage are permitted only in C-3, M-1 and M-2 zoning districts. Outside storage of parts and materials, service areas, refuse or work activity areas shall be maintained in a new and orderly manner. Materials shall not

be permitted within any required buffer zone. If no buffer is required, then stored material shall be kept at least ten (10) feet away from adjacent property lines to permit proper ingress and egress for fire protection.

(b) Businesses engaged in the sale of new and used automobiles, trucks, boats, lumber and building materials, and construction equipment shall be permitted to store these items in front, rear and side yards, but must meet the requirements of Article X, Buffer Areas, when these businesses are located next to residential zoned properties. (Ord. No. 90-08, 9-19-90)

Secs. 3-7-106—3-7-120. Reserved.

ARTICLE VII. NONCONFORMANCES

Sec. 3-7-121. General rule.

(a) Within the zoning districts established by this chapter or amendments that may later be adopted there exists:

(1) Lots,

(2) Structures, and

(3) Uses of land and structures,

which were lawful before this chapter was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this chapter or future amendment. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

(b) Nonconforming uses are declared by this chapter to be incompatible with permitted uses in the district involved. A nonconforming use of land, or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this chapter.

(c) To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption of this chapter. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding such excavation or demolition or removal shall be deemed to be actual construction.

Sec. 3-7-122. Nonconforming lots of record.

(a) In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this chapter, notwithstanding limitations imposed by other provisions of this chapter. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lots shall conform to the regulations for the district in which such lot is located.

(b) If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this chapter, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this chapter, nor shall any division of any parcel be made which creates a lot with width or area less than the requirements stated in this chapter.

Sec. 3-7-123. Nonconforming structures.

Where a lawful structure exists at the effective date of adoption or amendment of this chapter which could not be built under the terms of this chapter due to restrictions on area, lot coverage,

height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

(1) No such nonconforming structure may be enlarged or altered in a way which increases its degree of nonconformity, but any structure or portion thereof may be altered to decrease its degree of nonconformity.

(2) Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.

(3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(4) An existing, nonconforming mobile home which is lawfully permitted may be replaced with another mobile home consistent with the definition included in this chapter within sixty (60) days from the date of removal of the original mobile home.

Sec. 3-7-124. Nonconforming uses of structures or of structures and land in combination.

If lawful use involving individual structures with a replacement cost of one thousand dollars ($1,000.00) or more, or of structures and land in combination, exists at the effective date of adoption or amendment of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

(1) No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

(2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.

(3) If no structural alterations are made, any nonconforming use of structure, or structure and land, may be changed to another nonconforming use, provided that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the board of commissioners may require appropriate conditions and safeguards in accord with the provisions of this chapter.

(4) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

(5) When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for six (6) consecutive months (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

(6) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. "Destruction" for the purpose of this subsection is defined as damage to an extent of more than fifty (50) percent of the replacement cost at time of destruction.

Sec. 3-7-125. Repairs and maintenance.

(a) For any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of twelve (12)

consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten (10) percent of the current replacement cost of the nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

(b) If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

Sec. 3-7-126. Amortization and discontinuance.

There are found to be certain uses of land, buildings and structures which have adverse effect on the carrying out of the land use plan, and which can be discontinued after a reasonable time irrespective of aforementioned rules as to nonconforming uses. The following uses shall be removed or made conforming within the specified amortization period. Said amortization period shall commence upon the effective date of this chapter.

(1) Fences, walls and foliage which constitute a hazard by virtue of impairing sight distances at a curve or intersection shall be made conforming within ninety (90) days.

(2) Outdoor advertising signs and billboards deemed a nuisance or hazard shall conform within two (2) years.

(3) All provisions in business or industrial districts of this chapter setting forth specifications for the operation of a business or industry requiring fencing or opaque shielding shall be complied with within two (2) calendar years.

(4) Nonconforming open storage operations, such as truck parking, automobile wrecking or salvage material storage and similar uses shall be made conforming within two (2) calendar years.

(5) Nonconforming frame, block or light metal structures shall be made conforming within twenty-five (25) calendar years.

(6) Structures incurring damage of less than fifty (50) percent of fair market value above the foundation may be restored and used as before, provided that such restoration is commenced within six (6) calendar months from the date damages were incurred. If reconstruction is not commenced within six (6) months, the use of said land or structure shall thereafter conform with the provisions of this chapter. Fair market value shall be determined by reference to current statutory provisions pertaining to real estate assessment and the records of the county assessor.

Secs. 3-7-127—3-7-140. Reserved.

ARTICLE VIII. SCHEDULE OF DISTRICT REGULATIONS

Sec. 3-7-141. Adoption of district regulations.

Zoning district regulations are set forth herein in the schedule of district regulations which is hereby adopted as a part of this chapter.

Sec. 3-7-142. Uses common to all single-family residential districts.

(a) There exist certain uses of land which are compatible and acceptable when located in a residential district, provided that each use conforms to the use and space limits of the particular residential district.

(b) Unless otherwise stated, the following uses are allowed in all residential districts subject to the restrictions imposed by the district regulations:

(1) *Permitted Uses:*

a. . Single-family dwellings.

b. Crop gardens.

c. Local, state and federal governmental buildings.

d. Publicly owned and operated parks and recreation areas.

e. Temporary buildings and storage of materials in conjunction with construction of a building on a lot or adjacent lots where residential construction is taking place.

f. Home occupations, when conducted wholly within the principal structure.

(2) *Accessory Uses:*

a. Accessory structures or buildings.

b. Subdivision recreation areas owned, operated and maintained by homeowner's associations exclusively for the use of residents and their guests.

c. The parking of one unoccupied travel trailer, motor coach or pleasure boat, subject to provisions of this chapter.

d. Railroad through and spur tracks, but not sidings and/or terminal facilities.

e. Utility substations, when located in accordance with the requirements and space limits set forth in the district regulations. All substations shall have a landscaped or masonry barrier on all sides.

(3) *Conditional Uses:* Upon application to, and recommendation by the planning commission and favorable decision thereon by the board of county commissioners, the following conditional uses are permitted in these districts:

a. Basement apartment, provided that not more than one unit shall be permitted per lot and that no exterior alterations to the building are made to provide additional entrances. Adequate off-street parking is to be provided and the apartment shall meet health department standards.

b. Churches, synagogues, chapels and other places of religious worship or educational instruction when located on a major thoroughfare having minimum street classification of a collector street and having a minimum frontage of two hundred (200) feet. The minimum site area shall be two (2) acres and all buildings shall be located not less than fifty (50) feet from any property line. A planted buffer strip of not less than twenty (20) feet in width shall be provided along all side and rear property lines.

c. Garage apartment, provided that not more than one unit shall be permitted per lot and that such structure shall be subordinate to the principal structure and located entirely within the rear yard. The lot area must meet minimum requirements for two-family dwelling. Adequate off-street parking is to be provided and the apartment is to meet health department standards.

d. Guest quarters or employee quarters, provided that no more than one unit shall be permitted on a lot and this unit shall be in the rear yard. The lot on which such use is established shall meet the minimum area requirements for a two-family dwelling. These quarters shall not be used as rental property.

e. Home occupations where an accessory structure is used.

f. Nursery schools, kindergarten schools, and day care centers providing child care for more than six (6) children when conducted in a principal structure or within a church or school, provided that at least two hundred (200) square feet of outdoor play area and thirty-five (35) square feet of indoor play space is provided for each child. The outdoor play area shall be enclosed by a security chain link fence, at least four (4) feet in

height. A state license and a Henry County business license are required.

g. Nursing care facilities of a denominational nature when located on the same site as a church.

h. Public, parochial and private schools when such facilities are located on the same site of the school or college. Any such facility shall front on a thoroughfare having minimum classification of collector and have minimum frontage of two hundred (200) feet. The minimum site area shall be three (3) acres.

i. Public and private golf courses, provided that use is limited to daytime hours and that all facilities shall be set back a minimum of one hundred (100) feet from any property line.

(4) *Conditional Exceptions:*

Temporary religious meetings.

(Ord. No. 90-09, 9-19-90; Ord. No. 93-11, 12-21-93; Ord. No. 96-05, 12-2-96; Ord. No. 98-13, 4-21-98)

Sec. 3-7-143. RA: residential-agricultural district.

(a) *Purpose.* It is the intent of this district to preserve the mixed agricultural and residential character of land which presently serves as a transition between rural land and land which is becoming urban in character.

(b) *Permitted Uses:*

(1) Those permitted uses common to all single-family residential districts.

(2) Agriculture, including the raising of field crops, horticulture, animal husbandry, and poultry farms, all of which shall be subject to regulation by the health department. Farm structures which include raising or keeping animals shall be set back a minimum of one hundred (100) feet from all property lines.

(3) Riding academies and stables on tracts of not less than three (3) acres.

(4) Manufactured homes.

(5) Industrialized buildings.

(c) *Accessory Uses:*

(1) Those accessory uses common to all single-family residential districts.

(2) Living quarters for persons regularly employed on the premises; but not to include labor camps or dwellings for transient labor.

(3) Roadside stands for sale of agricultural products grown on the premises, but not to exceed five hundred (500) square feet in floor area.

(d) *Conditional Uses.* Upon application to, and recommendation by the planning commission and favorable decision thereon by the board of county commissioners, the following conditional uses are permitted in this district:

(1) Those conditional uses common to all single-family residential districts.

(2) *Reserved.*

(3) Ambulance and emergency service.

(4) Armories.

(5) Crematories.

(6) Colleges or universities with dormitories, fraternity and/or sorority houses when located on the main campus.

(7) Hospitals and care homes having a minimum lot area of three (3) acres when fronting upon a major thoroughfare. Side and rear yard setbacks to be fifty (50) feet from property lines.

(8) Noncommercial kennels; provided that all structures, pens and runs be in the rear yard only, with a minimum setback of seventy-five (75) feet from all property lines.

(9) Private clubs and lodges.

(10) Rural trailer/motor coach (RV) parks with minimum lot area of five (5) acres.

(e) *Conditional Exceptions:*

(1) Carnivals, rodeos, fairs and similar activities of a temporary nature.

(2) Taxidermist studios.

(3) Travel trailer/motor coach (RV) campgrounds having a minimum lot area of five (5) acres.

(f) *Development Standards:*

(1) Minimum lot area ...	1.25 acres minimum area with septic tank and well; 3.0 acres for agricultural uses; 1.0 acres when county water system is used and property has frontage on paved county road
(2) Minimum lot width ..	200 feet; 175 feet when county water system is used and property has frontage on a paved county road
(3) Minimum front yard .	75 feet from right-of-way line; 50 feet from right-of-way when [in] part of a subdivision requiring new streets
(4) Minimum side yard ..	20 feet
(5) Minimum rear yard ..	40 feet
(6) Maximum height	35 feet
(7) Minimum floor area [(heated space)].....	1,000 square feet when on lots of 1.25 acres or larger; 1,200 square feet for lots less than 1.25 acres
(8) Curb and gutter	Required in subdivisions
(9) Paved driveway.....	Required in subdivisions; otherwise not required
(10) Sewage system	Septic tank permitted
(11) Water system.....	Well or county water

(g) *Miscellaneous Provisions.* Minimum lot area of one and one-quarter (1.25) acres required in Towaliga River and Tussahaw Creek Watershed Protection Districts.

(Ord. No. 87-16, 9-15-87; Ord. No. 88-03, 3-1-88; Ord. No. 88-11, 9-6-88; Ord. No. 89-19, 11-7-89; Ord. No. 93-11, 12-21-93; Ord. No. 95-01, 4-18-95; Ord. No. 97-12, 11-18-97)

Sec. 3-7-144. R-1: single-family residence district.

(a) *Purpose.* It is the intent of this district to provide for single-family residential dwellings of a low density character on individual lots.

(b) *Permitted Uses.* Those permitted uses common to all single-family residential districts.

(c) *Accessory Uses.* Those accessory uses common to all single-family residential districts.

(d) *Conditional Uses.* Upon application to, and recommendation by the planning commission and favorable decision thereon by the board of county commissioners, the following conditional uses are permitted in this district:

(1) Those conditional uses common to all single-family residential districts.

(2) Move-in houses.

(3) Manufactured homes.

(4) Industrialized buildings.

(e) *Conditional Exceptions.* Those conditional exceptions common to all single-family residential districts.

(f) *Development Standards:*

(1) Minimum lot area ...	43,560 square feet (1 acre)

(2)	Minimum lot width ..	150 feet
(3)	Minimum front yard .	50 feet from right-of-way line
(4)	Minimum side yard ..	20 feet
(5)	Minimum rear yard..	40 feet
(6)	Maximum height	35 feet
(7)	Minimum floor area (heated space).....	1,500 square feet
(8)	Curb and gutter	Required
(9)	Paved driveway.....	Required
(10)	Sewage system	Septic tank permitted
(11)	Water system.....	County water system

(Ord. No. 87-16, 9-15-87; Ord. No. 90-09, 9-19-90; Ord. No. 91-03, 4-16-91; Ord. No. 93-11, 12-21-93; Ord. No. 95-02, 4-18-95)

Sec. 3-7-145. Reserved.

Editor's note—Former § 3-7-145, which pertained to the R-1A single-family residence district, was deleted pursuant to Ord. No. 90-04, adopted Sept. 19, 1990, which, in part, deleted R-1A from the list of zoning districts allowable within the county. The ordinance contained provisions repealing all ordinances in conflict therewith. Former § 3-7-145 has been amended by Ord. No. 87-16, adopted Sept. 15, 1987.

Sec. 3-7-146. R-2: single-family residence district.

(a) *Purpose.* It is the intent of this district to provide for single-family dwellings of a moderate density character on individual lots when served by septic tanks or public sewer system. Residential subdivisions in this district over eight (8) acres in total area shall have access onto an arterial road as identified in the land use plan.

(b) *Permitted Uses.* Those permitted uses common to all single-family residential districts.

(c) *Accessory Uses.* Those accessory uses common to all single-family residential uses.

(d) *Conditional Uses.* Upon application to, and recommendation by the planning commission and favorable decision thereon by the board of commissioners, the following conditional uses are permitted in this district:

(1) Those conditional uses common to all single-family residential districts.

(2) Move-in houses.

(3) Manufactured homes.

(4) Industrialized buildings.

(e) *Conditional Exceptions.* Those conditional exceptions common to all single-family residential districts with the exception of taxidermy.

(f) *Space Limits:*

(1)	Minimum lot area ...	30,000 sq. ft. on septic tank system; 18,000 sq. ft. on public sewer system
(2)	Minimum lot width ..	125 feet on septic tank system; 100 feet on public sewer system
(3)	Minimum front yard .	50 feet from right-of-way line; 40 feet from right-of-way line if on public sewer
(4)	Minimum side yard ..	15 feet
(5)	Minimum rear yard..	40 feet
(6)	Maximum height	35 feet
(7)	Minimum floor area (heated space).....	1,300 square feet
(8)	Curb and gutter	Yes; sidewalks required for lots with 100-foot width
(9)	Paved driveway.....	Yes

(10)	Sewage system	Septic tank permitted if lot size equals or exceeds 30,000 sq. ft.; Sanitary sewer system required for lots less than 30,000 sq. ft. and 100 ft. width
(11)	Water system.....	County water system

(g) *Miscellaneous Provisions.* Maximum permissible density shall not exceed one and twenty-five hundredths (1.25) dwelling units per acre with county water and septic tank systems.
(Ord. No. 87-16, 9-15-87; Ord. No. 89-19, 11-7-89; Ord. No. 90-09, 9-19-90; Ord. No. 93-04, 3-16-93; Ord. No. 93-11, 12-21-93)

Sec. 3-7-147. R-3: single-family residence district.

(a) *Purpose.* The R-3 district is to provide for single-family residential development on smaller lots where public sewer and water systems are provided and access to a major or minor arterial road is available in areas designated for medium to high density residential development in the Henry County Comprehensive Land Use Plan, or as part of a planned development project.

(b) *Permitted Uses:*

(1) Those permitted uses common to all single-family residential districts.

(2) Cluster home developments.

(3) Manufactured homes.

(c) *Accessory Uses.* Those accessory uses common to all single-family residential districts.

(d) *Conditional Uses.* Upon application to, and recommendation by the planning commission and favorable decision thereon by the board of county commissioners, the following conditional uses are permitted in this district:

(1) Those conditional uses common to all single-family residential districts.

(2) Move-in houses.

~~(3).~~ ~~Manufactured homes~~.

(4) Industrialized buildings.

(e) *Conditional Exceptions.* Those conditional exceptions common to all single-family residential districts with the exception of taxidermy.

(f) *Space Limits:*

(1)	*Minimum lot area ...*	*12,000 square feet*
(2)	Minimum lot width ..	75 feet
(3)	Minimum front yard .	40 feet from right-of-way line
(4)	Minimum side yard ..	10 feet
(5)	Minimum rear yard..	40 feet
(6)	Maximum height	35 feet
(7)	Minimum floor area (heated space).....	1,300 square feet
(8)	Curb and gutter	Yes: sidewalks required
(9)	Paved driveway.....	Yes
(10)	Sewage system	Sanitary sewer required
(11)	Water system.....	County water system

(g) *Miscellaneous provisions:*

(1) R-3 single-family residential developments outside of planned development projects shall be limited to tracts of land consisting of twenty (20) acres or less. The maximum permissible density for R-3 developments shall be three and six-tenths (3.6) dwelling units per acre.

(2) The board of commissioners may require, as a condition of any R-3 zoning, that the developer permanently dedicate not more than fifteen (15) percent of the net acreage in the project for recreational use or open space.

(3) The board of commissioners of Henry County may require as a condition of R-3 zoning a vegetative buffer along the development property boundaries.

(Ord. No. 87-16, 9-15-87; Ord. No. 89-19, 11-7-89; Ord. No. 90-09, 9-19-90; Ord. No. 93-03, 3-16-93; Ord. No. 93-11, 12-21-93; Ord. No. 99-02, §§ 1—3, 2-2-99)

Sec. 3-7-148. RD: two-family residence district.

(a) *Purpose.* This district provides for two-family dwellings when served by public sewer systems and county water.

(b) *Permitted Uses:*

(1) Attached single-family dwellings.

(2) Two-family dwellings.

(3) Crop gardens.

(4) Local, state and federal governmental buildings.

(5) Publicly owned and operated parks and recreation areas.

(6) Temporary buildings and storage of materials in conjunction with construction or a building on a lot or adjacent lots where residential construction is taking place.

(c) *Accessory Uses.* Those accessory uses common to all single-family residential districts.

(d) *Conditional Uses.* Upon application to, and recommendation by the planning commission and favorable decision thereon by the board of county commissioners, the following conditional uses are permitted in this district:

(1) Those conditional uses common to all single-family residential districts with the exception of garage apartments and basement apartments.

(2) Move-in houses.

(e) *Conditional Exceptions.* Those conditional exceptions common to all single-family residential districts with the exception of taxidermy.

(f) *Space Limits:*

(1) Minimum lot area ...	30,000 square feet
(2) Minimum lot width ..	125 feet
(3) Minimum front yard .	60 feet from right-of-way line
(4) Minimum side yard ..	30 feet (15 feet each side)
(5) Minimum rear yard ..	40 feet
(6) Maximum height	35 feet
(7) Minimum floor area (heated space)	800 square feet [per dwelling unit]
(8) Curb and gutter	Yes
(9) Paved driveway.....	Yes
(10) Sewage system	Sanitary sewer required
(11) Water system.....	County water system

(Ord. No. 90-09, 9-19-90)

Sec. 3-7-149. RM: multiple-family residence district.

(a) *Purpose:* It is the intent of this district to provide for the development of multiple-family residences at moderate to high densities on lots where public water and sewer systems are provided.

(b) *Permitted Uses:*

(1) Multiple-family dwellings, including fee simple townhouses.

(2) Boarding and rooming houses.

(3) Local, state and federal governmental buildings.

(4) Publicly owned and operated parks and recreation areas.

(5) Temporary buildings and storage of materials in conjunction with construction of a building on a lot or adjacent lots where residential construction is taking place.

(c) *Accessory Uses.* None.

RM (cont'd)

(d) *Conditional Uses.* Upon application to, and recommendation by the planning commission and favorable decision thereon by the board of county commissioners, the following conditional uses are permitted in this district:

Those conditional uses common to all single-family residential districts with the exception of garage apartments and basement apartments.

(e) *Conditional Exceptions.* Those conditional exceptions common to all single-family residential districts with the exception of taxidermy.

(f) *Development Standards:*

(1)	Minimum lot area ...	1 acre
(2)	Minimum lot width ..	100 feet
(3)	Minimum front yard .	60 feet from right-of-way line
(4)	Minimum side yard ..	15 feet
(5)	Minimum rear yard ..	20 feet
(6)	Maximum height	4 stories or 45 feet, whichever is less
(7)	Minimum floor area (heated space)	650 square feet for a one-bedroom unit; 950 square feet per two-bedroom unit; [and for three- or more bedroom units,] 200 additional square feet per bedroom
(8)	Curb and gutter	Yes
(9)	Paved driveway.....	Yes
(10)	Sewage system	Sanitary sewer required
(11)	Water system.....	County water system

(g) *Maximum density; miscellaneous provisions.* The maximum permitted density for multiple family developments shall be four (4) dwelling units per acre. No portion of a multiple-family site designated as a flood hazard area shall be included in the density calculation. Tracts which are developed for multiple-family dwellings shall be considered a single lot for purposes of the front yard, side yard, and rear yard setbacks specified herein.

(Ord. No. 89-19, 11-7-89; Ord. No. 98-11, § 1, 5-19-98)

Sec. 3-7-150. RMH: mobile home development district.

(a) *Purpose.* It is the purpose of this district to accommodate mobile home developments in accordance with the procedures, requirements and limitations set forth in Article IX of this chapter. Within such developments, mobile home developments may be established subject to the requirements and limitations set forth in these and other regulations of Henry County. It is intended that such mobile home developments shall be so located, designed, and improved as to provide a desirable residential environment, protection from potentially adverse neighboring influences, protection from adjacent residential properties, and access for vehicular traffic without traversing local streets in adjoining residential neighborhoods. Mobile home developments, including mobile home parks and mobile home subdivisions, shall be located on a thoroughfare having the minimum classification of arterial.

(b) *Permitted Uses:*

(1) Mobile homes on individual lots.

(2) Mobile home developments and communities including mobile home parks and subdivisions.

(3) Manufactured housing.

(4) Local, state and federal governmental buildings.

(5) Publicly owned and operated parks and recreation areas.

(6) Industrialized buildings.

(c) *Accessory Uses:*

(1) One (1) office/maintenance building incidental to use by residents of a mobile home park.

(2) Commercial and service establishments intended to serve only persons within the

mobile home park when located within mobile home parks and occupying not more than three (3) percent of the total land area of the mobile home park.

(3) Home occupations.

(4) No mobile home sales or repair facilities of any type (including automobile repair) shall be permitted.

(d) *Conditional Uses.* None.

(e) *Conditional Exceptions.* None.

(f) *Space Limits:*

(1) *Mobile homes and manufactured housing on individual lots or in subdivisions:*

a.	Minimum lot area.	18,000 square feet on public water and sewer system; 25,000 square feet on septic tank system
b.	Minimum lot width.....	125 feet
c.	Minimum front yard.....	60 feet from right-of-way line
d.	Minimum side yard.....	15 feet
e.	Minimum rear yard.....	40 feet
f.	Maximum height.	35 feet
g.	Minimum floor area (heated space).....	720 square feet
h.	Curb and gutter .	Yes
i.	Paved driveway..	Yes
j.	Sewage system ..	Septic tank permitted
k.	Water system....	County water system

(2) *Mobile home parks:*

a.	Minimum site area.....	25 acres
b.	Minimum site width.....	200 feet fronting on street having minimum classification of arterial
c.	Minimum lot area.	14,520 square feet
d.	Minimum lot width at pad location.....	60 feet
e.	Minimum front yard.....	40 feet from right-of-way line
f.	Minimum side yard.....	10 feet
g.	Minimum rear yard.....	20 feet
h.	Maximum height.	35 feet
i.	Minimum floor area (heated space).....	720 square feet
j.	Curb and gutter .	Yes
k.	Paved driveway..	Yes
l.	Sewage system ..	Sanitary sewer required
m.	Water system....	County water system

(g) *Miscellaneous provisions:*

(1) All mobile homes locating in a mobile home development subsequent to the date of adoption of this chapter shall provide documentation of compliance with the National Mobile Home Construction and Safety Act or compliance with specifications presented by the American National Standards Institute. Existing mobile homes within county mobile home developments not in compliance with either of these standards are nonconforming.

(2) No mobile home or accessory structure shall be located within two hundred (200) feet of the right-of-way line of any federal or state highway.

(3) No mobile home or accessory structure shall be located within forty (40) feet of any exterior boundary of a mobile home park.

(4) Each mobile home space within a park shall be clearly delineated and shall abut a paved street of not less than twenty-six (26) feet in width.

(5) Mobile home development site plan and other regulatory requirements are contained in Article IX of this chapter.

(6) Floodplain and undevelopable land are not to be included in the minimum site area.

(Ord. No. 89-19, 11-7-89; Ord. No. 93-11, 12-21-93)

Sec. 3-7-151. OI: office/institutional district.

(a) *Purpose.* The office/institutional district is intended to encourage development of suitable business and professional enterprise, hospitals, medical and dental facilities of a character and density deemed compatible with the primary purpose of this district. Limited retail uses normally appurtenant to office/institutional uses are also permitted.

(b) *Permitted Uses:*

(1) Churches and similar religious facilities.

(2) Clubs and lodges of a business character.

(3) Colleges and universities, business colleges, vocational-technical schools.

(4) Hospitals and clinics, but not veterinary facilities.

(5) Libraries, museums and art galleries.

(6) Medical and dental clinics and offices.

(7) Nursing and rest homes.

(8) Professional and business offices providing that wholesale or retail merchandise is not offered for sale.

(9) Public and governmental buildings and offices.

(10) Retail uses in conjunction with and normally appurtenant to office/institutional uses, to include florist shops, cafeterias and snack shops located within office or medical buildings, pharmacies and gift shops.

(11) Other uses as may be determined by the planning staff to be similar and compatible with the above-listed permitted uses.

(12) Nursery schools, kindergarten schools, and day care centers providing child care for more than ten (10) children when conducted in a principal structure or institution not associated with a church facility, provided that at least two hundred (200) square feet of outdoor play area and thirty-five (35) square feet of indoor play area is provided for each child. Use of outdoor play area in shifts is allowed. The outdoor play area shall be enclosed by a security chain link fence at least four (4) feet in height. A decorative obscuring fence at least four (4) feet in height may be used when adjacent to residential zoned property. State license required.

(13) Funeral homes and mortuaries.

(c) *Accessory Uses.* Parking lots and parking structures of a commercial nature.

(d) *Conditional Uses.* None.

(e) *Conditional Exceptions.* None.

(f) *Space Limits:*

(1)	Minimum lot area . . .	20,000 square feet
(2)	Minimum lot width . .	100 feet
(3)	Minimum front yard .	50 feet from right-of-way line
(4)	Minimum side yard . .	15 feet
(5)	Minimum rear yard . .	20 feet
(6)	Maximum height	6 stories

(Ord. No. 90-09, 9-19-90; Ord. No. 99-03, 2-16-99)

Sec. 3-7-152. C-1: neighborhood commercial district.

(a) This district is intended to provide locations for limited retail and service uses to satisfy the common and frequent needs of nearby residents of nearby residential neighborhoods. It is the intent of this district to encourage such uses to be a part of a neighborhood convenience shopping center designed as a continuous architectural unit and on roads classified as minor arterial.

(b) *Permitted Uses:*

(1) Apparel stores.

(2) Automobile service stations; provided that petroleum derivatives are stored in accordance with safety requirements of exist-

ing county ordinances pertaining thereto, and that all pumps and structures are placed not less than fifteen (15) feet from the nearest right-of-way line of any street or highway; provided further, that where any lot line of any service station property abuts other property of any residential zoning classification there shall be a yard space of not less than forty (40) feet from those lines of such property which are not also right-of-way lines of a street or highway in which no gasoline pumps or any standing structures shall be installed or constructed; provided also, that the property upon which an automobile service station is established and operated shall have at least one (1) frontage or an arterial or a major collector street for a minimum of one hundred (100) feet, and said lot shall be at least one hundred (100) feet in depth.

(3) Antique and art shops, provided there is no outdoor display areas.

(4) Banks, including drive-in banks, provided that both the teller's cage and vehicles awaiting service are located completely off the public right-of-way and provision is made to accommodate a minimum of five (5) waiting vehicles per service window.

(5) Bakeries, whose entire products are sold at retail on the premises.

(6) Barber shops, beauty parlors and similar personal service establishments.

(7) Bicycle sales and repair shops.

(8) Books, stationery and card shops.

(9) Business and professional offices.

(10) Clothes cleaning agencies, pressing establishment, laundry pickup stations.

(11) Catering establishments.

(12) Confectionery (candy) stores.

(13) Custom dress making or millinery shops.

(14) Dog and cat grooming and supplies, but excluding pet sales and facilities for the overnight keeping of animals.

(15) Drug stores and apothecary shops.

(16) Dry goods, notions.

(17) Electrical appliance repair shops.

(18) Florist and gift shops.

(19) Gift and card shops.

(20) Grocery, fruit, vegetable, and meat markets, including supermarkets, but no killing, eviscerating, skinning, plucking or smoking of food products is permitted.

(21) Indoor recreation including bowling alleys, theaters, pool rooms and electronic machines.

(22) Hardware and appliance stores selling predominantly at retail.

(23) Jewelry stores.

(24) Laundromats.

(25) Loan offices.

(26) Music stores.

(27) Neighborhood shopping centers.

(28) News and tobacco shops.

(29) Package (beer and wine) stores.

(30) Paint and decorating stores.

(31) Photographers (including the sale of supplies and equipment).

(32) Public and governmental buildings.

(33) Quick copy print shops when employing not more than five (5) employees.

(34) Radio/television repair (including the sale of supplies and equipment).

(35) Restaurants when a part of a neighborhood shopping center.

(36) Shoe stores and shoe repair shops.

(37) Tailors and clothing shops.

(38) Taxi office.

(39) Other retail and service uses as may be determined by the planning staff to be similar and compatible with the above-listed permitted uses.

(40) Nursery schools, kindergarten schools, and day care centers providing child care for

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more than ten (10) children when conducted in a principal structure or institution not associated with a church facility, provided that at least two hundred (200) square feet of outdoor play area and thirty-five (35) square feet of indoor play area is provided for each child. Use of outdoor play area in shifts is allowed. The outdoor play area shall be enclosed by a security chain link fence at least four (4) feet in height. A decorative obscuring fence at least four (4) feet in height may be used when adjacent to residential zoned property. State license required.

(c) *Accessory Uses.* Those uses determined by the planning staff to be customarily appurtenant to those uses permitted in this district.

(d) *Conditional Uses.* None.

(e) *Conditional Exceptions.* None.

(f) *Space Limits:*

(1) Minimum lot area ...	10,000 square feet
(2) Minimum lot width ..	60 feet
(3) Minimum front yard .	50 feet from right-of-way line
(4) Minimum side yard ..	None, but 30 feet if a corner lot
(5) Minimum rear yard..	20 feet
(6) Maximum height	35 feet

(Ord. No. 90-09, 9-19-90)

Sec. 3-7-153. C-2: general commercial district.

(a) *Purpose.* This district is intended to provide locations for a wide variety of retail and service uses and wholesale establishments to satisfy the common and frequent needs of residents in large sections of the county and of the traveling public. It is the intent of this district to encourage businesses to be part of planned commercial convenience centers, neighborhood or community shopping centers, and/or developed sections along roads with a classification of minor arterial.

(b) *Permitted Uses:*

(1) Any use permitted in the C-1 district.

(2) Ambulance service.

(3) Auction gallery.

(4) Automobile wash.

(5) Automobile service centers and stations, but not including major repair, body and fender work or painting, provided that all structures and buildings except principal use signs and including storage tanks shall be located not less than twenty-five (25) feet from any side or rear property lines except where such side or rear property lines abut a street, in which case the setback shall be that required for such streets, including gasoline pumps and storage tanks, except principal use signs, shall comply with the setback requirements of any abutting street. If the automobile service station is located on a corner lot, the means of ingress and egress provided shall be not less than twenty (20) feet from the intersection of street right-of-way lines. Ingress and egress shall be arranged and designed so as to minimize the interference with the flow of vehicular or pedestrian traffic.

(6) Bus terminals.

(7) Business and commercial schools.

(8) Community and regional shopping centers.

(9) Dancing schools including group instruction.

(10) Department stores.

(11) Drive-in configurations of any business otherwise permitted in this district; provided, that any such establishment shall provide adequate off-street space for the maneuvering and storage of patrons' vehicles; and further provided that there be a sturdy, close woven or solid fence suitable for the retaining of any discarded paper or other material on all sides of the parking area except the front; and provided that no music or loudspeaker sys-

tem shall be installed or operated than can be heard at neighboring residential, motel or motor hotel properties; and providing all lighting shall be directed and shielded so as to light only the property of such establishment.

(12) Furniture stores.

(13) Professional type assembly and repair of such items as eyeglasses, custom jewelry, prosthetic devices and other similar services and manufacture.

(14) Offices.

(15) Parking lots and structures.

(16) Pawnshops.

(17) Pet shops.

(18) Printing, job, when mechanical operation is not visible from a street, and employing not more than four (4) persons.

(19) Radio and television stations, except transmission towers over thirty-five (35) feet high.

(20) Restaurants.

(21) Stationery and office machines sales and service.

(22) Upholstery shops.

(23) Wholesale stores, but not establishments operated primarily as a warehouse. A wholesale store shall be distinguished from a warehouse if there is at least one (1) square foot or more of office, sales and display space for each square foot of warehousing space, and the building is so arranged as to encourage walk-in trade.

(24) Other uses as may be determined by the planning staff to be similar and compatible with the above listed permitted uses.

(c) *Accessory Uses.* Those uses determined by the planning staff to be customarily appurtenant to those uses permitted in this district.

(d) *Conditional Uses.* Upon application to, and recommendation by the planning commission and favorable decision thereon by the board of county commissioners, the following conditional uses are permitted in this district:

(1) Animal hospital or clinic, provided there are no outside runs or pens.

(2) Building and lumber supply establishments.

(3) Clubs and lodges.

(4) Funeral homes.

(5) Gasoline service stations which conduct major automotive repair.

(6) Greenhouses and nurseries including landscape service.

(7) Mortuaries.

(8) Outdoor amusement enterprises, including pony riding, miniature golf, carnival and bazaars.

(e) *Space Limits:*

(1) Minimum lot area ...	10,000 square feet
(2) Minimum lot width ..	100 feet
(3) Minimum front yard .	50 feet from right-of-way
(4) Minimum side yard ..	None, but 30 feet if a corner lot
(5) Minimum rear yard ..	20 feet
(6) Maximum height	35 feet

(Ord. No. 90-09, 9-19-90; Ord. No. 98-13, 4-21-98; Ord. No. 99-04, 2-16-99)

Sec. 3-7-154. C-3: heavy commercial district.

(a) *Purpose.* This district is intended to provide distinct areas for commercial activities which provide products and services that require locations along major arterial roads, highway intersections and freeway interchange areas, due to the need to transport and display heavy bulk materials, generate heavy traffic, and which provide services that would not be appropriately located in areas providing neighborhood or general commercial retail and service activities as

C-3 (cont'd)

permitted in the C-1 and C-2 districts. Neat and orderly outside storage is permitted in conjunction with permitted uses and conditional uses. Uses in this district shall be located on roads having a minimum classification of major arterial.

(b) *Permitted Uses:*

(1) Automobile and truck sales.

(2) Boat sales.

(3) Commercial kennels for boarding of pets.

(4) Dry cleaning plants not employing more than twenty (20) persons.

(5) Farmers' market.

(6) Feed and seed stores.

(7) Heavy equipment sales and service.

(8) Major automotive repair.

(9) Mini-warehouses and warehouses without outdoor storage.

(10) Mobile home sales lots.

(11) Motels and hotels.

(12) Outdoor theaters.

(13) Recreational vehicle sales and service.

(14) Tire retreading.

(15) Trade shops, including electrical, plumbing, gutter, machines, and HVAC contractors.

(16) Used car and truck sales.

(17) Other heavy commercial and service activities not primarily of an industrial or manufacturing nature as may be determined by the planning staff to be similar to the above-listed uses and which are in harmony with the purpose of this district, but not including those uses which are not mentioned in this district but are enumerated in another district.

(c) *Accessory Uses.* Those uses determined by the planning staff to be customarily appurtenant to those uses permitted in this district.

(d) *Conditional Uses:*

(1) Travel trailer/recreation vehicle parks having a minimum lot area of five (5) acres.

(2) Crematoriums.

(e) *Conditional Exceptions.* None.

(f) *Space Limits:*

(1)	Minimum lot area ...	10,000 square feet
(2)	Minimum lot width ..	100 feet
(3)	Minimum front yard .	70 feet from right-of-way line
(4)	Minimum side yard ..	None, but 30 feet if a corner lot
(5)	Minimum rear yard ..	20 feet
(6)	Maximum height	6 stories

(Ord. No. 90-09, 9-19-90; Ord. No. 98-13, 4-21-98; Ord. No. 99-05, 2-16-99)

Sec. 3-7-155. M-1: light manufacturing district.

(a) *Purpose.* This district is to provide for light industrial uses, all of which shall be nuisance-free and not generators of hazardous wastes. It is intended that light manufacturing uses shall be located on either arterial or major collector streets or within industrial parks having access to such thoroughfares.

(b) *Permitted Uses:*

(1) Any commercial or industrial use which involves manufacturing, processing or assembly operations or the storage and sale of heavy materials, products or equipment; but not including uses which may cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odor, dust, fire hazard or other objectionable conditions to nearby areas.

(2) Armories.

(3) Bakeries and other establishments manufacturing prepared foods and miscellaneous food products.

(4) Bottling plants.

(5) Cabinet shops.

(6) Canning plants.

(7) Clinics, cafeterias, employee credit unions and recreational facilities for employees only.

(8) Cold storage, ice plants and freezer lockers.

(9) Cosmetics and pharmaceuticals.

(10) Dairy plants and ice cream manufacturing.

(11) Distribution of products and merchandise.

(12) Dry cleaning and laundering establishments.

(13) Education and training facilities.

(14) Electrical appliances and equipment, sales and repairs.

(15) Electronic manufacturing and assembly plants.

(16) Fabricating shops such as woodworking, upholstery and sheet metal shops.

(17) Garages, repair shops and machine shops.

(18) Machine shop.

(19) Offices and administrative facilities.

(20) Plumbing shops and other contractors, including open storage of materials when located in the rear yard.

(21) Printing, publishing and reproducing establishments.

(22) Sign painting and fabricating shops.

(23) Textile manufacturing plants.

(24) Wholesaling or warehousing.

(25) Other uses as may be determined by the planning staff to be similar and compatible with the above-listed permitted uses.

(26) Crematoriums.

(c) *Accessory Uses.* Those determined by the planning staff to be customarily appurtenant to those uses permitted in this district.

(d) *Conditional Uses.* Upon application to, and recommendation by the planning commission and favorable decision thereon by the board of county commissioners, the following conditional uses are permitted in this district:

(1) Airports and heliports.

(e) *Conditional Exceptions:*

(1) Caretakers' quarters.

(2) One (1) mobile home for use as a temporary office.

(f) *Space Limits:*

(1)	Minimum lot area . . .	30,000 square feet
(2)	Minimum lot width . .	100 feet
(3)	Minimum front yard .	70 feet
(4)	Minimum side yard . .	None, but 30 if a corner lot
(5)	Minimum rear yard . .	20 feet
(6)	Maximum height	35 feet

(Ord. No. 98-13, 4-21-98; Ord. No. 99-06, 2-16-99)

Sec. 3-7-156. M-2: heavy manufacturing district.

(a) *Purpose.* This district provides for the broadest range of industrial operations permitted in the county. It is the district for location of those industries which have not reached a technical stage which renders them free of all nuisance factors. These uses are to be located on either an arterial or major collector street or, when located within an industrial park, shall have access to such thoroughfares.

(b) *Permitted Uses:*

(1) Any use permitted in the M-1 light manufacturing district, provided there is no generation of nuisance conditions or hazardous wastes.

(2) Acid manufacture and storage.

(3) Bulk petroleum plants.

(4) Cement, lime, gypsum or plaster of Paris manufacture.

(5) Ceramic products, limited to use of electric kilns.

(6) Commercial livestock processing or feedlots.

(7) Concrete, cement products or clay products manufacture.

(8) Feed, grain, or fertilizer manufacture or storage.

(9) Food processing plants.

(10) Foundry or forging plants.

(11) Grain elevators.

(12) Ice manufacture, including dry ice plants.

(13) Lumber yard for wholesaling of building products.

(14) Planing and sawmills.

(15) Poultry killing, plucking or processing plants.

(16) Railroad yards.

(17) Recycling centers.

(18) Rock, sand or gravel distribution or storage.

(19) Sheet metal products.

(20) Tinsmith/roofing operations.

(21) Truck terminals.

(22) Other uses as may be determined by the planning staff to be similar and compatible with the above-listed permitted uses.

(c) *Accessory Uses.* Those uses determined by the planning staff to be customarily appurtenant to those uses permitted in this district.

(d) *Conditional Uses.* Upon application to, and recommendation by the planning commission and favorable decision thereon by the board of county commissioners, the following conditional uses are permitted in this district:

(1) Airports and landing areas.

(2) Reserved.

(3) Asphalt and concrete batching plants.

(4) Central mixing plants for cement, mortar, plaster or housing materials.

(5) Development of natural resources, including the removal of minerals and natural materials, together with necessary buildings and machinery, provided:

a. Any extension of quarrying operations beyond the property lines actually being quarried at the effective date of this chapter shall be considered as a new operation and shall be subject to requirements herein.

b. Quarry areas being excavated shall be entirely enclosed within a fence located at least ten (10) feet back from the edge of any excavation and of such construction and height as to be demonstrably able to exclude children and livestock.

c. At the time of application for use permit the owners or operators of the quarry shall present to the commissioners comprehensive plans for the re-use of the property at the cessation of the quarry operation.

(6) Salvage and junkyards, provided any such use is screened from public view by a solid wall, planted screen or similar opaque partition at least six (6) feet in height, and provided such wall or opaque partition is set back at [least] one hundred (100) feet from all property lines.

(7) Sanitary landfills when designed and operated in accordance with provisions of this chapter and complying with regulations of the Georgia Environmental Protection Division.

(e) *Conditional exceptions:*

(1) Caretakers' quarters.

(2) One (1) mobile home for use as a temporary office.

(f) *Space Limits:*

(1) Minimum lot area . . . 1 acre

(2) Minimum lot width . . 150 feet

(3) Minimum front yard . 70 feet

(4) Minimum side yard . .	None, but 30 feet if a corner lot
(5) Minimum rear yard . .	40 feet
(6) Maximum height	75 feet

(Ord. No. 98-13, 4-21-98)

Sec. 3-7-157. -PD: planned development district.

(a) *Purpose.* It is the purpose of the planned development district to encourage the development of compatible land uses within the flamework of a master development plan for residential and nonresidential land uses within an environmentally compatible setting. The PD district is designed to be appended to residential, commercial or industrial zoning districts to provide flexibility in the application of development standards and site design when approved according to a master development plan in a manner to promote the conservation of natural environment, more efficient use of land, and efficiency in the extension of streets and utilities.

All planned developments shall be located on roads with a minimum classification of major arterial. Each area within a PD project developed for residential (including open space and recreation), commercial or industrial land use shall be zoned separately according to the appropriate zoning district.

(b) *Objectives.* To carry out the purpose of this section, a PD district must provide the following, as appropriate:

(1) A range in the types of residential environment including types of housing, types of ownership and community facilities available.

(2) Nonresidential land uses, if any, which provide convenient service, employment and access and yet which are separated from residential areas by the use of landscaping and natural buffers.

(3) Conservation of natural topographical and geological features with emphasis upon:

a. Conservation of existing surface and subsurface water resources;

b. Preservation of major trees and other significant natural environmental features;

c. Prevention of soil erosion.

(4) An efficient network of streets and utilities appropriate to serve the land uses within the PD district.

(5) A master development plan to guide the PD with specific development objectives included in restrictive covenants.

(c) *Definitions.* For the purpose of this section, the following terms shall have the meaning immediately set forth after the term.

(1) *Master development plan.* A written and graphic submission for a planned development which represents a tract of land, proposed subdivision, the location and bulk of buildings and other structures, density of development, public and private streets, parking facilities, common open space, public facilities and all covenants relating to use thereof. The master development plan is submitted in conjunction with a rezoning application for the PD district.

(2) *Open space.* Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common ownership and use by the residents of the developments and may include complementary structures and improvements as are necessary and appropriate.

(3) Residential land uses. Any variety of residence types as permitted within respective separately zoned areas of the PD, and as shown on the approved master development plan.

(4) *Nonresidential land uses.* Those designated areas which are not residential land uses, which includes but is not limited to: commercial or industrial zoned land, common open space, private streets, drives, service and parking areas, recreation and other open space areas.

(5) *Ownership types.* These include all types of residential development including, but

not limited to, single-family, duplex, apartments, townhouses, rental, such that ownership may be fee simple, lease purchase, leased or rented, and common ownership of open spaces, recreation facilities, streets and parking areas.

(6) *Net land area.* The area calculated in terms of net acres, or the land devoted to residential, commercial or industrial use exclusive of streets, rights-of-way, flood hazard areas and public lands.

(7) Maximum allowable net density. The total number of dwelling units or housing structures per unit of land based on the net land area.

(8) *Planned shopping center.* An area within a PD which contains a group of commercial establishments having a building composition that is an architectural unit and is not a miscellaneous assemblage of stores; and is planned, developed, analyzed as a unit, related in location, size and type of shops to the trade area that the unit serves, and provides on-site parking in relation to the types and size of stores.

(9) *Preliminary concept plan.* A preliminary plan of the proposed planned development, of sufficient accuracy to be used for purpose of reviewing the proposed land uses and general layout.

(10) *Planned industrial district.* An area within a PD project designed for industrial uses with streets, utilities and common architectural controls regulated by a master development plan and restrictive covenants.

(11) *Comprehensive land use plan.* The comprehensive long-range plan containing policies to guide the growth and development of Henry County, which includes the analysis, recommendations and proposals for the county's population, economy, housing, transportation, community facilities and land use.

(12) *Professional consultant.* The person who is a registered and or certified engineer, architect or planner who prepared the plan, within the scope of their respective legal responsibilities.

(d) *General Requirements for a Planned Development District:*

(1) *Area.* The minimum area required for a PD district shall be ten (10) contiguous acres of land. The planning board may consider projects with less acreage where the applicant can demonstrate that a smaller parcel will meet the purpose and objectives of the PD district.

(2) *Ownership.* The tract of land proposed for PD development shall be in one (1) ownership, or if in several ownerships, the application for zoning amendment shall be filed jointly by all of the owners of the properties included in the plan. Any subsequent change in owners of the properties involved, or in anyone having a legal or equitable interest in the property, shall be reported to the community development department. Failure to provide information on property ownership status shall result in the planning board and board of commissioners withdrawing approval.

(3) *Location of PD district.* The PD district shall be applicable to areas located on major arterial roads and where public water and sewerage facilities are available and installed.

(4) *Permitted uses:*

a. Residential Uses: Residences may be of a variety of housing types and ownership types. Single-family detached, attached single-family, cluster homes, two-family homes, town houses, and multiple family residential developments may be permitted within respective separate zoning districts of the PD.

1. Reserved.

2. The maximum allowable net density for single-family residential development for R-3 detached single-family dwellings

and cluster homes shall be no more than three and six-tenths (3.6) dwellings per acre.

3. The maximum allowable net density for RD two-family dwellings shall be two and nine-tenths (2.9) dwellings per acre.
4. The maximum allowable net density for RM multiple family living units including apartments and townhouses shall be eight (8) dwelling units per acre.
5. Public buildings and recreation facilities for use of the residents of the PD is permitted. The restrictions as to the use of these facilities shall be set forth in the covenants and restrictions for the PD development.

b. Office Uses: Office developments shall be designed and landscaped in a manner which is compatible with residential development and which provides for through traffic circulation that does not interfere with residential areas in the PD. Office uses shall include those customarily permitted in an IO office institutional district.

c. Commercial Uses: Commercial developments shall include those uses in C- 1 or C-2 districts which are part of a planned shopping center or service center. Commercial development shall be designed and landscaped in a manner which is compatible with residential development and which provides for through traffic circulation which does not interfere with residential areas in the PD. No outside storage of materials or equipment shall be permitted in commercial areas in a PD.

d. Industrial Uses: Industrial development within a PD shall be designed and landscaped in a manner which is compatible with residential development. Industrial areas in a PD shall be designed as an industrial park with covenants and restrictions concerning building appearance and landscaping. Any uses permitted within an M-1 District shall be permitted with the exception of the following:

1. Armories.
2. Cold storage, ice plants and freezer lockers.
3. Garage and repair shops.

No outside storage of materials or equipment shall be permitted adjacent to residential districts in a PD.

(e) *Application Procedure:*

(1) Preliminary concept plan review. Before an application for rezoning of a PD is authorized, the applicant shall submit a preliminary concept plan for review by the community development department. The department shall coordinate review of the plan and provide a report to the planning commission. The plan shall be submitted to the planning commission, for review at a public meeting. The planning commission shall review the plan and provide comments and recommendations within thirty (30) days. Notice of the time and place of the public meeting shall be posted on the property and newspaper advertisement no less than fifteen (15) days prior to the planning commission meeting.

a. Required Information: The preliminary concept plan shall include the following information:

1. Planned development name.
2. The owner and developer of the property.
3. Architect, engineer or planner who designed the plan.
4. Location or orientation map of the property.
5. Legal description of the parcel.
6. Date, scale, north arrow.
7. Acreage in total tract.

8. Topography at ten-foot contour intervals.
9. Proposed land use and net acreage in each type.
(10) Proposed street layout.
(11) Proposed lot layout.
(12) Proposed buffers, open space and natural environmental features such as surface drainage and open water.
(13) General location of proposed buildings to be used for commercial, industrial, recreational or public facility uses.

[b. Rezoning:] Following preliminary concept plan review and approval by the planning commission, the developer of the PD project may apply for rezoning pursuant to the requirements of Article XVI of the zoning ordinance, and master development plan approval.

(2) *PD master development plan approval request.* A master development plan which incorporates the comments and modifications made by the planning commission in its review of the preliminary concept plan shall be submitted with the application for rezoning.

The master development plan shall include the following information:

a. A site plan for complete development of the planned development project drawn to a scale of one (1) inch equals fifty (50) feet or one (1) inch equals one hundred (100) feet. The plan shall include information contained on the preliminary concept plan and all modifications previously made by the planning commission. The plan shall include one (1) or more sheets, as necessary, to accurately show the following information:

1. Property information:
(i) Planned development project name.
(ii) Owner and developer of the property.
(iii) Architect, engineer or planner who designed the plan.
(iv) Date, scale and north arrow.
(v) An area map showing adjacent property owners, zoning classifications of adjacent parcels, and existing land use within five hundred (500) feet of the property for the PD project.
(vi) A legal description of the parcel.

2. Existing conditions:
(i) Existing topographical features of the site, with a minimum contour interval of five (5) feet. The outline of wooded areas and surface drainage such as streams, lakes and wetlands shall be shown.
(ii) Soil conditions according to U.S. Soil Conservation Service Classifications for Henry County.
(iii) The location of any flood hazard areas subject to a 100-year flood according to the Henry County Flood Damage Prevention Ordinance. The location of the 100-year flood shall be shown relative to contour elevations.
(iv) The location and extent of any aircraft approach zones over the subject PD property.
(v) The location of any existing property lines within the parcel; the location, width, right-of-way, and names of any existing roads; railroads; utility rights-of-way or easements; and existing buildings and structures.

(vi) Existing public facilities such as sanitary sewers, water mains, storm drainage facilities, culverts, bridges, and other underground or above ground facilities within the parcel to be developed, or within the rights-of-way of roads bordering the parcel, with sizes, grades and invert elevations from field surveys or other sources.

3. Proposed development conditions:

(i) Phases of the proposed development.

(ii) The location and extent of the proposed interior road system, including pavement and right- of-way width.

(iii) Delineation of the proposed residential areas and zoning districts, including the location of residential land uses, and dwelling unit types, total number of dwelling units, and total number of lots, and number and percentage allocation by dwelling unit type.

(iv) Proposed layout and dimensions of lots within each proposed residential zoning district.

(v) Calculation of residential density in dwelling units per net acres, by zoning districts and dwelling unit type proposed.

(vi) The delineation of proposed nonresidential areas and zoning district, including lot layout and dimensions, and general location of proposed buildings.

(vii) The interior common open space system.

(viii) Proposed dedication or reservation of land for public use, including streets, parks, schools, and other public buildings and facilities.

(ix) Proposed improvements to existing community facilities including roads, sewers, drainage and water facilities adjoining or near the site.

b. A written report shall be submitted by the applicant which contains the following information concerning the master development plan:

1. General description of the proposal.

2. Detailed legal description.

3. Proposed standards for development, including restrictions on the use of the property, density standards, yard requirements and restrictive covenants.

4. Proposed dedication or reservation of land for public use, including streets, easements, parks and school sites.

5. Exceptions or variations from the requirements of the zoning ordinance and subdivision ordinance, if any, [for] that area being requested.

6. Plans for the provision of utilities, including water, sanitary sewer and drainage facilities and appropriate calculations regarding the sizing of drainage areas and pipes.

7. A report from the Henry County Water and Sewerage Authority, or municipal authority, as appropriate, indicating the adequacy of sanitary sewer and water services.

8. Plans for the protection of abutting properties.
9. Plans for the maintenance of common open space areas.
10. Tables showing the total number of acres in the proposed development and the percentage designation for each type of proposed land use, including public facilities. Information shall be provided in net acres.
11. Tabulations of the overall net density for residential uses.
12. An explanation of phasing or stages of the PD project.
13. Adequacy and arrangement of vehicular traffic access and circulation including intersections, road widths, channelization structures and traffic controls.
14. Adequacy and arrangement of pedestrian traffic access and circulation including separation of pedestrian from vehicular traffic, and pedestrian convenience.
15. Location, arrangement, appearance and sufficiency of off-street parking and loading.
16. Location, arrangement, size and placement of buildings, lighting and signs.
17. Certification by the applicant that a professional consultant is being utilized in the planning process for the PD project, including preparation of the application.
18. Planned development projects for which two thousand (2,000) or more average daily vehicle trips will be generated and/or which at least twenty-thousand (20,000) gallons per day of sewage treatment plant capacity will be required must submit with the application an environmental impact report. The report shall follow the format prepared by the community development department. The report shall objectively discuss positive and negative impacts of the proposed development on land uses; public water and sewerage facilities; traffic patterns, volumes and road improvements; storm drainage facilities, school enrollment; tax base and economic base; natural vegetation; wildlife habitat; and, area appearance and aesthetics. The report shall be prepared by a professional consultant.

(f) *Review of Application.* In reviewing the application for PD preliminary development plan approval and zoning approval, the planning board and board of commissioners shall consider those items listed in section 3-7-313 (Review of application for amendment) concerning zoning map amendments.

The consideration of a PD District approval or disapproval and master development plan shall also include, but not be limited to, the following:

(1) Relation to the comprehensive plan;

(2) Adequacy and arrangement of vehicular traffic access and circulation including intersections, road widths, channelization structures and traffic controls;

(3) Adequacy and arrangement of pedestrian traffic access and circulation including separation of pedestrian from vehicular traffic, and pedestrian convenience;

(4) Location, arrangement, appearance and sufficiency of off-street parking and loading;

(5) Location, arrangement, size and placement of buildings(s), lighting and signs;

(6) Arrangement of landscape features and buffer areas;

(7) Adequacy of public water supply;

(8) Adequacy of storm water and sanitary waste disposal facilities; and

(9) Adequacy of structures, roadways, in areas with moderate to high susceptibility to flooding and ponding and/or erosion.

(Ord. No. 89-23, 12-19-89; Ord. No. 99-02, 2-2-99)

Sec. 3-7-158. -FP: flood-protection district.

(a) *Purpose.* Within the land area covered by this chapter, there exists land which is subject to periodic flooding and inundation. Development of these lands is regulated by provisions contained in the Federal Insurance Administration Flood Hazard Boundary Map for Henry County of which is made a part of the Henry County Zoning Ordinance by reference.

The flood hazard boundary maps (FHBM) and the flood insurance rate maps (FIRM) for Henry County are also made a part of the Henry County Zoning Ordinance by reference and shall be used to determine the location and extent of flood-prone areas.

(b) *Permitted Uses.* Any use permitted in provisions of the Henry County Flood Protection Or-

dinance, provided these uses are permitted in the primary district to which this district is appended.

(c) *Accessory Uses.* Any accessory use permitted in provisions of the Henry County Flood Protection Ordinance, provided these uses are permitted in the primary district to which this district is appended.

(d) *Conditional Uses.* None.

(e) *Conditional Exceptions.* None.

Cross references—Drainage and flood control, generally, Ch. 3-11; flood hazard areas, § 3-11-16 et seq.

Sec. 3-7-159. Towaliga River, Tussahaw Creek, Indian Creek, Long Branch Creek and Shoal Creek Watershed Districts.

1. *Findings and purpose.*

1.1 *Findings of fact.* In order to provide for the health, safety, and welfare of the public and a healthy economic climate within Henry County and surrounding communities, it is essential that the quality of public drinking water be assured. The ability of natural systems to filter stormwater runoff can be threatened by unrestricted urban and suburban development. Land-disturbing activities associated with development can increase erosion and sedimentation that threatens the storage capacity of reservoirs. In addition, stormwater runoff, particularly from impervious surfaces, can introduce toxicants, nutrients, and sediment into drinking water supplies, making water treatment more complicated and expensive and rendering water resources unusable for recreation. Industrial land uses that involve the manufacture, use, transport and storage of hazardous or toxic waste materials result in the potential risk of contamination of nearby public drinking water supplies.

1.2 *Purpose.* The purpose of this section is to establish measures to protect the quality and quantity of the present and future water supply of Henry County and Clayton County; to minimize the transport of pollutants and sediment to the water supply; and to maintain the yield of the water supply watershed. This section shall apply to the portions of the following watersheds, which occur within the jurisdiction of Henry County and are hereinafter identified as water supply watersheds.

2. *Definitions.* Except as specifically described herein, all words in this section shall have their usual and customary meanings. The use of the singular includes the plural and the plural the singular; the present tense includes the future; the use of shall means the action is mandatory, the use of may or should means the action is optional.

Authority: The use of the word "authority" shall mean the Henry County Water and Sewerage Authority or the Clayton County Water Authority.

Buffer: A natural or enhanced vegetated area located adjacent to reservoirs or perennial streams within a water supply watershed.

Confined animal feeding operation: A building or fenced enclosure designed and used for holding or fattening of animals in preparation for market. It does not include the pasturing of animals at densities recommended by the best management practices of the Georgia Department of Agriculture as follows: horses—one per forty-three thousand five hundred sixty (43,560) square feet (one acre); cow—one per forty-three thousand five hundred sixty (43,560) square feet; sheep or goats—one per twenty thousand (20,000) square feet; fowl—twenty (20) per forty-three thousand five hundred sixty (43,560) square feet.

Corridor: All land within the buffer areas established adjacent to reservoirs or perennial streams within a water supply watershed.

County: The use of the word "county" shall mean the Board of Commissioners of Henry County.

Development or single development: Any project or group of related projects constructed or planned for construction on a single parcel or on contiguous parcels under single ownership.

Enforcer: The enforcer is defined as the Director of the Henry County Community Development Department or his designee.

Hazardous material: Any substance defined as "hazardous waste" by the Georgia Department of Natural Resources pursuant to O.C.G.A. § 12-8-60 et seq. as hereafter amended.

Hazardous waste: Any solid waste which has been defined as "hazardous waste" in regulations promulgated by the Administrator of the United States Environmental Protection Agency pursuant to the Federal Act which are in force and effect on February 1, 1991, codified as 40 C.F.R. Section 261.3 as hereafter amended and any designated hazardous waste. Also any substance defined as "hazardous waste" by the Georgia Department of Natural Resources pursuant to O.C.G.A. § 12-8-60 et seq. as hereafter amended.

Impervious surface: A manmade structure or surface that prevents the infiltration of stormwater into the ground below the structure or surface. Examples include, but are not limited to, buildings, roads, driveways, parking lots, decks, swimming pools or patios.

Large quantity generator of hazardous waste: Any person, corporation, partnership, association or other legal entity that is defined as a "large quantity generator" by the Georgia Department of Natural Resources pursuant to O.C.G.A. § 12-8-60 et seq. as hereafter amended and that is regulated by the State of Georgia under that section.

Natural vegetated area: An undeveloped area largely free from human disturbance where naturally occurring vegetation is allowed to remain undisturbed or is enhanced and maintained by human intervention. Activities specifically allowed in such an area include, but are not limited to:

Conservation or preservation of soil, water, vegetation, fish, shellfish and other wildlife.

Outdoor recreational activities, including hunting, fishing, trapping, bird watching, hiking, boating, horseback riding, swimming, canoeing, skeet and trap shooting.

Education, scientific research and nature trails.

Maintenance or repair of lawfully located roads, structures and utilities used in the service of the public, provided that the work is conducted using best management practices to ensure that negative effects on the previous nature of the land shall be minimized.

Limited excavating, filling and land disturbance necessary for the repair and maintenance of structures necessary to the uses permissible in the area as above.

Nonconforming use: A land use activity, building or structure legally established prior to adoption of this ordinance, or subsequent amendment to it, that would not otherwise be permissible under the provisions of this section.

Overlay district: A district that applies supplementary regulations to land previously classified as belonging to a specific zoning district or land-use category.

Perennial stream: A stream which flows throughout the year, as indicated by a solid blue line on United States Geological Survey (USGS) 7-minute topographic series maps (scale of 1/24,000).

Reservoir boundary: The edge of a reservoir, defined by its normal pool level (elevation above mean sea level).

Utility: Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, stormwater systems and railroads.

Water quality critical area: The water quality critical area is defined as follows: (a) All land that lies adjacent to the normal pool level of a reservoir and extending either to the ridge line boundary of the watershed or five hundred (500) feet whichever is shorter; and (b) All land extending a distance of three (3) miles upstream from the normal pool level of the reservoir that is adjacent to each perennial stream upstream from the reservoir and extending either to the ridge line boundary of the watershed on each side of the perennial stream or five hundred (500) feet, whichever is shorter.

Water supply watershed: The drainage area (watershed) of lands upstream of a governmentally owned public drinking water intake or water supply reservoir or a proposed public drinking water intake or water supply reservoir.

3. *Establishment of watershed districts, descriptions, maps, critical areas and limited development areas.*

3.1 *Designation of water supply watershed districts.* The following watershed districts are hereby established and designated.

(a) Towaliga River

(b) Indian Creek

(c) Long Branch Creek

(d) Tussahaw Creek

(e) Shoal Creek

3.2 *Description of each water supply watershed district.*

A. *Towaliga River.* The Towaliga River Watershed District is defined as follows: All land that lies on each side of the Towaliga River and each perennial stream that flows into the Towaliga River to the ridge line from Steel Mills Dam located just north of Locust Grove-Griffin Road to the beginning points of the Towaliga River and each perennial stream that drains into the Towaliga River in said area.

B. *Long Branch Creek.* The Long Branch Creek Watershed District is defined as follows: All land that lies on each side of Long Branch Creek and each perennial stream that flows into Long Branch Creek to the ridge line from the Long Branch Dam located just north of Locust Grove-Griffin Road to the beginning points of Long Branch Creek and each perennial stream that drains into Long Branch Creek in said area. Long Branch Creek is a tributary to the Towaliga River and is contained within the Towaliga River Watershed District.

C. *Indian Creek.* The Indian Creek Watershed District is defined as follows: All land that lies on each side of Indian Creek and each perennial stream that flows into Indian Creek to the ridge line from the S.H. Gardner Reservoir Dam located on Indian Creek just north of Indian Creek Road to the beginning points of Indian Creek and each perennial stream that drains into Indian Creek within said area. Indian Creek is a tributary to the Towaliga River and is contained within the Towaliga River Watershed District.

D. *Tussahaw Creek.* The Tussahaw Creek Watershed District is defined as follows: All land that lies on each side of Tussahaw Creek and each perennial stream that flows into Tussahaw Creek to the ridge line from the west right of way line of Finchersville Road located in Butts County, Georgia, to the beginning points of Tussahaw Creek and each perennial stream that drains into Tussahaw Creek in said area. The main perennial streams that flow into the Tussahaw Creek at the location of the proposed reservoir site are Peeksville Creek and its tributaries, Wolf Creek and its tributaries, Malholms Creek and its tributaries. All of said creeks are located in the Tussahaw Watershed District.

E. *Shoal Creek.* The Shoal Creek Watershed District is defined as follows: All land within the boundaries of Henry County located in the Shoal Creek drainage basin upstream from the Shoal Creek Tandem Reservoir Dam, being that portion of Henry County which lies northerly and westerly of Lovejoy Road.

3.3 *Watershed district maps.* A map of each water supply watershed district will be maintained by the county and the authority. The county's district map will overlie

the official Henry County Zoning Map and each of said maps are hereby incorporated herein and made a part of this section by reference.

3.4 *Water quality critical area.*

3.4.1 Water Quality Critical Area for each of the above-stated watershed districts is: (a) All land that lies adjacent to the normal pool level of a reservoir and extending either to the ridge line boundary of the watershed or five hundred (500) feet whichever is shorter; and (b) All land extending a distance of three (3) miles upstream from the normal pool level of the reservoir that is adjacent to each perennial stream upstream from the reservoir and extending either to the ridge line boundary of the watershed on each side of the perennial stream or five hundred (500) feet, whichever is shorter.

3.4.2 The normal pool level elevation of the existing and proposed reservoirs of the authority are as follows:

(a) Lower Towaliga River Reservoir contour line E. 658.0;

(b) Upper Towaliga River Reservoir contour line El. 720.0;

(c) Long Branch Reservoir contour line El. 720.0;

(d) Indian Creek Reservoir contour line El. 728.0;

(e) Tussahaw Creek Reservoir contour line El. 600.0;

(f) Shoal Creek Reservoir contour line El. 845.0;

* Elevations are based on U.S. Geological Survey Datum.

3.5 *Limited development area.* A limited development area is established for the remaining part of the watershed district that is located outside of the water quality critical area to the ridge line of each watershed district.

4. *Permit required.*

4.1 *Permit requirements.* Within the water supply watershed district, no land-disturbing activity, construction or other development, other than certain exempted activities identified within, may be conducted without a permit from the county and must be in full compliance with the terms of this ordinance and other applicable regulations, including but not limited to, the Henry County Zoning Ordinance, Henry County Subdivision Ordinance, Henry County Soil Erosion and Sedimentation Control Ordinance, Henry County Flood Damage Prevention Ordinance and Henry County Stormwater Management Ordinance. All activities that are not permissible as of right or as conditional use shall be prohibited.

4.2 *Exemptions.* The following land-use activities are exempted from the development review and permit requirements of this section:

4.2.1 *Agriculture and forestry.* Normal agricultural and forestry activities involving planting and harvesting of crops are exempted if they conform to best management practices established by the Georgia Department of Agriculture. Silvicultural activities must conform to best management practices by the Georgia Forestry Commission.

4.2.2 *Mining activities.* All mining activities that are permitted by the Georgia Department of Natural Resources under the Georgia Surface Mining Act, as amended, are exempted.

4.3 *Enforcement.* The county, their agent, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this ordinance and may take or cause to be made such examinations, surveys, or sampling as the county deems necessary. Enforcement procedures shall be as provided in section 3-7-252 (Enforce-

ment) of the Henry County Zoning Ordinance, under Article XIII (Administration and Enforcement).

4.3.1 The Henry County Community Development Department is hereby designated as the administrator and enforcement authority of this section.

4.3.2 All applications for building permits shall be first submitted to the building department for issuance of building permits when the application is in compliance with the regulations of this section. The building department shall submit applications for review by the community development department when there is a need for interpretation and enforcement of specific sections of this section.

4.3.3 Agents and employees of the county and the authority and law enforcement officials of the county and other law enforcement officials having police powers shall have authority to assist the enforcer in enforcement of this section.

4.3.4 Any person who commits, takes part in, or assists in any violation of any provision of this section shall be fined

not more than one thousand dollars ($1,000.00) for each offense. Each violation of this act shall be a separate offense, and, in the case of a continuing violation, each day's continuance shall be deemed to be a separate and distinct offense.

4.3.5 The enforcer shall have the authority to enforce this section; to authorize issuance of permits thereunder; to address violations and to refer violations to the code enforcement department of the county; to issue citations for violation of this section; to issue administrative orders; and to commence civil and criminal actions.

4.3.6 The enforcer or his designee shall have the authority to issue cease and desist orders in the event of any violation of this section. Cease and desist orders may be appealed under section 11 hereof.

4.3.7 When a building or other structure has been constructed in violation of this section, the violator shall be required to remove the structure.

4.3.8 When removal of vegetative cover, excavation or fill has taken place in violation of this section, the violator shall be required to restore the affected land to its original contours and to restore vegetation, as far as practicable, in compliance with the Henry County Soil Erosion and Sedimentation Control Ordinance.

4.3.9 All costs, attorney's fees, expert witness fees and other expenses incurred by the county in connection with the enforcement of this section shall be recovered from the violator.

5. *Permit review.* Applications for a development permit within each of the above-stated watershed districts shall include the following:

5.1 *Existing ordinances.* Each application shall comply with all existing ordinances, amendments thereto and subsequent amendments. Said ordinances include but are not limited to the Henry County Zoning Ordinance, the Henry County Subdivision Ordinance, the Henry County Soil Erosion and Sedimentation Control Ordinance, the Henry County Flood Prevention Ordinance and the Henry County Storm Water Management Ordinance.

5.2 *Additional requirements for development of property located in the watershed districts.* In addition to the requirements of each of the above referenced ordinances, site plans or construction improvements plans for development of property shall contain the following additional information:

5.2.1 The total square feet and acres of property to be developed.

5.2.2 Location, dimensions, and area (in square feet) of all impervious surfaces, both existing and proposed, on the site.

5.2.3 The distance of each impervious structure and surface to the nearest bank of an affected perennial stream and reservoir.

5.2.4 The location of each perennial stream that crosses or abuts the site.

5.2.5 The location of each public reservoir that abuts the site.

5.2.6 The location, elevation and orientation of the hundred (100) year flood plain on the site.

5.2.7 The site plan submitted shall contain a certification issued by a registered land surveyor or registered engineer verifying the location of the site as being located either within the water quality critical area, the limited development area or outside of the both areas.

5.2.8 Location and detailed design of any spill and leak collection systems designed for the purposes of containing accidentally released hazardous or toxic materials.

5.3 *Additional requirements for building permits.* In addition to the requirements of each of the above referenced ordinances, the following information shall accompany each building permit requested:

5.3.1 The total square feet and acres of property to be developed.

5.3.2 Location, dimensions, and area (in square feet) of all impervious surfaces, both existing and proposed, on the site.

5.3.3 The distance of each impervious structure and surface to the nearest bank of an affected perennial stream and reservoir.

5.3.4 The location of each perennial stream that crosses or abuts the site.

5.3.5 The location of each public reservoir that abuts the site.

5.3.6 The location and orientation of the hundred (100) year flood plain on the site.

5.3.7 The site plan submitted shall contain a certification issued by a registered land surveyor or registered engineer verifying the location of the site as being located either within the water quality critical area, the limited development or outside of both areas.

5.3.8 Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.

5.4 *Activities to comply with site development plan.* All development activities or site work conducted after approval of the site plan shall conform with the specifications of said approved plans. Significant changes to the site plan, that would alter the amount and velocity of storm-water runoff from the site, increase the amount of impervious surface within the development, alter the overall density of development, result in a considerable increase in the amount of excavation, fill or removal of vegetation during construction, or otherwise result in an alteration of the overall appearance of the development as proposed, can be amended only with the approval of Henry County Community Development Department. Any such amendments shall also comply with all other applicable ordinances and laws.

5.5 *Exemptions from site development plan requirements.*

5.5.1 Repairs to a facility that is part of a previously approved and permitted development.

5.5.2 Accessory structures such as barns, sheds, or additions to single-family dwellings.

5.6 *Duration of permit validity.*

5.6.1 If construction described in the development permit has not commenced within twelve (12) months from the date of issuance, the permit shall expire.

5.6.2 If construction described in the development permit is suspended after work has commenced, the permit shall expire twelve (12) months after the date the work ceased. In cases of permit expiration due to abandonment or suspension of work, the landowner shall be required to restore topography to its original contours and restore vegetation as far as practicable.

6. *Land use restrictions.* The following limitations on permissible uses together with the limitations on land use prescribed under the ordinances of Henry County, the laws of the State of Georgia, the regulations of the regulatory agencies of the State of Georgia, laws of the United States of America and the regulations of the regulatory agencies of the United States of America shall apply.

6.1 *Within the water quality critical area.* The following limitations on permissible uses shall apply to the water quality critical area.

6.1.1 *Agricultural land use.* No confined animal feeding operations may be conducted within the water quality critical area.

6.1.2 *Commercial establishments.* No commercial activity may be conducted within the water quality critical area.

6.1.3 *Fuel and chemical storage tanks.* No above ground or underground fuel or chemical storage tanks shall be allowed in the water quality critical area.

6.1.4 *Industries.* No industrial activity may be conducted within the water quality critical area.

6.1.5 *Landfills and waste disposal.* No landfills or wastewater disposal facilities of

any kind (except for septic tanks approved by the Henry County Health Department and wastewater disposal facilities owned and operated by the authority) shall be allowed within the water quality critical area.

6.1.6 *Office.* Offices are not permissible within the water quality critical area.

6.1.7 *Residential land use.* Single-family residential lots are permissible if acreage requirements hereinafter set forth are met. Residential lots having no less than two (2) acres when served by a septic tank system and no less than one and one-half (1.5) acres when served by a public sewer system. The minimum lot width permissible for development with septic tank systems when using a public water system is one hundred seventy-five (175) feet.

6.1.8 *Toxic and hazardous materials.* No facility that stores or disposes of underground fuel or chemical storage tanks shall be allowed in the water quality critical area. No industry or business that generates hazardous waste may be located within the water quality critical area.

6.2 *Within the limited development area.* The following limitations on permissible uses shall apply to the limited development area.

6.2.1 *Agriculture.* There are no additional limitations on the type of agricultural land use permissible within the limited development area.

6.2.2 *Commercial establishments.* Commercial establishments shall only be permissible on land parcels of no less than one and one-half (1.5) acres if served by a septic tank system and no less than one (1) acre if served by a public sewer system.

6.2.3 *Fuel and chemical storage tanks.* Underground fuel and chemical storage tanks will be allowed if they meet all of the requirements set forth by the Georgia Department of Natural Resources Environmental Protection Division.

6.2.4 *Industries.* No industry that manufactures toxic or hazardous materials may be located in the limited development area. Only those industries that are not large quantity generators of hazardous waste may be located within the limited development area. Permitted industries must be located on land parcels of no less than four (4) acres if served by a septic tank system and no less than two (2) acres if served by a public sewer system.

6.2.5 *Landfills and waste disposal.* No landfills shall be allowed within said area. Septic tanks approved by the county health department and sewage disposal facilities owned and operated by the authority will be allowed in this area.

6.2.6 *Office.* Offices shall be permissible on land parcels of no less than one and one-half (1.5) acres if served by a septic tank system and no less than one (1) acre if served by a public sewer system.

6.2.7 *Residential.* Single-family residential lots are permissible if acreage requirements hereinafter set forth are met. Residential lots served by a septic tank system shall be a minimum of one acre. Residential lots served by a public sewer system shall be a minimum of one-half (0.5) acre.

6.2.8 *Toxic and hazardous materials.* No facilities that dispose of toxic or hazardous waste may be located within the limited development area. No facility that manufactures, stores or disposes of toxic or hazardous waste may be located within the limited development area.

6.3 *Property abutting perennial streams and perennial streams crossing property located in limited development area.* If a perennial stream abuts or crosses any property upon which an industrial facility, office facility, commercial facility, service facility or residential building is located, the following minimal lot sizes will be required:

(a) If served by a septic tank system:

(1) Industrial lots: Five (5) acres.

(2) Office lots: Two (2) acres.
(3) Commercial establishments: Two (2) acres.
(4) Residential: One and one-quarter (1.25) acres.

(b) If served by public sewer system:

(1) Industrial lots: Two (2) acres.
(2) Office lots: One and one-half (1.5) acres.
(3) Commercial establishments: One and one-half (1.5) acres.
(4) Residential: One acre.

7. *Impervious surface limitations.*

7.1 *Percentage allowed.* The percentage of impervious area allowed in the water quality critical area and the limited development area are set forth below. The percentages set forth below shall be determined by the addition of all land areas to be covered by impervious structures during the development of the property (i.e., roads, streets, driveways, houses, buildings, parking areas).

7.1.1 *Water quality critical area.* No more than twenty (20) percent of the land area of any parcel on which a new development is placed may be covered by impervious surface within the water quality critical area.

7.1.2 *Limited development area.* No more than twenty-five (25) percent of the land area of any parcel on which a new development is placed may be covered by impervious surface within the limited development area.

7.2. *Alternative provisions.*

7.2.1 The impervious surface of a single-family residential development within the limited development area may be increased to thirty-five (35) percent provided that:

(A) Development of land in the limited development area includes area(s) set aside to remain in natural vegetation or open space in the amount of two times the area of impervious surface above the twenty-five (25) percent limit. Ownership of such parcels in fee simple or as a conservation easement must be conveyed to the county, a homeowners' association, or some other governmental or nonprofit entity.

(B) If the recipient of the property or conservation easement is to be an existing or proposed organization other than a governmental entity, the developer must submit to the county articles of association or incorporation which establish the entity. Said document must be approved in writing by the county prior to approving said development. Any proposed changes in said articles shall require the prior written approval of the county.

(C) If the recipient is a homeowners' association, membership in the homeowners' association shall be mandatory for property owners and made a required covenant in all deeds issued or passed. The association shall provide voting and use rights in the natural vegetated area when applicable and charge dues or levy assessments to cover expenses which may include tax liabilities of common areas, and for the maintenance of such common areas, natural vegetated areas, improvements, rights of way, utilities, etc. Such association shall be responsible for the perpetuation, maintenance, and function of all common lands, uses and facilities.

(D) All lands and improvements shall be described and identified as to location, size, use and control in a restrictive covenant. The details of all easements conveyed shall be likewise described. These restrictive covenants shall be written so as to run with the land and become a part of the deed of each lot or dwelling unit within the development.

(E) Such restrictive covenants and the association shall continue in effect so as to control the availability of facilities for their intended function, and to protect the development from additional unplanned densities and use. Such associations shall not be dissolved, nor shall such association dispose of any land set aside for the purposes of this section, by sale or otherwise without prior written consent of the county.

(F) Any and all natural vegetated areas shall be held in common ownership by the dwelling unit owners. Any change in the natural or vegetated area, other than to maintain it in reasonable order and condition in accordance with the approved final plan, shall require prior written approval of the county.

(G) The natural vegetated area may be set aside by the developer by acquiring property in fee simply or a conservation easement within the watershed district.

7.2.2 The impervious surfaces for industrial, commercial, offices, institutional, public and multifamily residential development within the limited development area may be more than twenty-five (25) percent impervious surfaces provided the following structural stormwater controls are taken.

(A) Stormwater management plan detailing the stormwater control structures proposed for the development shall be required. Said plan shall be in conformity with the requirements of the Henry County Stormwater Management Ordinance as amended from time to time. The preferred structure control is wet detention pond which shall be located on site, or, as part of a regional pond where available. The design standards for detention ponds intended for watershed protection shall be found in the Henry County Construction Standards Manual, as amended from time to time. The construction of all stormwater controls designed for watershed protections shall be completed and have received final inspection approval from the Henry County Building Department prior to issuance of a certificate of occupancy for buildings or final plat approval if developed as an industrial, business, or office park.

(B) Channelization of perennial streams shall be prohibited, except for road crossings, erosion and sedimentation control, or stormwater management control devices.

(C) All permanent stormwater control structures and easements for maintenance and access shall be recorded in the final plat of the property in accordance with the Subdivision Ordinance and Stormwater Management Ordinance. The developer shall submit a detailed, long-term schedule for inspection and maintenance of stormwater control structures. The schedule shall include a legal agreement for maintenance responsibility between the local government and property owner. No final plat approval or building occupancy permit shall be issued until a fully executed maintenance agreement has been executed and accepted by the county. Inspections can include, but are not limited to:

1. Initial review of stormwater management plan which must occur prior to issuance of development permit or building permit.
2. Inspection prior to burial of any underground drainage structure.

3. Erosion and sedimentation control inspections, as required on the approved project soil erosion and sedimentation control plan, and, the County Soil Erosion and Sedimentation Control Ordinance.
4. A final inspection when all work, including installation of drainage facilities, has been completed.
5. Inspection prior to final subdivision plat approval for acceptance of public improvements (streets, stormwater management and drainage facilities).
6. Subsequent inspections, measurement, and enforcement actions as necessary to insure continued functioning of the facilities for stormwater management and watershed protection.

(D) A development may participate in a regional wet detention pond program which has been established by one or more public or private entities subject to the following conditions:

1. Runoff from the development drains into a regional stormwater management control facility approved by the county.
2. An agreement between the county and the landowner has been executed which guarantees participation in the regional stormwater arrangement of the property and the detention pond.
3. Construction of a regional detention pond meets or exceeds the design requirements of the Henry County Stormwater Management Ordinance.

(E) A development may provide an alternative method for stormwater control other than a wet detention pond provided that it is in compliance with the Henry County Stormwater Management Ordinance, and design criteria for pollutant removal equivalent to those associated with wet detention ponds included in the Henry County Construction Standards Manual, as amended.

7.3 *Impervious surface setbacks.*

7.3.1 *Water quality critical area.* No impervious structure shall be constructed within two hundred (200) feet of the normal pool level of the reservoir or of any perennial stream located in the water quality critical area.

7.3.2 *Limited development area.* No impervious surface shall be constructed within a one hundred fifty (150) feet setback area on both sides of a perennial stream as measured from the stream banks in the limited development area.

7.4 *Vegetative setbacks/buffers*

7.4.1 *Stream buffers within water quality critical area.* A natural or enhanced vegetative buffer shall be maintained for a distance of one hundred fifty (150) feet from the normal pool level of a reservoir and one hundred (100) feet on both sides of a perennial stream as measured from the banks.

7.4.2 *Stream buffers within the limited development area.* A natural or enhanced vegetative buffer shall be maintained for a distance of one hundred (100) feet on both sides [of] a perennial stream as measured from the stream's banks.

7.4.3 *Silvicultural BMPs.* Notwithstanding any other provisions of this section, forestry practices, in accordance with a forest management plan that incorporates best management practices (BMPs) approved by the Georgia Forestry Commission, shall be permissible in the buffer areas. However, no trees or vegetation shall be removed any closer than twenty-five (25) feet on each side of any perennial stream.

7.4.4 *Agricultural BMPs.* Notwithstanding any other provisions of this section, the continued cultivation of agricultural crops and the occasional pasturing of livestock shall be permissible within the buffer area, provided that the best management practices of the Georgia Department of Agriculture are followed.

7.5 *Septic tank drainfield restrictions.* Septic tanks and septic tank drainfields are prohibited in the setback area established in subsections 7.3. and 7.4.

7.6 *Hazardous materials handling.* New facilities located within the water supply watershed district that handle hazardous materials of a type and amounts requiring a permit from the Department of Natural Resources or that require disposal by a hazardous materials handler permitted or licensed by the Department of Natural Resources at a hazardous materials facility, shall perform their operations on impermeable surfaces having spill and leak collection systems. Such spill and leak collections systems shall be shown on the site plan in detail and must be approved, as part of the site plan, by the enforcer.

7.7 *Soil erosion and sedimentation control.* All developments and land disturbing activity within the Water Supply Watershed District shall comply fully with the Soil Erosion and Sedimentation Control Ordinance of the county.

8. *Nonconforming uses.*

8.1 *Previous uses preserved generally.* The lawful use of any building, structure, or land use existing at the time of the enactment of this section may be continued, even though such use does not conform with the provisions of this section except that the nonconforming structures of use shall not be:

8.1.1 Changed to another nonconforming use;

8.1.2 Reestablished after discontinuance for one year;

8.1.3 Extended except in conformity with this section; or,

8.1.4 Structurally altered, except for repairs necessary for the continuation of the existing use.

8.2 *Replacement of nonconforming uses.* The replacement of nonconforming uses shall be in compliance with Article 7 of the Zoning Ordinance of Henry County as hereinafter amended.

8.3 *Application to projects partially complete.* For any development which has received, before the effective date of this ordinance, either preliminary plat approval, site plan approval, building permit or other relevant permits provided by the county, and for which substantial work has been completed or substantial investment made in reliance upon such a permit, any future work included in said plat or plan may be completed without being subject to the additional regulations imposed in this section. Any significant additions, expansions, or phases that deviate significantly from said plat or plan or that have not yet received a permit shall be subject to the provisions of this section.

9. *Preexisting conditions.* All parcels of land within the Watershed Protection Districts that do not conform to the space requirements or come within the permitted uses or the minimum standards hereinafter set out shall be governed by the Henry County Zoning Ordinance adopted June 3, 1986, as amended, as it related to nonconforming use activities. No property owner within said district or area, nor successors in title, who is engaged in a use which is rendered nonconforming by this section, shall be required to limit, restrict, amortize, or discontinue such use within the boundaries of his property. Nothing in this section shall require any change in development or proposed use of properties which are presently under development or preliminary plat has been submitted and approved as of the effective date of this section. All parcels of tracts of land within

said district or area shall be subject to the rules and regulations of the Henry County Health Department.

10. *Variances.*

10.1 *When issued.* The county may authorize upon appeal in individual cases such variances from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this section will, in an individual case, result in unnecessary hardship, so that the spirit of this ordinance shall be observed. Such variance may be granted in such individual cases of practical difficulty or unnecessary hardship only upon a finding by the enforcer that all of the following conditions exist:

10.1.1 There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;

10.1.2 The application of this section to this particular piece of property would create an unnecessary hardship;

10.1.3 Relief, if granted, would not cause substantial detriment to the water quality of Water Supply Watershed District or impair the purposes and intent of this section;

10.1.4 The special circumstances surrounding the request for a variance are not the result of acts by the applicant;

10.1.5 The variance is not a request to permit a use of land, buildings or structures which is not permissible in the district involved; and,

10.1.6 The variance will not result in an increase of the impervious surface of the development beyond that prescribed according to Section 8.

10.2 *Conditions.* Henry County Community Development Department may, as a condition of variances to certain provisions of this ordinance, require alternative measures to be taken by the applicant such that the purpose of this ordinance may be achieved through alternative means.

11. *Appeals.* Decisions made by the enforcer may be appealed to the Henry County Board of Commissioners. Notice of the appeal must be filed with the board of commissioners within ten (10) days of the decision rendered by the enforcer. The notice of appeal shall contain a written statement specifying the errors made by the enforcer and the specific relief requested by the party appealing. A public hearing will be conducted by the board of commissioners at either a regular or special called meeting of the board. Written notice of the time and place of the hearing shall be given to the party appealing at least three (3) days prior to the date of the hearing.

12. *Amendments.* These regulations and the watershed district map may from time to time be amended in accordance with procedures and requirements in the general statutes.

13. *Assessment relief.* Assessors and boards of assessors shall consider the requirements of these regulations in determining the fair market value of land.

14. *Separability and abrogation.* All sections and subsections of this ordinance are considered separate and distinct. Should any section, subsection, paragraph or part of this section be declared by a court of jurisdiction to be invalid for any reason, it shall not invalidate any other section, subsection, paragraph or part of this section.
(Ord. No. 94-07, 12-20-94; Ord. No. 98-06, §§ 1—6, 3-17-98)

Editor's note—Ordinance No. 94-07, adopted December 20, 1994, repealed §§ 3-7-159 and 3-7-160 which pertained to the Towaliga and Tussahow Watershed Protection Districts and derived from Ord. No. 87-19, §§ 1—9, adopted October 20, 1987. Ord. No. 94-07 added a new § 3-7-159 herein set out as enacted.

Cross reference—Towaliga Watershed Protection District, § 3-5-376 et seq.

Sec. 3-7-160. Reserved.

Note—See the editor's note following § 3-7-159.

Sec. 3-7-161. WWPD: Walnut Creek Watershed Protection District.

(a) *Purpose.* The purpose of this district is to protect the Walnut Creek Watershed which has unique importance for public water consumption, environmental protection, and development for Henry County and the City of McDonough. This district is to apply development standards that will maintain a high quality of surface water (creeks, streams, and springs) and underground

water resources of the Walnut Creek Basin. The regulations of this district are appended to residential, commercial, and industrial districts contained within the Henry County Zoning Ordinance [this chapter] (adopted June 3, 1986, as amended).

(b) *Definitions and Interpretations.* The following definitions and rules of construction shall apply to this section:

(1) The Walnut Creek Watershed Protection District is hereinafter referred to as the WWPD.

(2) The WWPD is described and designated as including tracts and parcels of land that lie within the 6th and 7th Districts of Henry County, Georgia, as delineated on the Walnut Creek Watershed Map which is made part of this section. The WWPD includes Walnut Creek and tributaries, including Birch Creek and Crittle Creek.

(3) Any setback measurements referred to in this section shall be measured from the bank of any creek, stream or spring or the normal pool elevation of any reservoir that is located within the WWPD.

(4) Protection areas: Within the WWPD are areas with certain land use designations. They are reservoir protection area and watershed protection area:

a. *Reservoir protection area:* An area seven hundred fifty (750) feet in width surrounding the existing property owned by the City of McDonough on which is located the City of McDonough reservoir. Said area shall be measured from the normal pool elevation seven hundred twenty-three (723.0) feet contour above mean sea level) at the reservoir on said property.

b. *Watershed protection area:* Includes all land area within the WWPD, exclusive of those properties contained within and subject to regulations of the reservoir protection area. The watershed protection area contains specific land use regulations contained herein.

(5) The words "surface water" as herein used shall mean and include any river, creek, stream, reservoir or body of water located within the WWPD.

(6) The word "toxic" as herein used shall mean any chemical or substance that has been defined as toxic by the Environmental Protection Agency of the United States (EPA); Environmental Protection Division (EPD) of the Georgia Department of Natural Resources; or the Georgia Department of Agriculture.

(7) The words "underground water" as herein used shall mean and include any water located underground or below the land surface within the WWPD.

(8) The words "vegetative buffer" as herein used shall mean an area of natural vegetation or of planted trees, shrubs, flowers, grass or any combination thereof.

(c) *Preexisting Conditions.* All parcels or tracts of land within the WWPD or the reservoir protection area which do not conform to the minimum standards or permitted uses of this section shall be governed by the Henry County Zoning Ordinance as adopted June 3, 1986, as it applies to substandard lots of record (Article IV, Section 413) [Section 3-7-55]; exceptions, modifications and encroachments (Article V); and nonconformances (Article VII), except that existing uses shall not be subject to the provisions of Sections 704 and 705 of said zoning ordinance [sections 3-7-125 and 3-7-126]. No property owner in said district or area, nor his successors in title, who is engaged in a use which is rendered nonconforming by this section shall be required to limit, restrict, amortize, or discontinue such use within the boundaries of his property. Nothing in this section shall require any change in development or proposed use of properties which are presently under development and for which a development plan or preliminary plat has been submitted and approved as of the effective date of this section. All parcels or tracts of land within said district or area shall

be subject to the rules and regulations of the Henry County Health Department.

(d) *Permitted Uses and Specifications.* Within the WWPD those permitted uses, conditional uses, conditional exceptions, accessory uses, and space limits, within the districts provided within the Henry County Zoning Ordinance shall be allowed with additional requirements provided within this section:

RA: residential-agricultural district
R-A: single-family residence district
R-1-A: single-family residence district
R-2: single-family residence district
R-3: single-family residence district
RD: two-family residence district
RM: multiple-family residence district
RMH: mobile home development district

OI: office/institutional district
C-1: neighborhood commercial district
C-2: general commercial district
C-3: heavy commercial district

M-1: light manufacturing district
M-2: heavy manufacturing district

PD: planned development district
FP: flood protection district

(1) *Watershed protection area—additional requirements.* The following additional requirements and limitations shall apply to all zoning districts within the watershed protection area:

a. *Residential.* Single-family residential lots created after the adoption of this section within the RA, R-1, R-1-A and R-2 districts, and two-family residential dwelling on lots within the RD district, and RMH mobile home subdivision lots, shall have a minimum setback for the septic nitrification field of one hundred (100) feet from any surface water.
This requirement shall not apply if any lot or structures within these districts that are connected to a public sanitary sewer and water system.
Residential development within the R-3, RM, and RMH districts for mobile home park development as provided by Article IX of the Henry County Zoning Ordinance, shall be served by a public sanitary sewer system and public water system.

b. *Commercial.* Commercial development on any lot created after the adoption of this section within any OI, C-1, C-2, or C-3 district within the watershed protection area shall have a minimum lot area of one (1.0) acre where a septic tank system is used. The minimum lot width shall be as provided by the Henry County Zoning Ordinance, Article VIII, Schedule of District Regulations. The minimum setback of nitrification fields from any surface water shall be a minimum of one hundred fifty (150) feet. The Henry County Health Department must approve the use of septic tanks for specific types of office or commercial use.
Where a public sanitary sewer and public water system is available to serve developments in any OI, C-1, C-2, or C-3 district within the watershed protection area, the minimum lot area shall be as provided by Article VIII of the Henry County Zoning Ordinance.

c. *Industrial.* Industrial development within the M-1 district on any lot created after the adoption of this section within the watershed protection area shall have a minimum lot area of one (1.0) acre where a septic tank system is used. The minimum setback of nitrification fields from any surface water shall be one hundred fifty (150) feet. The Henry County Health Department must approve the use of septic tanks for specific types of industrial use. The production, use, or storage of toxic chemicals or substances shall be subject to applicable state and federal regulations.
Where a public sanitary sewer system and public water system is available to serve development in an M-1 district within the watershed protection area, the minimum lot area shall be thirty

thousand (30,000) square feet as provided by Article VIII of Henry County Zoning Ordinance.

Industrial developments within an M-2 district within the watershed protection area shall be served by a sanitary sewer system. The production, use, or storage of toxic chemicals or substances shall be subject to applicable state and federal regulations.

d. *Agricultural activity.* Agricultural activity is permitted within areas zoned RA within the watershed protection area, and subject to State of Georgia regulations concerning pesticide use, and use of other toxic chemicals or substances.

e. *Public uses.* Public owned recreation parks, public buildings and facilities which use septic tank systems shall have nitrification fields located at least one hundred fifty (150) feet from any surface water.

f. A vegetative buffer shall be maintained for a distance of one hundred (100) feet from any surface water.

(2) *Reservoir protection area—additional requirements.* The following additional requirements and limitations shall apply to permitted and conditional uses within the reservoir protection area.

a. *Residential.* Only single-family residential dwellings shall be permitted. All septic tank nitrification fields shall be set back a minimum of one hundred fifty (150) feet from the normal pool elevation (seven hundred twenty three (723.0) feet above mean sea level) of the reservoir and a minimum of one hundred fifty (150) feet from any other surface water. The impervious surface area of any lot shall be limited to twenty-five (25) percent of existing use, whichever is greater.

b. *Commercial development.* None permitted.

c. *Industrial development.* None permitted.

d. *Argricultural activity.* Agricultural activity is permitted within areas zoned RA within reservoir protection area, and subject to State of Georgia regulations concerning pesticide use, and use of other toxic chemicals or substances.

e. *Public use.* Public owned recreation parks, public buildings, and facilities which use septic tank systems shall have nitrification fields located at least one hundred fifty (150) feet from the normal pool elevation of the reservoir and a minimum of one hundred fifty (150) feet from any other surface water.

f. A vegetative buffer shall be maintained for a distance of one hundred fifty (150) feet from the normal pool elevation of the reservoir (seven hundred twenty three (723.0) feet above mean sea level).

(Ord. No. 89-08, §§ 1—4, 3-21-89)

Editor's note—Ordinance No. 89-08, enacted March 21, 1989, provided for amendment of the county zoning ordinance, but did not specify the manner of such amendment; hence, amendment of § 3-7-35 of this chapter and codification of §§ 1—4 of such ordinance as a new § 3-7-161 was at the discretion of the editor.

Secs. 3-7-162—3-7-170. Reserved.

Ref the following: Sec 3-7-36

Res Zoning Classes

ARTICLE IX. MOBILE HOME DEVELOPMENT

Sec 3-7-143 to Sec 3-7-147 & Sec 3-7-150

Sec. 3-7-171. Uses governed by these regulations.

Mobile home development, including mobile homes located on individual lots, mobile home parks, mobile home subdivisions, and mobile home condominiums as permitted in the RMH district shall conform with all of the following provisions.

Sec. 3-7-172. Pre-application meeting.

Prior to filing a formal application for a mobile home development, the applicant shall meet with planning staff to review sketch development plans to determine conformance with provisions of this chapter. A single mobile home to be located on an individual lot is exempt from this requirement but must comply with development provisions of the RMH district. This meeting will familiarize the applicant with county requirements.

Sec. 3-7-173. Development plans.

The applicant shall file a petition with the planning and zoning department requesting review and approval for a mobile home development. The application shall be accompanied by eight (8) copies of a site plan and narrative report summarizing the development concept and time schedule. The site plan and narrative report shall include at minimum the following information:

(1) *Site Plan:*

a. The site plan shall be drawn at a scale not to exceed one (1) inch equals one hundred (100) feet and shall include a north arrow and correct scale.

b. Existing topographic conditions including contour intervals of not less than ten (10) feet based on field surveys or photogrammetric methods. Contour intervals of less than ten (10) feet may be required on specific parcels.

c. The land, area, exterior dimensions, and bearings and distance of the proposed developed boundaries.

d. All setbacks and lot lines documenting compliance with provisions of this chapter; and if a mobile home subdivision is proposed, documentation of compliance with the Henry County Subdivision Regulations.

e. A layout of interior streets and driveways referenced to exterior thoroughfares. Right-of-way pavement width shall be depicted.

f. The location of all mobile home lots or pads.

g. The proposed location of all utility lines, easements, and fire hydrants.

h. A preliminary drainage plan prepared and stamped by a registered professional engineer.

i. The location and dimensions of all buffers, recreation areas, structures and appurtenant facilities.

(2) *Narrative Report:*

a. A legal description of the subject property.

b. A statement of the present ownership of all land within the proposed development.

c. A summary of acres, dwelling units, and gross density, as well as a statement of the number of acres devoted to buffer areas, recreation acres, and green belts, or other amenities, such as lakes, etc.

d. A description of the phases under which construction shall be programmed, depicting the geographical limits of each phase of construction.

e. A draft of the proposed rules and regulations which shall be established and enforced by management if the development is a mobile home park.

f. A draft of the text of covenants running with the land which shall be binding on the applicant and/or any future owner of the property so long as the property is used as a mobile home development, which shall provide for perpetual upkeep and maintenance in a clean and healthy state, all grass, lawns, shrubbery, trees, recreation areas, and other natural amenities of the property including buffer zones. Said covenants shall be drawn to the satisfaction of, and subject to approval of Henry County; and Henry County shall be made a party thereto having full powers of enforcement at law or equity or otherwise. Upon approval by the county attorney, said covenants shall be recorded in superior court of Henry County and the recording of said covenants shall be a condition precedent to any development, defoliation, or other construction on the property.

In addition, typical elevation drawings, including general architectural style and buildings exterior materials, if possible, of all permanent buildings and structures to be constructed on the premises shall be submitted. The building elevation drawing may be submitted for approval by the board of commissioners at a later date, if necessary.

Sec. 3-7-174. Approval of mobile home development.

(a) An application for approval of a mobile home development will be reviewed by the planning staff and county engineer to determine compliance with provisions of this chapter, and with other codes and regulations of Henry County. If a rezoning is not necessary, approval is subject to compliance with these provisions.

(b) If a rezoning is required, at a public hearing the board of commissioners may approve, disapprove, or approve with modifications to the site plan and/or narrative report, after receiving the recommendation of the Henry County Planning and Zoning Board.

Sec. 3-7-175. Mobile home park development standards.

Within a mobile home park the following development standards shall be met:

(1) *General:*

a. All requirements of the county and state health departments that are not included in these regulations shall be complied with.

b. All regulations of the county and state fire marshal's office shall be adhered to.

c. No permanent addition of any kind shall be built onto or become part of any mobile home unit unless a building permit is obtained for such additions and the additions comply with the building, electrical, and plumbing codes and other applicable laws of regulations, and further provided that no additions encroach upon the required open spaces as required herein.

d. If no construction or affirmative action to develop the property in accordance with the approved site plan and narrative report occurs within twelve (12) months of the granting of an application for a mobile home park, said park shall become invalid unless extended by official act of the board of commissioners, and the property shall revert to its prior or appropriate zoning classification.

e. No mobile home unit shall be admitted to any mobile home park unless it can be demonstrated that it meets the current requirements of American Standards Association Code Provision A-119.1, "American Standard for Installation in Mobile Homes of Electrical, Heating and Plumbing Systems."

f. Each mobile home shall provide an area for the storage of boats, travel trailers, and/or other vehicles. This storage area shall be adequate to serve the needs of the mobile home park and shall be enclosed by a fence. Storage other than listed in this paragraph shall be enclosed in a building.

g. Each lot shall be defined by a marker at each corner. Precise engineering of lot limits is not defined.

h. Each lot shall provide a paved concrete or all-weather patio area having a minimum area of two hundred (200) square feet.

i. No mobile home or structure shall be located within twenty-five (25) feet of any street, or drive within the mobile home park.

j. Within sixty (60) days of the siting of a mobile home on its lot, the undercarriage of said mobile home shall be concealed from view through the use of permanent, nonflammable construction materials.

k. A chain link fence, or other type fence may be required by the planning commission where deemed necessary for the safety of the residents of the mobile home park.

(2) *Structural:*

a. Each mobile home unit shall be installed on a concrete pad foundation, of which the base block shall be solid and equal in size to the pier block size (a minimum of eight (8) inches by and eight (8) inches by sixteen (16) inches). Top course of said parts of foundation shall be a solid cap block with a minimum dimension of four (4) inches by eight (8) inches by sixteen (16) inches. The mobile home unit shall be installed true and plumb. The tongue and wheels shall be removed and an approved permanent skirting shall be installed.

b. Each mobile home in a mobile home park shall be provided with safety tie-downs. The ties shall consist of wire cable or rust-resistant steel straps, and withstand a minimum stress of four thousand eight hundred (4,800) pounds. The cable or strap shall be secured to the mobile home frame and the anchor with a yoke-type fastener and tensioning device, but not with hook-end turnbuckles. Mobile homes having factory installed over-the-top tie-downs shall have these ties secured to the anchors in addition to the frame ties. Mobile homes which do not have factory installed over-the-top tie-downs shall be provided with same by the mobile home owner prior to occupancy. Double-wide mobile homes do not require over-the-top tie downs, but are subject to the frame tie requirements applicable to single-wide mobile homes. Four (4) over-the-top and frame and tie combinations are required for single-wide mobile homes sixty (60) feet or less in length. Acceptable types of anchors include expanding anchors, screw augers, and concrete deadmen. Auger-type anchors shall be installed to a depth of four (4) feet minimum in the ground. All anchors shall be designated to withstand a pull of four thousand eight hundred (4,800) pounds.

(3) *Utilities:*

a. Each mobile home park shall be served by central water, sanitary sewer, electricity, gas, and central television antenna system. All utilities shall be located underground.

b. Each mobile home shall be connected with public water and sanitary sewer facilities in a manner approved by Henry County Health Department, Henry County Water and Sewerage Authority, and be in compliance with the regulations of the Henry County Building Inspector.

c. Garbage and refuse collection facilities shall be provided by management of the mobile home park.

d. Each mobile home shall be equipped with a fire extinguisher and smoke alarms of a design or type approved by the state fire marshal, provided by park owner.

e. An electrical outlet supplying both sixty (60) and one hundred fifty (150) amperes of service shall be provided for each mobile home space. All such outlets shall be weather-proof, and installations shall meet the requirements of the National Electrical Code.

f. All private streets, driveways and pedestrian walkways within the mobile home park shall be lighted between sunset and sunrise with electric lights emitting light at an intensity of at least five thousand lumens, and the light poles shall be no more than two hundred fifty (250) feet apart.

(4) *Sanitation:*

a. The area around and underneath each mobile home unit shall be kept clean and free from collections of refuse, rubbish, glass bottles, or other unsightly material.

b. Each mobile home space shall be provided with an approved metal garbage container with a tight-fitting cover. The container shall be kept in sanitary condition and shall be stored at least three (3) inches off the ground, preferably on a metal rack or hanger for such purpose. Waste shall be removed from the premises and disposed of often enough to prevent creating a nuisance or health hazard and to insure that the garbage can shall not overflow.

c. No mobile home park shall be served by a privy.

d. Every mobile home park shall be equipped at all times with fire equipment in good working order and of such type, size, number and location as to satisfy applicable fire regulations of Henry County; provided further, that no open fires or burning of leaves or other refuse shall be permitted within the boundaries of any mobile home park.

(5) *Recreation and Buffer Areas:*

a. A minimum of ten (10) percent of the gross acreage of the mobile home park shall be set aside for the recreational use by residents of the mobile home park. Said recreational park shall be one (1) contiguous tract or several tracts, each no smaller than one-half (½) acre and located within the mobile home park in such a manner as to be convenient to all its residents. Street open space shall not be included in this percentage. No more than twenty (20) percentage may lie in floodplain area. If the park management fails to maintain open spaces, the county may provide this service and file a lien against the property owner. The recreational park shall be located on land suitable for park development and shall contain a sufficient amount of play equipment designed for school age children.

b. A buffer area having a minimum width of forty (40) feet shall be provided so as to provide a continuous buffer along all side and rear yards of any mobile home park. All mobile homes should be set back a minimum of at least fifteen (15) feet.

c. A buffer area having a minimum depth of two hundred (200) feet shall extend along the entire frontage of any mobile home park where it abuts a public thoroughfare.

d. Where the existing foliage in the buffer area is not sufficient to provide and maintain an evergreen visual screen between adjacent properties, landscaping and planting shall be required sufficient to provide visual separation and privacy between mobile home park and adjacent properties and/or street.

e. All buffer areas shall comply with provisions of Article X, of this chapter.

Sec. 3-7-176. Travel trailer/motor home (RV) parks.

No such park may hereafter be developed or expanded until the site plan thereof has the approval of the planning commission, which approval shall be given, provided the plans as submitted meet the following requirements:

(1) No such park shall be located except with direct access to an arterial thoroughfare and having a minimum of three hundred (300) feet of frontage thereon to permit adequate design of entrances and exits. No entrance or exit shall be through a residential district, or shall require movement of traffic from the park through a residential district.

(2) The minimum area for such park shall be five (5) acres, and maximum density of such park shall be five (5) units per gross acre.

(3) Condition of soil, groundwater level, drainage, and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences and no portion subject to unpredictable and/or sudden flooding, subsidence, or erosion shall be used for any purpose which would expose persons or property to hazards.

(4) Spaces in such parks may be used by motor coaches, travel trailers, equivalent facilities constructed in or on automotive vehicles, and tents, but not by mobile homes or manufactured housing.

(5) Management headquarters, recreational facilities, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to operation of a recreational vehicle park are permitted as an accessory use in any district in which recreational vehicle parks are allowed, provided:

a. Such establishments and the parking areas primarily related to their operations shall not occupy more than ten (10) percent of the area of the park.

b. Such establishments shall be restricted in their use to occupants of the park.

c. Such establishments shall present no visible evidence of their commercial character which would attract customers other than occupants of the park.

(6) In addition to yard requirements, the following limitations shall apply with respect to such parks. No space shall be so located that any part intended for occupancy for sleeping purpose shall be within fifty (50) feet of the right-of-way line of any county street or state highway.

(7) The regulations governing such parks prescribed by the health department, as well as county or state regulations, shall be complied with.

(8) All spaces within such parks designed for short-term occupancy of less than thirty (30) days shall be large enough to meet the minimum requirements pertaining to design, buffering, yard space, setback and open areas for the size and type of unit the space is designed to accommodate.

Secs. 3-7-177—3-7-190. Reserved.

ARTICLE X. BUFFER AREAS

Sec. 3-7-191. Provision for planted buffer areas.

(a) It is recognized that the adjacent location of certain land uses may create an incompatible situation that can be mitigated by the installation of a planted buffer. An incompatible situation can arise due to the location of commercial or industrial uses adjacent to residentially-zoned land, or to a lesser extent due to location of mobile home parks or multiple-family residences adjacent to single-family residential districts.

Therefore, when land is to be rezoned for a use creating an incompatible situation, or when a use deemed incompatible is modified or expanded, a planted buffer shall be provided along all side and rear property lines to insulate adjacent properties from adverse impacts.

(b) The following situations constitute creation of incompatibilities and are subject to buffer requirements of this chapter:

(1) The location of commercial or industrial land use directly adjacent to residentially-zoned land.

(2) The location of mobile home parks, duplex developments or multiple-family developments directly adjacent to land zoned for single-family residences.

The board of commissioners, upon recommendation by the planning commission, may require a planted buffer between other districts or land uses when it is determined by the planning commission that an incompatible situation exists.

Sec. 3-7-192. Buffer area requirements.

(a) The required buffer shall provide necessary visual privacy for the conduct of residential lifestyles in an undisturbed environment, and shall provide for the protection and preservation of property values in residential districts.

(b) Planted buffers shall be established and maintained by the owner of the property containing the incompatible land use. The determination of incompatibility shall be based upon the existing character of the area in which the proposed action takes place. For example, proposed development or modification of commercial or industrial land use adjacent to an area developed as residential shall require the owner of the commercial or industrial property to install and maintain the planted buffer. If however, nonresidentially zoned land is rezoned for development of residences and this property is located adjacent to land developed as, or zoned for nonresidential use, the owner of the property to be rezoned for residences shall be required to install and maintain the buffer.

(c) The requirements for planted buffers are as follows:

(1) Where office/institutional, commercial or industrial land uses are contiguous with land zoned for single-family residential use, the minimum width of the required planted buffer shall be forty (40) feet.

(2) Where commercial or industrial land uses are contiguous with land zoned for mobile home development, duplexes, or multiple-family residences, the minimum width of the required planted buffer shall be thirty (30) feet.

(3) Where mobile home developments, duplexes, or multiple-family land uses are contiguous with land zoned for single-family residences, the minimum width of the required planted buffer shall be twenty (20) feet.

(d) In all other instances, the minimum width of a planted buffer shall not be less than twenty (20) feet and no more than seventy-five (75) feet. Plantings attaining a minimum height in excess of that required herein might be required to mitigate the impacts of certain projects.

(e) The required planted buffer can be incorporated into the yard setback as specified in the appropriate zoning district. In some instances the planning and zoning department may require a masonry wall or decorative fence as part of the buffer requirement. This would result in a reduction of width of the required buffer.

Sec. 3-7-193. Buffer area specifications.

The following are minimum specifications for required planted buffers. Buffers shall:

(1) Be depicted in detail (the type and location of natural and planted vegetation are to be illustrated) on each site plan or plat prior to approval, and shall be designated as a permanent easement.

(2) Not to be disturbed by grading, property improvements or construction activities, except where necessary to prevent a nuisance, or to thin such natural growth, where too dense to permit normal growth, or to remove diseased, misshapen, or dangerous and decayed timbers. Any contemplated disturbance shall first be brought to the attention of the planning and zoning department [and] formal approval secured prior to initiating activity within required buffer areas.

(3) Utilize existing vegetation in an undisturbed state where it has been determined that existing vegetation is appropriate for inclusion within the buffer strip, or when required be supplemented with approved, additional plantings.

(4) Retain the natural topography of the land, except when a portion must be cleared and graded as required by the local law to prevent soil erosion or sedimentation.

(5) Be completely installed in accordance with the approved plan prior to issuance of the certificate of occupancy.

(6) Not be used for temporary or permanent parking or loading, other than for provision of drainage improvements as mandated by local law, or for a structure other than fence.

(7) Attain a minimum height of six (6) feet within three (3) years of the planting date.

Sec. 3-7-194. Buffer area composition.

In those instances where the natural vegetation and topography are sufficient to achieve the desired level of screening as determined by the planning staff, a planted buffer shall be provided and shall consist of plant material of such growth characteristics as will provide an acoustical and visual screen. The following plants are approved for use as part of the screening buffer:

(1) *Trees:*

Yaupon Holly
American Holly
Eastern Red Cedar
Laurel Cherry
Arizona Cypress Redbay
Virginia Pine

(2) *Shrubs:*

Cleyera
Euonymus
Japanese Privet
California Privet
European Privet
Southern Waxmyrtle
Northern Bayberry
Pittosporum
Japan Yew
Red Tip

(3) *Ground Cover:*

Short Juniper
Periwinkle
Lippia
Evergreen Candyturf

Other evergreen plant materials having the same growth characteristics as the aforementioned may be substituted, subject to approval by the planning staff prior to installation.

Sec. 3-7-195. Maintenance.

The buffer area installed as required by this chapter shall be guaranteed for the duration of the incompatible land use, or until such use changes to a compatible type. Necessary trimming and maintenance shall be performed to maintain the health of the plant materials, to provide an aesthetically pleasing appearance, and to assure that the buffer serves the purpose for which it was intended.

Sec. 3-7-196. Other screening required.

(a) Certain uses such as junk or salvage yard operations and other commercial and industrial operations requiring the storage of inoperative equipment or vehicles for prolonged periods of time could present unsightly views or health hazards. To preclude this from occurring, the board of commissioners shall require owners of such properties to completely enclose such operations by a fence which completely obscures views of the property from adjacent sidewalks and streets, built to a height greater than that of the height of the highest piece of equipment or vehicle stored on the property, provided that no fence shall be less than eight (8) feet nor more than twenty (20) feet in height when measured from the crown of the adjacent street(s). Such fences shall be constructed of solid materials. Construction of cyclone fencing which utilizes metal or plastic inserts as screening shall be prohibited. Fencing along street frontages shall be located not closer than ninety (90) feet from the centerline of the adjacent street. Uses existing at the date of adoption of this chap-

ter shall have three (3) years to come into compliance.

(b) Many operations which involve the stacking of inoperative or obsolete equipment or vehicles pose a direct health hazard to the public. The board of commissioners shall require all such operations to submit to annual inspection by the Henry County Board of Health. The results of such inspections shall be delivered to the board of commissioners for review. If a business fails to pass such inspection it shall have thirty (30) days to comply or it shall cease operations until such time that compliance is effected.

Secs. 3-7-197—3-7-210. Reserved.

ARTICLE XI. PARKING AND LOADING

Sec. 3-7-211. General provisions.

(a) It is the intent of this chapter that all buildings, structures and uses of land shall provide off-street parking and loading space in an amount sufficient to meet the needs caused by the building or use of land and that such parking and loading spaces be so oriented that they are in fact readily usable for such purposes.

(b) Except as provided in this article, no application for a building permit shall be approved unless there is included with the plan for such building, improvements or use, a plot plan showing the required space reserved for off-street parking and service purposes. Occupancy shall not be allowed unless the required off-street parking and service facilities have been provided in accordance with those shown on the approved plan.

(c) Each use of land and each building or structure hereafter constructed or established, and each addition to a structure shall provide off-street parking and loading according to the standards set forth herein. When an addition is made to a building containing less than the required parking or loading requirements, a conforming amount of parking or loading shall be supplied based upon the size of the addition. Off-street parking spaces shall not be reduced below the minimum required number for the use or facility to which they are assigned.

(d) Two (2) or more neighboring uses, of the same or different types, may provide joint facilities, provided that the number of off-street parking spaces are not less than the sum of the individual requirements.

(e) No addition to an existing building shall be constructed which reduces the number of spaces, area or usability of existing parking or loading space unless such building and its addition conform with the regulations for parking and loading contained herein.

(f) Parking spaces for the handicapped shall be required. Existing uses providing off-street parking shall have twelve (12) months from date of adoption of this chapter to comply with handicapped parking requirements. New uses providing off-street parking shall incorporate handicapped spaces into the design of parking facilities.

(g) When multiple uses occupy a building, the parking and loading requirement shall be met by determining the percentage of the total building area devoted to each type of use and then applying the appropriate requirements by use.

(h) Up to twenty (20) percent of the total parking spaces required may be used for the parking of the compact cars, provided that all such spaces are labelled as such on the ground.

Sec. 3-7-212. Parking and loading requirements.

The following table depicts the minimum number of off-street parking spaces and loading stalls required by type of permitted use:

PARKING AND LOADING SPACES REQUIRED

Use	*Parking*	*Loading*
Apartments and other multiple-family uses	2 per unit	None
Auditorium, stadium, assembly hall, gymnasium, theatre, or community recreation center	(a) 1 space per 4 fixed seats in largest assembly room or area; or (b) 1 space for each 40 square feet of floor area available for the accommodation of moveable seats in the largest assembly room; or (c) 1 space per 150 square feet of gross floor areas; whichever is greater.	
Automotive or machinery sales and service garages	1 for each 400 square feet of gross floor area, plus 1 for each employee	1 for each 5,000 square feet of gross area
Banks, professional and general offices	1 for each 300 square feet of floor area	None
Beauty and barber shops	3 for each operator	None
Boarding or rooming house	2 for up to 2 bedrooms, plus 1 for each additional bedroom	None
Churches	1 space for each 3 seats in main assembly area	None
Duplexes	2 per dwelling unit	None
Fraternity or sorority houses	2 for up to 2 bedrooms, plus 1 for each additional bedroom	None
Funeral homes and mortuaries	1 for each 3 seats in chapel, or 1 per 50 square feet of public area, whichever is greater	1 for each hearse, ambulance or other non-passenger vehicle
Furniture and appliances	1 per each 500 square feet of space	1 for first 5,000 square feet, plus 1 for each additional 20,000 square feet or fraction thereof
Gasoline service stations	2 spaces per gas pump, plus 3 spaces for each service bay or similar facility, plus 1 space for each attendant	None
Hospitals, group homes, and rest homes	1 for each 3 beds, plus 1 space for each staff member, plus 1 space for each employee on the largest shift	1 space for the first 5,000 square feet of floor area, plus 1 additional [for each additional] 50,000 square feet or fraction thereof
Hotels and motels	1 per unit, plus 1 per 2 employees on the same shift	1 space for the first 5,000 square feet of floor area, plus 1 for each additional 50,000 square feet or fraction thereof

Use	*Parking*	*Loading*
Libraries, museums and similar uses	1 space for each 400 square feet of gross space to which the public has access	1 space for the first 5,000 square feet of gross floor area, plus 1 additional [or each addition] 30,000 sq. ft. or fraction thereof.
Manufacturing, freight terminals	4 spaces per each 10,000 square feet or major fraction thereof, plus 1 space for each employee on the largest shift	Sufficient to allow for complete off-street loading but in no event less than required herein for a warehouse
Medical and dental offices	6 spaces per practitioner	None
Mobile home parks	2 spaces per unit	None
Places of public assembly or amusement without fixed seats	1 space for each 200 square feet of floor space devoted to public use	None
Places of public assembly (buildings including theatres)	1 space per each 3 seats in main assembly area, or 1 space for each 50 square feet where fixed seats are not provided	None
Personal service establishment	1 space for each 200 square feet of gross floor area, but not less than 2 spaces for each employee	None
Real estate sales office	2 for first 200 square feet, plus 1 for each 100 square feet of office and public space	None
Restaurants and taverns	1 per each 3 seats, plus 1 for each employee on the largest shift	One
Retail stores	1 per each 200 square feet of gross sales space	1 for first 5,000 square feet, plus 1 for each additional 30,000 square feet or fraction thereof
Schools	1 space for each teacher and employee, plus 1 space for each 100 square feet of seating space in auditoriums; for senior high schools and colleges where students drive to and from school, there shall be an additional requirement of 1 space for each 10 students for which the school was designed	None
Shopping centers	5 spaces per 1,000 square feet of gross floor [space] up to 800,000 square feet; 4.5 spaces per 1,000 square feet of gross floor space over 800,000 square feet	1 for the first 5,000 square [feet], plus 1 for each additional 50,000 square feet or fraction thereof
Single-family residences	2 spaces	None

Use	*Parking*	*Loading*
Small item repair	1 space for each 200 square feet of gross floor area	None
Swimming pool	1 space for every 200 square feet of water service area, plus requirements for additional uses in association with the establishment such as a restaurant, etc.	None
Warehouses	4 spaces for the first 5,000 square feet of gross floor area, plus 1 additional space for each 5,000 square feet or fraction thereof, plus 1 [space] for each full-time employee	2 spaces for the first 5,000 square feet of gross floor space, [plus 1 space] for each additional 10,000 square feet or fraction thereof
Wholesale stores	1 space for each 400 square feet of gross floor area, plus 1 [space] for each full-time employee	1 space for the first 6,000 square feet of gross floor area, plus 1 space for each additional 20,000 square feet or fraction thereof

For any uses not listed, the planning staff shall determine the proper requirement by classifying the proposed use among the uses specified herein as to assure equal treatment. In making any such determination, the planning staff shall follow the principles set forth in the statement of purpose at the beginning of this article.

Sec. 3-7-213. Handicapped parking requirements.

Handicapped spaces shall be provided in accordance with the following scale:

Total Parking Requirements	*Handicapped Spaces Required*
Up to 25	1
26—50	2
51—75	3
76—100	4
101—150	5
151—200	6
201—300	7
301—400	8
401—500	9
501 +	2% of total required

Sec. 3-7-214. Design criteria and standards.

Off-street parking and loading areas, spaces and stalls are to be designed to conform to the following criteria and standards.

(1) All multiple-family, commercial and industrial uses shall provide a paved, dust-free surface. The use of approved "porous pavement" is encouraged, provided such paving is approved for use by the county engineer. If these facilities are to be used at night, proper illumination shall be provided for the safety of pedestrians, vehicles and for security purposes. Lighting shall be designed so as not to reflect onto or cause glare in any adjacent residential district. Driveways serving single-family and duplex residences shall be paved for the entire width of the public right-of-way.

(2) Each off-street parking space shall be clearly marked, and directional arrows or signs shall be provided wherever necessary. Markers, directional arrows, and signs shall be properly maintained so as to ensure their maximum efficiency.

(3) All off-street parking, loading, and service areas shall be drained so as to prevent damage to abutting properties and/or public streets and shall be constructed of materials which will assure a surface resistant to erosion. All such areas shall be at all times maintained at the expense of the owners thereof in a clean, orderly, and dust-free condition to the extent that it does not create a nuisance.

(4) All off-street parking, loading, and service areas shall be separated from walkways, sidewalks, and streets by curbing or other suitable protective device.

(5) The following design standards shall be used to achieve compliance with parking provisions of this chapter. These requirements are summarized in the accompanying table.

a. Each full-size automobile parking space shall not be less than eight and one-half (8½) feet wide and twenty (20) feet deep. Compact car spaces shall not be less than eight (8) feet wide and seventeen (17) feet deep. Parallel spaces for the handicapped adjacent to a walk shall be a minimum of twelve (12) feet six (6) inches in width by twenty-four (24) feet in length. If a walk is at an elevation of the parking space a 1:6 ramp shall be provided up to the walk. For ninety-degree or angled spaces the minimum width of a handicapped stall shall be nine (9) feet. An aisle, having a width of not less than three (3) feet six (6) inches, shall be provided between each stall.

b. Handicapped spaces shall be marked on the pavement and by appropriate signage, both markings to use the universally accepted "Handicapped" symbol. Handicapped spaces shall be located in closest proximity to major building entrances, but in no event shall such spaces be more than one hundred (100) feet from an entrance.

c. There shall be provided adequate interior driveways to connect each parking space with a public right-of-way. Interior driveways shall be at least twenty-four (24) feet wide where used with ninety-degree angle parking, at least eighteen (18) feet wide where used with sixty-degree angle parking, at least twelve (12) feet wide where used with forty-five-degree angle parking, and at least twelve (12) feet wide where used with parallel parking, or where there is no parking, interior driveways shall be at least twelve (12) feet wide for one-way traffic movement and at least twenty-four (24) feet wide for two-way traffic movement.

(6) The following are the design requirements for off-street loading stalls:

a. Each loading stall shall be a minimum of ten (10) feet in width and thirty (30) feet in length with fourteen (14) feet of overhead clearance, except that for wholesale and industrial uses loading stalls shall be a minimum of ten (10) feet wide and fifty (50) feet in length.

b. All off-street loading stalls shall have access from a public street.

c. All off-street loading stalls and access shall be provided with a paved, dust-free surface. If loading stalls are to be used at night, they shall be properly illuminated for the safety of pedestrians, vehicles and for security. Lighting shall be designed to preclude light spill into adjacent properties.

d. Loading stalls are not to hinder movement of pedestrians or vehicles over a street, sidewalk or alley, or to and from an off-street parking area.

Sec. 3-7-215. Curb cut requirements and design standards.

Within any zoning district where the lowering or cutting away of any curbs for purposes of ingress and egress is required, such curb cut shall be subject to the following provisions:

(1) No more than two (2) combined entrances and exits shall be allowed any parcel of property, the frontage of which is less than

two hundred (200) feet on any one (1) street. Additional entrances or exits for parcels of property having a frontage in excess of two hundred (200) feet shall be permitted after showing of actual requirements of convenience and necessity and upon approval of the planning commission. Where frontage is fifty (50) feet or less, only one (1) combined entrance-exit shall be permitted.

(2) At street intersections, no curb cut shall be located within fifty (50) feet of the intersections of two (2) curblines or such lines extended, or within fifteen (15) feet of the intersection of two (2) property lines extended, whichever is least restrictive. When a culvert is required it must be approved by the Henry County DOT.

(3) The distance between any two (2) curb cuts on the same side of the street and located on one (1) property shall be not less than ten (10) feet. Said distance shall be measured between the points of tangency of the curb return radii and the established curbline of the abutting street.

(4) All driveways shall be constructed so as to be at least two (2) feet from any property line.

(5) The maximum width of any driveway shall not exceed forty (40) feet measured at the right-of-way line.

(6) The maximum width of any curb cut including curb returns shall not exceed fifty (50) feet, except that a bona fide truckstop may exceed the maximum figure as determined by the zoning administrator.

(7) The sum of the two (2) curb return radii for any one (1) curb cut shall not exceed fifteen (15) feet.

ARTICLE XI-A. REQUIREMENTS FOR LANDSCAPING OF DEVELOPMENTS

Sec. 3-7-216. Purpose and applicability.

(a) The purpose of this article is to provide requirements for the landscaping of developments in industrial, commercial, office-institutional, multifamily residential, and mobile home zoning districts, in order to enrich the urbanized and natural environment of Henry County. The article also applies to institutional uses such as churches, schools, day care centers, and nursing homes which are allowed in residential zoning districts pursuant to a conditional use permit. It is the intent and purpose of this landscape article to reduce the adverse visual, environmental and aesthetic effects of parking lots, drives, loading areas, and other development through the introduction of trees and other plant materials in order to:

Minimize the rate of stormwater runoff;

Maximize the capability of groundwater recharge in urban or suburban areas;

Increase air filtration and the removal of particulate and gaseous pollutants through plant materials;

Provide shade and noise attenuation;

Filter and reduce the glare of headlights and reflected sunlight from parked automobiles onto the public street rights-of-way;

Improve the appearance of parking areas and vehicular surface areas; and

Minimize the visual blight created by large expanses of paved surface area.

(b) This article shall apply to all properties or portions thereof located within the unincorporated areas of Henry County and the Cities of Hampton, Stockbridge, and Locust Grove, Georgia provided the city councils in those cities properly adopt it.
(Ord. No. 95-07, § 2, 6-6-95)

Sec. 3-7-217. Definitions.

(a) *Buffer.* A protective area consisting of trees, shrubs, grass, fences, or some combination thereof, as defined in and required by Article X of this chapter for various land uses, or as a condition of zoning approval for a specific property.

(b) *Buffer strip.* Land area located within the boundary of a lot and required to be set aside and used for landscaping and upon which only limited encroachments are authorized.

(c) *Building department.* The county department responsible for the issuance of building permits and inspections of developments.

(d) *Department of community development (DCD).* Henry County Department of Community Development, as established by the board of commissioners of Henry County.

(e) *Interior landscape area.* An area to be landscaped which is located in the interior area of a development or building site where vehicular parking spaces are to be provided or which is otherwise to be covered with impervious surface.

(f) *Landscape plan.* A detailed plan depicting proposed landscaping which will accompany all site plans submitted for development approval for uses affected by this article.

(g) *Perimeter landscape area.* An area to be landscaped which is located between the buffer area required by Article X of this chapter and the interior landscape area, as defined in this section.

(h) *Shade tree.* Any tree, evergreen or deciduous, whose mature height can be expected to exceed thirty-five (35) feet and whose crown spread can be expected to exceed thirty (30) feet. Shade trees existing or planted, shall be at least eight (8) feet in height and two (2) inches in diameter, measured at six (6) inches above grade for new trees and measured at four and one-half (4½) feet above grade for existing trees.

(i) *Tree.* Any live, self-supporting green plant, usually having a single trunk, and at maturity normally attaining a trunk diameter greater than four (4) inches at any point and a height over twelve (12) feet.

(j) *Tree diameter.* The widest cross-sectional dimension of a tree trunk measured at diameter breast height (dbh) or at a point below diameter breast height for new trees or multitrunk species, but in no case less than six (6) inches from the ground.

(k) *Canopy tree.* Any tree having reached a relatively tall height compared to surrounding trees and vegetation and providing shade from its foliage mass; also individual or tree groups forming an overhead cover.

(l) *Vehicular use areas.* Any area, paved or unpaved, used for egress or ingress, or to store or park motor vehicles.
(Ord. No. 95-07, § 2, 6-6-95)

Sec. 3-7-218. Landscape plan standards.

(a) Within the following zoning districts a landscape plan shall be required in connection with all applications for development or building permits:

OI—Office/institutional district

C-1—Neighborhood business district

C-2—General business district

C-3—Heavy commercial district

M-1—Light manufacturing district

M-2—Heavy manufacturing district

RM—Multiple-family dwelling district

RMH—Residential mobile home district (mobile home parks)

(b) A landscape plan shall also be required in connection with any application for a development or building permit for a church, school, day care center, nursing home, or similar institutional use permitted in a single-family residential or agricultural district pursuant to a conditional use permit.

(c) The landscape plan shall be included as a separate plan sheet along with other plan sheets for other site improvements when an application is made for a development permit. The landscape plan shall include information as required by Code section 3-7-219.

(d) A minimum of twelve (12) percent of the total developed area in any parcel shall be devoted to landscape development.

(e) Landscaped area requirements are in addition to required buffer areas as indicated in the zoning ordinance.

(f) Within the front and side yard setback perimeter landscape areas a minimum of one (1) tree for each twenty-five (25) linear feet of lot street frontage or major portion thereof shall be required, with no less than fifty (50) percent of said trees being shade trees.

(g) Grass or other ground cover shall be placed on all areas within the front, side and rear setback perimeter landscape areas. Grass appropriate to the season shall be planted in all yard areas not occupied by building, driveways and vehicles parking areas.

(h) Within the interior of a site, a two-hundred-fifty-square-foot planting area shall be required for each five thousand (5,000) square feet or major portion thereof of vehicular parking area. Vehicular use areas designed to accommodate more than twenty (20) automobiles are required to install interior landscaped areas such as islands, peninsulas, and medians so that no more than twelve (12) adjacent parking spaces exist without a landscaped separation at least five (5) feet in width. Interior planting areas shall be located to most effectively relieve the monotony of large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic, and shall be no less than six (6) feet in width.

(i) Perimeter landscape areas shall be a minimum of ten (10) feet in width.

(j) Buffer areas required by Article X of Chapter 3-7 of the Code of Henry County shall also be subject to the landscaping requirements of this article. Within the buffer area a minimum of one (1) tree for each twenty-five (25) linear feet of required buffer strip, or majority portion thereof shall be required, with a minimum of fifty (50) percent of said trees being shade trees. Trees shall be spaced so as to allow mature growth of shade trees. Retention of existing trees on site in order to meet this requirement is encouraged. Grass or other ground cover species shall be planted on all areas of the buffer strip required by this section which are not occupied by other landscape material.
(Ord. No. 95-07, § 2, 6-6-95)

Sec. 3-7-219. Landscape plan.

(a) A landscape plan shall be submitted upon application for a development permit. The plan shall include sufficient information to determine whether the proposed landscape improvements are in conformity with this article, including the following:

(1) Identification of all trees, natural features and manmade structures that will be retained upon the site;

(2) A description of proposed landscaping improvements and plantings, including the species, size, quantity, and location of trees, shrubs, and other landscaping materials;

(3) Identification of all proposed structures, vehicle use areas, sidewalks, wheel stops or curbs, walls and fences; and

(4) A depiction of adjoining streets and parcels sufficient to identify the same and to demonstrate the relationship between the development and the same.
(Ord. No. 95-07, § 2, 6-6-95)

Sec. 3-7-220. Selected species.

(a) The following plants are approved for landscaping requirements:

(1) *Large trees* (Mature height: thirty-five (35) feet or greater):

Willow Oak
Sugar Maple
Scarlet Oak
Red Maple
English Oak
Bald Cypress
Schumard Oak
Dawn Redwood
White Oak
Chinese Elm
Darlington Oak
Littleleaf Linden
Gingko (male only)
Bradford Pear
Japanese Cedar
Tulip Poplar
Japanese Katsura Tree
London Plane-Tree (Sycamore)
Japanese Pagoda
American Beech
Japanese Zelkova
Southern Magnolia
Deodar Cedar

Sequoia
Loblolly Pine

(2) *Medium trees* (Mature height: twenty-five (25) to thirty-five (35) feet):
Mountain Silverbell
Saucer Magnolia
Sourwood
Weeping Cherry
Leyland Cypress
Yoshino Cherry
Golden Rain Tree
Kwansan Cherry
Mountain Ash
Redmond Linden
Yellowwood
American Holly
Pistachio
Japanese Black Pine

(3) *Small trees* (Mature height: less than twenty-five (25) feet):
Japanese Maple
Star Magnolia
Japanese Dogwood
Golden Chain Tree
Flowering Dogwood
Crape Myrtle
Eastern Redbud
Wax Myrtle
Amur Maple
Yaupon Holly
Crabapple

(4) *Large screening shrubs:*
American Holly
Japanese Black Pine
Burford Holly
Osmanthus
Nellie R. Stevens Holly
Thorny Eleagnus
Savannah Holly
Leyland Cypress
Hetz Juniper
Ligustrum
Arborvitae
Russian Olive
Eastern Red Cedar

(5) *Interior shrubs* (Mature height: approximately thirty-six (36) inches):
Evergreen
Warty Barberry
Dwarf Burford Holly
Dwarf Chinese Holly
Japanese Holly
Dwarf Yaupon Holly
Mugo Pine
Juniper
Oregonholly Grape
Nandina
Dwarf Nandina
Leatherleaf Vinburnum
Winter Honeysuckle
Deciduous
Forsythia
Dwarf Burning Bush
Spirea (all varieties)
Viburnum
Oakleaf Hydrangea
Japanese Flowering Quince
Weigela
Azalea
Flowering Jasmine
Winter Jasmine
Chinese Privet
Chinese Witchhazel

(6) *Ground cover* (planting areas, berms, wall planters):
Shore Juniper
English Ivy (shade)

Periwinkle (shade)
Purpleleaf Wintercreeper
Dwarf Roses
Aaronsbeard St. Johnswort
Evergreen Candytuft (border)
Rockyspray Cotoneaster
Lily-Turf
Willowleaf Cotoneaster
Creeping Lilyturf (shade)
Pachysandra (shade)
Hybrid Daylily
Ornamental Grasses

(7) *Grasses:*
Fescue
Bermuda
Centipede
Zoysia

(b) Grasses may be sodded, sprigged, plugged or seeded except that solid sod shall be used in drainage swales or other areas subject to erosion. Lawn grasses shall be planted so as to achieve complete coverage within two (2) calendar years from the time of planting.

(c) Other plant materials with similar growth characteristics may be substituted upon approval of the community development department.
(Ord. No. 95-07, § 2, 6-6-95)

Sec. 3-7-221. Exemptions.

This article shall not apply to any portion of a parcel for which a valid development permit or building permit was issued prior to the effective date hereof [June 6, 1995], provided all time constraints relating to the permit are observed.
(Ord. No. 95-07, § 2, 6-6-95)

Sec. 3-7-222. Maintenance.

The owner of each parcel subject to the requirements of this article shall be responsible for the perpetual maintenance and protection of buffers and landscape plantings required thereby. The department of community development may require that diseased, infested, dying, dead or damaged landscaping be replaced.
(Ord. No. 95-07, § 2, 6-6-95)

Sec. 3-7-223. Enforcement.

It shall be the responsibility of the department of community development, the building department, and the code enforcement department to enforce this article. The director of community development department or the building department director shall have the authority to revoke, suspend, or void any development or building permit or to withhold issuance of a certificate of occupancy until the requirements hereof are met.
(Ord. No. 95-07, § 2, 6-6-95)

Sec. 3-7-224. Penalties.

Any person violating any provision of this article shall, upon conviction by a court of competent jurisdiction, be punished by a fine not to exceed one thousand dollars ($1,000.00) or confinement in the county jail not to exceed sixty (60) days, or both.
(Ord. No. 95-07, § 2, 6-6-95)

Sec. 3-7-225. Conflict with other laws.

Whenever the provisions of this article are in conflict with any other ordinances, laws, or resolutions, the more restrictive standards shall apply.
(Ord. No. 95-07, § 2, 6-6-95)

Sec. 3-7-226. Separability.

Should any section or provision of this article be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of this article as a whole or any part hereof other than the part so declared to be unconstitutional or invalid.
(Ord. No. 95-07, § 2, 6-6-95)

Sec. 3-7-227. Appeal provisions.

An aggrieved party may appeal any administrative decision made by the community develop-

ment director or the building director relating to this article as provided in Article XIV of Chapter 3-7 of the Code of Henry County.

ARTICLE XI-B. WIRELESS COMMUNICATIONS FACILITIES—DEVELOPMENT STANDARDS AND APPROVAL PROCEDURES

Sec. 3-7-228. Definitions.

As used in this article, the following terms shall have the meanings indicated:

Alternative tower structure. Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna array. Any exterior apparatus (rods, panels, discs, etc.) designed for telephonic, radio, or television communication through the sending and/or receiving of electromagnetic waves. The antenna does not include the support structure defined below.

Attached wireless communication facility (attached WCF). An attached WCF is an antenna that is attached to an existing building or structure (attachment structure), which structures shall include but not be limited to utility poles, signs, and water towers, with any accompanying pole or device (attachment device) which attaches the antenna to the existing building or structure and associated connection cables, and an equipment facility which may be located either inside or outside of the attachment structure.

Collocation / site sharing. Collocation/site sharing shall mean use of:

(a) A common WCF by two (2) or more wireless license holders or by one (1) wireless license holder for more than one (1) type of communications technology;

(b) A common WCF-site by two (2) or more wireless license holders or by one (1) wireless license holder for more than one (1) type of communications technology; or

(c) The placement of a WCF on a structure owned or operated by a utility or other public entity (i.e., water tower, billboard, etc.).

Development standards. As used in herein, development standards shall mean those standards set forth in section 4 and Table 1-3-7-228.3.

Equipment facility. An equipment facility is any structure used to contain ancillary equipment for a WCF which includes cabinets, shelters, a buildout of an existing structure, pedestals, and other similar structures.

FAA. The Federal Aviation Administration.

FCC. The Federal Communications Commission.

Governing authority. The board of commissioners for the unincorporated areas of Henry County. For the municipalities (Cities of Hampton, Locust Grove and Stockbridge, Georgia), the respective city council shall act as the governing authority.

Preexisting towers and antenna arrays. Refer to section 3-7-228.2 of this article.

Height. When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

Principal or accessory use. Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an existing antenna array or tower on such lot. For purposes of determining whether the installation of an antenna or tower complies with district development regulation, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this article shall not be deemed to constitute the expansion of a nonconforming use or structure.

Planning and zoning board. The Henry County-Municipal Planning Commission.

Public officer. The Henry County Community Development Director.

Review process. As used herein, review process shall mean those processes set forth in section 3-7-228.5.

Setback. Setback shall mean the required distance from the property line of the parcel on which the WCF is located to the support structure base.

Support structure(this shall also be referred to as "tower"). Any structure designed and constructed primarily for the purpose of supporting one (1) or more antenna arrays, including self-supporting lattice towers, guy tower, or monopole towers. The term shall include radio and television transmission towers, microwave towers, common-carrier towers, PCS service towers, cellular telephone towers, alternative tower structures, and the like.

Temporary wireless communication facility (temporary WCF). Temporary wireless communication facility shall mean a WCF to be placed in use for ninety (90) or fewer days.

Tower. Refer to Support structure above.

Wireless communications. Wireless communications shall mean any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC-licensed commercial wireless communications services, including cellular, digital communications services (DCS), personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, radio and television communications, and similar services that currently exist or that may in the future be developed.

Wireless communications facility (WCF). A WCF is any unstaffed facility for the transmission and/or reception of wireless communications services, usually consisting of an antenna array, connection cables, and equipment facility, and a support structure to achieve the necessary elevation.
(Ord. No. 98-13, § 1, 4-21-98)

Sec. 3-7-228.1. Purpose and goals.

The purpose of this article is establish general guidelines for the siting of WCFs.

The goals of this article are to:

- Provide a range of locations for WCFs in a variety of zones;
- Within each zone, provide clear performance standards addressing the siting of WCFs;
- Encourage the location of WCFs in non-residential areas and minimize the total number of towers throughout the community;
- Encourage the location of WCFs on existing structures, including utility poles, signs, water towers, buildings, and other WCFs where feasible;
- Encourage collocation and site sharing of new and existing WCFs;
- Encourage users of towers and antennas to configure them in a way that harmonizes the visual impact of the towers and antennas with the existing natural and/or built environment;
- Facilitate the use of public property and structures for WCFs;

(Ord. No. 98-13, § 2, 4-21-98)

Sec. 3-7-228.2. Applicability.

(a) *Public property.* Antennas or towers located on property owned, leased, or otherwise controlled by the governing authority shall be exempt from the requirements of this article, provided a license or lease authorizing such antenna or tower has been approved by the governing authority.

(b) *Amateur Radio: Receive-Only Antennas.* This article shall not govern any tower, or the installation of any antenna, that is under thirty-five (35) feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas.

(c) *Pre-existing towers and antennas.* Any tower or antenna having a properly issued permit prior to the effective date of this article shall not be required to meet the requirements of this article, other than the requirements of section 3-7-228.3(10) and (11). Any such towers or antennas shall be referred to in this article as "pre-existing towers" or "pre-existing antenna arrays.
(Ord. No. 98-13, § 3, 4-21-98)

Sec. 3-7-228.3. Development standards.

The standards set forth in this section shall govern the location of all towers and the installation of all antennas. Should certain standards be contrary to applicable state and/or federal regulations or laws, such standards shall be subject to waiver or variance. Further, the governing authority may act to waive these standards, after an administrative review, if it determines that the goals of this article are better served thereby. (Table 1 for quick reference).

(1) *Height standards.*

a. Attached WCFs. Attached WCFs shall not add more than twenty (20) feet in height to the existing building or structure to which it is attached (attachment structure).

b. WCFs with support structures.

1. Residential-agricultural (RA) zoning district. In any residential-agricultural zoning district (RA), the maximum height for a WCF shall be 150 feet for two (2) tenants, one hundred eighty (180) feet for three (3) or more tenants. The requirement regarding the number of tenants shall be satisfied upon proof that the tower is structurally designed to accommodate the required number of antenna arrays.

2. Single-family residential (R-1, R-2, R-3) zoning districts. In all single-family residential zoning districts (R-1, R-2, R-3), the maximum height for a WCF shall be seventy-five (75) feet.

3. Two-family residential (RD) zoning district. In all two-family residential zoning districts (RD), the maximum height for a WCF shall be seventy-five (75) feet.

4. Multiple-family residential (RM) zoning district. In all multiple-family residential zoning districts (RM), the maximum height for a WCF shall be ninety (90) feet.

5. Mobile home development (RMH) zoning district. In all mobile home development districts (RMH), the maximum height of a WCF shall be ninety (90) feet.

(6) Office and institutional (OI) zoning district. In any office and institutional zoning district (OI), the maximum height shall be one hundred twenty (120) feet.

(7) Neighborhood commercial (C-1) zoning district. In any neighborhood commercial zoning district (C-1), the maximum height shall be ninety (90) feet.

(8) General commercial (C-2) zoning district. In any general commercial zoning district (C-2), the maximum height of a WCF shall be one hundred fifty (150) feet.

(9) Heavy commercial (C-3) zoning district. In any heavy commercial zoning district (C-3), the maximum height of a WCF shall be one hundred eighty (180) feet.

(10) Light industrial (M-1) zoning district. In any light industrial zoning district (M-1), the maximum height of a WCF shall be one hundred ninety (190) feet.

(11) Heavy industrial (M-2) zoning district. In any heavy industrial zoning district, the maximum height of a WCF shall be two hundred (200) feet.

TABLE 1. DEVELOPMENT STANDARDS FOR WCFs

Zoning District	*Maximum Height*[5]	*Setbacks*[2]	*Additional Buffers, Landscaping*[4]
RA	150/180 feet[5]	50% height of tower, plus 1 foot per each 2 feet of tower height over 75 feet	10, Y
R-1, R-2, R-3	75 feet		10, Y
RD, RM	90 feet		10, Y
RMH	90 feet		10, Y
OI	120 feet		10, Y
C-1	90 feet		10, Y
C-2	150 feet	25[3]	10, Y
C-3	180 feet	20[3]	10, Y
M-1	190 feet	20[3]	10, Y
M-2	200 feet	20[3]	10, Y

[1] Attached WCFs in any zone are limited in height to twenty (20) feet from the top of the attachment structure.

[2] The antenna array for an attached WCF is exempt from the setback requirements of this section and from the setbacks for the zone in which they are located, provided, no such antenna array shall extend more than eight (8) feet horizontally from the attachment structure.

[3] For C-2, C-3, M-1, and M-2 zoning districts, the WCF setback shall be fifty (50) percent of the height of tower, plus one (1) foot per each two (2) feet of tower height over seventy-five (75) feet when the property abuts a property zoned residential (RA, R-1, R-2, R-3, RD, RM, and/or RMH).

[4] Landscaping and buffer requirements are in addition to the underlying zone requirements. The antenna array for an attached WCF is exempt from the landscaping and buffer requirements of this section.

[5] In the RA zoning district, a WCF with two (2) tenants shall be maximum of one hundred fifty (150) feet, or one hundred eighty (180) feet with three (3) or more tenants. The requirement regarding the number of tenants shall be satisfied upon proof that the tower is structurally designed to accommodate the required number of antenna arrays.

(2) *Setbacks.*

a. Attached WCFs. Antenna arrays for attached WCFs are exempt from the setback standards of this section and from the setbacks for the zone in which they are located. An attached WCF antenna array may extend up to eight (8) feet horizontally beyond the edge of the attachment structure so long as the antenna array does not encroach upon an adjoining parcel.

b. WCFs with support structures.

1. The following setbacks requirements shall apply to all WCFs with support structures:

(i) In residential (RA, R-1, R-2, R-3, RD, RM, RMH), office and institutional (OI), and neighborhood commercial (C-1) zoning districts, towers must be set back a minimum of fifty (50) percent of tower height, plus one (1) additional foot for each two (2) feet of tower height in excess of seventy-five (75) feet.

(ii) Towers must be set back a minimum of twenty-five (25) feet from any property line in the C-2 zoning district. Where property abuts a residentially-zoned parcel, then the setback

shall be a minimum of fifty (50) percent of tower height, plus one (1) additional foot for each two (2) feet of tower height in excess of seventy-five (75) feet.

(iv) Towers must be set back a minimum of twenty (20) feet from any property line in C-3, M-1, and M-2 zoning districts. Where property abuts a residentially-zoned parcel, then the setback shall be a minimum of fifty (50) percent of tower height, plus one (1) additional foot for each two (2) feet of tower height in excess of seventy-five (75) feet.

(3) *Landscaping and buffer requirements.*

a. WCFs shall be landscaped in accordance with the landscape requirements contained in sections 3-7-216 through 3-7-227 of the Henry County Zoning article, except for additional requirements stated herein.

b. Landscaping and buffer requirements can be waived where the WCF applicant makes other means of screening the support structure base and adjacent equipment facilities (i.e., opaque fencing, etc.). The waiver shall be in writing by the community development director pending an administrative review of development plans.

c. Existing mature tree growth and natural land forms on the site shall be preserved to the extent feasible; provided, however, that vegetation that causes interference with the antennas or inhibits access to the equipment facility may be trimmed.

d. Existing vegetation on site may be used in lieu of required landscaping where approved by the community development director.

e. Landscaping shall be confined to the leased area of the WCF wherever feasible.

f. Additional landscaping and buffer requirements:

1. In single-family and two-family residential zoning districts (RA, R-1, R-2, R-3, RD, RM, and/or RMH), a ten-foot perimeter buffer is required, with a minimum of one (1) tree per twenty (20) lineal feet of buffer, with a minimum of fifty (50) percent being shade trees. Retention of existing trees on site in order to met this requirement is encouraged. Grass or other ground cover species shall be planted on all areas of the buffer strip required which are not covered by other landscape material.

2. In the remaining office, commercial, and industrial districts (OI, C-1, C-2, C-3, M-1, and/or M-2), an additional ten-foot buffer shall be required, with landscaping provided according to subsection (3)a.

g. Maintenance. It will be the responsibility of the owner/tenant to keep all landscaping material (as part of the landscaped area) free from disease and properly maintained in order to fulfill the purpose for which it was established. The owners of the property, and any tenant on the property where buffers and landscaping are required, shall be jointly and severally responsible for the maintenance of all landscaping materials. Such maintenance shall include all actions necessary to keep the buffer and landscape areas free from litter and debris, to keep plantings healthy, and to keep planting areas neat in appearance. Any vegetation that constitutes part of the buffer or landscaping shall be replaced in the event it dies.

(4) *Aesthetics, placement, materials, and color.*

a. Attached WCFs shall have both antenna and supporting electrical and mechanical equipment that are of a neutral color identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

b. WCFs with support structures shall consist of towers with a galvanized steel finish, subject to any applicable standards of the FAA, in the C-3, M-1, and M-2 zoning districts. In the remaining zoning districts (RA, R-1, R-2, R-3, RD, RM, RMH, OI, C-1, C-2), WCFs with support structures shall consist of towers with a galvanized steel finish that, subject to any applicable standards of the FAA, shall be painted a neutral color, so as to reduce visual obtrusiveness. At a tower site, the design of the building and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment. WCFs with support structures shall be of the monopole variety except when providers can document and demonstrate need for lattice-type towers.

(5) *Separation requirement.* In zoning districts other than general/heavy commercial and industrial (C-2, C-3, M-1, M-2), WCFs over one hundred fifty (150) feet in height shall not be located within one-quarter of a mile from any existing WCF that is over one hundred fifty (150) feet in height. This requirement may be waived upon evidence provided to the community development director by the applicant that the nearest tower cannot support any new antenna arrays.

(6) *Lighting.* All WCFs shall be lighted consistent with FAA regulations for tower illumination regardless of height. Any objection by the applicant based on FAA restrictions shall be presented in writing to the community development director.

(7) *Noise.* No equipment shall be operated at a WCF so as to produce noise which would constitute a nuisance based on local or state laws, except in emergency situations requiring the use of a backup generator, where the noise standards may be exceeded on a temporary basis, not to exceed fourteen (14) days. No generator shall be used for regular WCF operations prior to commercial power being delivered to the site.

(8) *Security fencing.* WCFs with support structures shall be enclosed by a security fence of neutral color not less than six (6) feet in height. The support structure shall also be equipped with an appropriate anti-climbing device.

(9) *Radio frequency emissions.* The Federal Telecommunications Act or 1996 (FTA) gives the Federal Communication Commission (FCC) sole jurisdiction of the field of regulation of radio frequency (RF) emissions and WCFs which meet the FCC standards shall not be conditioned or denied on the basis of RF impacts.

(10) *Federal requirements.* All WCFs must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority. If such standards and regulations are changed, then the owners of the WCFs governed by this article shall bring such antenna arrays and/or support structures into compliance with such revised standards and regulations within six (6) months of the effective dates of such standards and regulations. Failure to bring WCFs into compliance with such revised standards and regulation shall constitute grounds for the removal of the WCF at the owner's expense by utilizing the bond required in section 3-7-228.7.

(11) *Structural integrity.* To ensure the structural integrity of towers, the owner of a

tower shall ensure it is maintained in compliance with standards contained in applicable local building codes and the Electronic Industries Association/Telecommunications Industries (EIA/TIA) 222 Revision F Standard entitled *Structural Standards for Steel Antenna Towers and Antenna Supporting Structures* (or equivalent), as amended from time to time. A letter stamped by a engineer certified in the State of Georgia shall be required stating that the WCF and support structure meets or exceeds all applicable requirements set forth herein. If, upon inspection, the governing authority concludes a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the tower's owner, the owner shall have thirty (30) days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the governing authority may remove such tower at the owner's expense by utilizing the bond required in section 3-7-228.7 of this article.

(Ord. No. 98-13, § 4, 4-21-98)

Sec. 3-7-228.4. Review process.

(a) General. The applicable development standards referred to herein are those set forth in section 3-7-338.3 and Table 1 above.

(b) Attached WCFs.

(1) Attached WCFs in commercial and industrial zones (OI, C-1, C-2, C-3, M-1, M-2) that meet the development standards are permitted outright.

(2) Attached WCFs in commercial and industrial zones that fail to meet the development standards shall undergo an administrative review by the community development director.

(3) Attached WCFs in residential zones (RA, R-1, R-2, R-3, RD, RM, RMH) shall undergo an administrative review by the community development director.

(4) Attached WCFs in residential zones (RA, R-1, R-2, R-3, RD, RM, RMH) that fail to meet the development standards shall require a conditional use permit by a public hearing of the Henry County Planning and Zoning Board and the governing authority.

(c) WCFs with support structures.

(1) WCFs with support structures in general/heavy commercial and industrial zones (C-2, C-3, M-1, M-2) that meet the development standards are permitted outright.

(2) WCFs with support structures in residential zones (RA, R-1, R-2, R-3, RD, RM, RMH) and office/institutional and neighborhood commercial zones (OI, C-1) shall undergo an administrative review by the community development director.

(3) WCFs with support structures in all zoning districts that fail to meet the development standards shall require a conditional use permit by a public hearing of the Henry County Planning and Zoning Board and the governing authority.

(d) WCFs on property owned, leased or otherwise controlled by the Henry County Board of Commissioners, Henry County Water and Sewerage Authority, Henry County Board of Education, or respective municipality (Hampton, Locust Grove, Stockbridge), pursuant to section 3-7-228.2(a) of this article, are permitted outright.

(e) Temporary WCFs for a term not to exceed ninety (90) days, with a possible ninety-day extension with approval of the community development director, are permitted outright.

(Ord. No. 98-13, § 5, 4-21-98)

Sec. 3-7-228.5. Approval procedures.

(a) *Permitted outright.* Where a WCF is permitted outright, only a building permit is required.

(b) *Administrative review.*

(1) Review of WCFs under this section will be conducted by the community development department upon application for a building permit for the WCF.

(2) Each applicant for administrative approval shall apply to the community development director and provide the information set forth in section 3-7-228.5(d)(2) of this article (conditional use permit, information required) along with an administrative review fee of three hundred fifty dollars ($350.00).

(3) The community development director shall respond to each application within forty-five (45) days after receiving it by either approving or denying the application.

(4) In connection with any such administrative approval, the community development director may, in order to encourage site sharing, administratively waive any zoning district setback requirement or landscape requirement by up to fifty (50) percent.

(5) If an administrative approval is denied, the applicant may appeal said denial in accordance with the provisions of section 3-7-271 and section 3-7-272 of the zoning ordinance (appeals of administrative decisions).

(c) *Specific administratively approved uses.* The following uses may be approved by the community development director after conducting an administrative review:

(1) Installing an antenna on an existing structure other than a tower (such as a building, sign, light pole, water tower, or other free standing nonresidential structure) that is less than seventy (70) feet in height, so long as such addition does not add more than twenty (20) feet to the height of the existing structure;

(2) Installing an antenna array on an existing tower of any height, including a preexisting tower and further including the placement of additional buildings or other supporting equipment used in connection with said antenna;

(3) Installing an attached WCF pursuant to section 3-7-228.4(b)(2) and (3) of this article;

(4) Installing a WCF with support structure pursuant to section 3-7-228.4(c)(2) of this article.

(5) Modifications as stated in section 3-7-228.9 of this article.

(d) *Conditional use permit.*

(1) General. The following provisions shall govern the issuance of conditional use permits:

a. If the WCF is not a permitted use under section 3-7-228.4(b)(1), (c)(1), or (d) of this article; or not permitted to be approved administratively pursuant to section 3-7-228.4(b)(2), (3), (c)(2) or (e) of this article; then a conditional use permit shall be required for the construction of a tower or the placement of an antenna in all specified zoning districts.

b. In granting a conditional use permit, the planning and zoning board and the board of commissioners (or respective municipality—Hampton, Locust Grove, or Stockbridge) may impose conditions to the extent the governing authority concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

(2) Information required. Each applicant requesting a conditional use permit under this article shall submit the following:

a. Plans. The applicant shall submit a scaled plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the governing authority to be necessary to assess compliance with this

article, provided however, that the applicant need not retain a licensed landscape architect to prepare the landscape plan, and information regarding radio frequency coverage may be submitted by a qualified, but not licensed, radio frequency engineer retained or employed by the applicant. Any information of a structural engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified [by] a licensed professional engineer.

b. Inventory of existing sites. Each applicant for an antenna or tower shall provide to the community development director an inventory of its existing towers that are either within the jurisdiction of the governing authority or within one-quarter mile of the border thereof, including specific information about the location, height, and design of each tower. The community development director may share such information with other applicants applying for administrative approvals or conditional use permits under this article or other organizations seeking to locate antennas within the jurisdiction of the governing authority; provided, however, the community development director is not, by sharing this information, in any way representing or warranting such sites are available or suitable.

c. Collocation. Pursuant to goals in section 3-7-228.1, each applicant shall provide a statement indicating intent to allow shared use of the tower and how others will be accommodated, if the height of the tower allows for said collocation.

(3) Reviewing bodies. Review of WCFs under this section will be conducted by the Henry County Planning and Zoning Board and the governing authority.

(4) Public notice. Notice shall be given for this review in accordance with the procedures established in section 3-7-314 of the zoning ordinance for notice of applications and hearings before the planning and zoning board and the governing authority.

(5) Hearing. The planning and zoning board and the board of commissioners, or respective municipality (Hampton, Locust Grove, or Stockbridge), shall render a decision on the conditional use request in accordance with procedures established in Sections 3-7-291 through 3-7-293 of the zoning ordinance adopted by the governing authority in addition to section 3-7-228.5(d)(6) of this article.

(6) Factors considered in granting conditional use permits. The planning and zoning board and the governing authority shall consider the following factors in determining whether to issue a conditional use permit, although either body may waive, reduce, or, in certain instances, increase the burden on the applicant on one (1) or more of these criteria if either body concludes that the goals of its ordinance are better served thereby.

a. Height of the proposed tower;

b. Proximity of the tower to residential structures and residential district boundaries;

c. Nature of uses on adjacent and nearby properties;

d. Surrounding topography;

e. Surrounding tree coverage and foliage;

f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

g. Ability of the support structure and/or site for collocation with future wireless communications providers;

h. Proposed ingress and egress; and

i. Availability of suitable existing towers or other structure, as listed below in subsection (7).

(7) Availability of suitable existing towers or other structures. No conditional use permit for a new tower shall be granted unless the applicant demonstrates to the reasonable satisfaction of the planning and zoning board and the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

a. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.

b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

g. Findings (denials). All denials rendered by either the planning and zoning board or the governing authority under a conditional use permit shall be supported by written findings of fact and conclusions of law based upon substantial evidence in the record.

h. Timing of decision. The planning and zoning board and/or the governing authority shall render its decision within ninety (90) days of application, unless either the board or the governing authority can demonstrate that more time is reasonably required due to extenuating circumstances.

(Ord. No. 98-13, § 6, 4-21-98)

Sec. 3-7-228.6. Notice to adjacent property owners.

The applicant is responsible for notifying all adjacent residential property owners of their pending applications for the location of WCFs and for notifying all adjacent property owners for location of WCFs requiring a conditional use permit. The provider shall notify the necessary property owners [within] no less than fifteen (15) days of the date of the public hearing for the conditional use permit and no less than seven (7) days after the filing date for an administrative review by the community development director. Notice shall be given in the form of a certified letter, with return receipts provided to the community development director as evidence of notification. Other forms of notice shall be approved by the community development director in lieu of the certified letter requirement.

(Ord. No. 98-13, § 7, 4-21-98)

Sec. 3-7-228.7. Notification and removal of abandoned WCFs.

(a) *Notification.* Each wireless communications provider shall notify the community development director of their operational and non-operational WCFs at the end of the calendar year (December 31st). The director shall maintain and update a list of these facilities for geographical information systems (GIS) purposes, and for use

in collocation/site-sharing, and for taking necessary actions for the removal of abandoned facilities as established below.

(b) *Removal of abandoned facilities.* Any antenna or tower that is not operated for a continuous period of ninety (90) days shall be considered abandoned, and the owner of such antenna or tower shall remove same within thirty (30) days of receipt of notice from the governing authority notifying the owner of such abandonment. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

Bond required. The communications service provider—or the tower facility provider—shall provide a bond in the form of a letter of credit drawn on a Georgia Bank with an amount of twenty thousand dollars ($20,000.00) to the community development director for the removal of such structure for the lesser of the length of the lease (if applicable), including extensions, or, twenty (20) years. Said bond shall be presented at the time of application for a building permit and shall be renewable at periods not to exceed five (5) years.
(Ord. No. 98-13, § 8, 4-21-98)

Sec. 3-7-228.8. Nonconforming WCFs.

WCFs in existence on the date of the adoption of this article which do not comply with the requirements of this article (nonconforming WCFs) are subject to the following provisions:

(1) Nonconforming WCFs may continue in use for the purpose now used, but may not be expanded without complying with this article, except as further provided in this section.

(2) Nonconforming WCFs may add additional antennas (belonging to the same carrier or other carriers) subject to administrative review in section 3-7-228.5(b) of this article.

(3) Nonconforming WCFs which are hereafter damaged or destroyed by less than fifty (50) percent (of the replacement value) due to any reason or cause may be repaired and restored to their former use, location, and physical dimensions subject to obtaining a building permit therefor, but without otherwise complying with this article. A nonconforming WCF that is damaged or destroyed by more than fifty (50) percent of the estimated replacement value shall be made conforming with this article unless waived by the public officer or the governing authority.

(d) The owner of any nonconforming WCF may replace, repair, rebuild, and/or expand such WCF in order to improve the structural integrity of the facility, to allow the facility to accommodate collocated antennas or facilities, or to upgrade the facilities to current engineering, technological, or communications standards, without having to conform to the provisions of this article, so long as such facilities are not increased in height by more than ten (10) percent (cumulatively) and/or setbacks are not decreased by more than ten (10) percent (cumulatively).
(Ord. No. 98-13, § 9, 4-21-98)

Sec. 3-7-228.9. Modifications to existing facilities or pre-existing facilities which meet the requirements of this article.

(a) *Minor modifications.* Minor modifications to WCFs permitted under this article shall be approved under an administrative review by the community development director (see section 3-7-228.5 (b) and (c) of this article). Minor modifications are as follows:

(1) The addition of no more than three (3) antenna arrays to any existing WCF, so long as the cumulative effect of the addition of the antenna arrays adds no more than twenty-five (25) feet in height to the WCF;

(2) An increase in height of the support structure which is no greater than ten (10) percent;

(3) A decrease in setbacks by no more than ten (10) percent.

(b) *Major modifications.* Major modifications to WCFs permitted under this article shall be approved under an administrative review by the community development director as stated in sections 3-7-228.5 (b) and (c) of this article. Major modifications are any modifications that exceed the definition of minor modification.
(Ord. No. 98-13, § 10, 4-21-98)

Sec. 3-7-228.10. Violations; penalties.

It shall be unlawful to violate or fail to comply with the requirements set forth in this article. Any person who violates or fails to comply with the requirements of this article shall be subject to a fine of not more than one thousand dollars ($1,000.00), confinement in the Henry County Jail for a term not to exceed sixty (60) days, or both for each separate violation.
(Ord. No. 98-13, § 11, 4-21-98)

Secs. 3-7-229, 3-7-230. Reserved.

ARTICLE XII. SIGN REGULATIONS*

Sec. 3-7-231. Purpose.

(a) The sign regulations contained herein are intended to promote aesthetic conditions within Henry County and reduce traffic hazards.

(b) For the purpose of these sign regulations, the following provisions shall apply:

(1) *Premises* shall mean the contiguous land in the same ownership which is not divided by any public highway, street or alley or right-of-way thereof.

(2) *On-premises signs* shall be considered as freestanding business signs.

(3) *Identification signs* shall be considered as attached business signs.

(4) *Sign area* is that area within a continuous perimeter enclosing the limits of writing, representation, emblem or any figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed. For projecting or double-face signs, only one (1) display face shall be measured in computing sign area where the interior angle formed by the faces of a double-face sign are of unequal area, the area of the sign shall be taken as the area of the larger face.

(5) These regulations do not apply to any sign which is not visible to motorists or pedestrians on any public highway, street or alley, nor to any specific information panel for the direction of motorists which may be located under authority of any statute, on any highway property of the county.
(Ord. No. 90-10, § 1200, 9-17-90)

Sec. 3-7-232. Definitions.

[For the purpose of this article, the following words and terms shall have the meanings respectively ascribed:]

(1) *Freestanding sign.* A sign attached to a structure with its own support and not attached to a building, walls or roof.

a. *Billboard advertising sign.* Any existing structure or portion thereof, situated on private premises, on which lettered, figured, or pictorial matter is displayed for advertising purposes, except for the name and occupation of the user of the premises or the products primarily sold or manufactured on the premises or noncommercial messages. Any signboard carrying a message excepted in this definition which also carries extraneous advertising shall be considered a billboard.

b. Reserved.

*Editor's note—Ordinance No. 90-10, adopted Sept. 17, 1990, repealed former Art. XII, Sign Regulations, and enacted, in lieu thereof, new §§ 1200—1213 which have been included herein as §§ 3-7-231—3-7-244. The repealed provisions, §§ 3-7-231—3-7-240, derived from §§ 1200—1208 of the zoning ordinance of June 3, 1986, as amended by Ord. No. 89-10, adopted April 25, 1989.

(2) *Principal identification sign.* A freestanding on-premises sign which advertises or promotes a product, service, person, place, activity, event, idea or anything located or obtainable on or at the lot or property where the sign is located. Principal identification signs include:

a. *Shopping center or planned center signs.* A freestanding on-premises sign which advertises the name of the facility and may include a listing of businesses or tenants.

b. *Point-of-business sign.* A freestanding on-premises sign located on the property being advertised in commercial or industrial zoning districts.

(3) *Identification sign.* A sign which is affixed to or represented directly on a building roof, wall or canopy and which advertises or promotes a product, service, person, place, activity, event, idea or anything located or obtainable on or at the lot or property where the sign is located.

(4) *Point-of-entry sign.* Signs erected on the ground which identify the entrance of a residential, multiple-family, religious facility or commercial or industrial development but which do not provide advertising for any one (1) commercial activity which may be located therein; for example, signs identifying residential subdivisions or communities, churches, industrial parks and commercial planned complexes.

(5) *Portable sign.* A sign supported by adjustable uprights or braces placed upon the ground that does not conform to height and erection requirements for permanent on-premises signs.

a. *Weekend directional real estate signs.* Temporary signs erected between 3:00 p.m. Friday and removed no later than 11:59 p.m. Sunday which convey directions to specific real estate events.

b. Reserved.

(6) *Bulletin board.* A sign used to announce meetings or programs to be held on the premises of a church, community recreation center, school, auditorium, library, museum or similar noncommercial place of public assembly.

(7) *Illuminated sign.* Any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper. Flashing signs are prohibited.

(8) *Nonconforming sign.* Any sign, legally erected, prior to the enactment of this article which does not now comply to the provisions of this article.

(9) *Off-premises agricultural directional sign.* A sign erected in order to provide identification and directions to agricultural use within Henry County.

(10) *Off-premises subdivision directional real estate sign.* A sign erected in order to provide directions and related information concerning real estate development projects within Henry County.

(Ord. No. 90-10, § 1201, 9-17-90)

Sec. 3-7-233. Sign regulations.

The following schedule lists the number of signs permitted, the zoning districts in which signs are permitted, the maximum area and maximum height of signs.

Type of Sign	*Number Permitted*	*District in Which Permitted*	*Maximum Area of Sign*	*Maximum Height*	*Additional Requirements*
Billboard Advertising Sign	See section 3-7-239	Not allowed except for those signs covered under section 3-10-32 and section 3-10-34, Henry County Code of Ordinances			
Principal Identification Sign:					
(1) Shopping center or planned center sign	per road frontage	Any district except residential	For the first sign, 200 square feet limited to the name of the facility; 400 square feet when incorporating a listing of businesses or tenants For each additional sign, if permitted, 30% of the area of the first sign	35 feet for the first sign; 15 feet for any additional signs	Principal I.D. signs that are located on property adjacent to or within 500 feet of the right-of-way of a federal interstate highway may be 50 feet high above the ground level or level of the adjoining interstate pavements, whichever is higher; the level of the ground shall not be altered in such a way as to provide additional sign height
(2) Point of business sign	1 per road frontage for each business or structure	Any commercial or industrial district	For the first sign, 125 square feet; for each additional sign, if permitted, 50% of the area of the first sign	35 feet for the first sign; 15 feet for any additional signs	As above [for shopping center signs]
Identification Sign:					
(1) Wall-mounted		Any commercial or industrial district	30% of the total area of the face on which the sign is placed	Not more than four (4) feet above the parapet wall or the maximum height allowed in the zoning district, whichever is lower	Wall-mounted signs shall not project more than 3 feet from the building surface; if they project more than 4 inches from the building surface, they must maintain a clear height of 8 feet above the ground when erected over pedestrian walkways or

Type of Sign	*Number Permitted*	*District in Which Permitted*	*Maximum Area of Sign*	*Maximum Height*	*Additional Requirements*
					driveways and 14 feet over areas of truck service access
(2) Roof-mounted		Any commercial or industrial district	30% of the total area of the face above which the sign is placed	Not more than 25 feet above the roof line or the maximum height allowed in the zoning district, whichever is lower	Roof-mounted signs shall be securely attached to the building and shall not project beyond the face of the exterior wall of the building; if a roof-mounted sign is allowed, no wall-mounted sign shall be allowed on the wall surface below the sign
(3) Canopy sign	1 per face	Any commercial or industrial district	30% of the total face of the canopy	35 feet	Canopy signs shall be mounted on a canopy which provides no less than a clear height of 8 feet above the ground when erected over pedestrian walkways and 14 feet above areas of vehicle access
(4) Marquee sign	Not allowed				
Portable sign	1 per business location or lot	Any commercial or industrial district	50 square feet	10 feet	Portable signs shall be located behind the street right-of-way a minimum of 10 feet from any road surface or curb and shall be located in a manner which will not obstruct or interfere with the vision of a motorist; they shall be secured to the ground and may be illuminated, but shall not flash; they shall be used for on-premises advertising only; if located in a shopping center or planned use center, they may be permitted for a period not to exceed 60 days in a

Type of Sign	*Number Permitted*	*District in Which Permitted*	*Maximum Area of Sign*	*Maximum Height*	*Additional Requirements*
					six-month period with a fee of $30.00 for each permit; there shall be an annual fee of $30.00 for each portable sign, to be paid with the annual business license fee

(Ord. No. 90-10, § 1202, 9-17-90)

Sec. 3-7-234. Point of entry signs.

(a) *Definition.* Signs erected on the ground which identify the entrance of a residential, multifamily, religious or commercial or industrial development, but which do not provide advertisement for any one (1) commercial activity which may be located therein, for example, signs identifying the name of residential subdivisions or communities, church complexes, industrial parks and commercial complexes.

(b) *Location.* Point of entry signs shall be allowed in any zoning district, as defined by the zoning laws of Henry County, in which the identified development is allowed.

(c) *Construction.* All point of entry signs shall be soundly and securely constructed. Letters, characters or figures, represented in cut-out or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure.

(d) *Limitation.* Point of entry signs shall have a surface area no greater than thirty-five (35) square feet for noncommercial subdivisions and facilities and no greater than sixty (60) square feet for multifamily developments and commercial and industrial subdivisions. Height of signs shall not exceed eight (8) feet above the level of the adjacent street. Such signs shall be limited to one (1) face per corner and/or two (2) faces in a center median at each county approved exit/entrance.
(Ord. No. 90-10, § 1203, 9-17-90)

Sec. 3-7-235. Off-premises agricultural directional signs.

(a) *Definition.* Off-premises agricultural directional signs are those signs erected in order to provide directions and identification to agricultural use in Henry County.

(b) *Location.* Each sign shall be on private property in RA zoning, with written permission from the property owner and written permission shall be filed with the building department.

(c) *Construction.* Each sign shall not exceed sixteen (16) square feet in size and shall not exceed eight (8) feet in height. Signs shall not be illuminated. Signs shall not be attached to trees, utility poles or natural objects.

(d) *Limitation.* Only one (1) sign shall be permitted and shall be used only to identify and give directions to agricultural use. Signs shall meet setback requirements as set forth in section 3-7-241, "Sign setbacks and restrictions." There shall be a one-time permit fee of twenty-five dollars ($25.00).
(Ord. No. 90-10, § 1204, 9-17-90)

Sec. 3-7-236. Off-premises subdivision directional real estate signs.

(a) *Definition.* Off-premises subdivision directional real estate signs are those signs erected in order to provide directions and related information concerning real estate development projects within Henry County.

(b) *Location.* Each sign shall be on private property with written permission from the property owner required. Signs shall be set back a minimum of ten (10) feet from the property line and roadway right-of-way line.

(c) *Construction.* Each sign shall be of uniform size four (4) feet by four (4) feet and shall have a maximum height of not more than ten (10) feet. No sign shall be illuminated.

(d) *Limitation.* The following limitations shall apply to off-premises subdivision directional real estate signs:

(1) There shall be no more than four (4) signs at a three-way road intersection and no more than six (6) signs located at a four-way road intersection.

(2) There shall be a limit of no more than three (3) signs per project and no more than one (1) sign per project per road intersection.

(3) All signs shall be removed when ninety-five (95) percent of the homes in the subdivision are constructed and sold.

(4) There shall be a permit fee of thirty-five dollars ($35.00) for each sign and the permit number shall be affixed to the sign.

(5) All pre-existing nonconforming signs shall be removed from the road intersections prior to the erection of a new conforming sign.

(Ord. No. 90-10, § 1205, 9-17-90)

Sec. 3-7-237. Weekend directional real estate signs.

(a) *Definition.* Weekend directional real estate signs are those signs erected between 3:00 p.m. Friday and removed no later than 11:59 p.m. Sunday which convey directions to a specific real estate event.

(b) *Location.* Weekend directional real estate signs shall be allowed in all Henry County zoning districts. Such signs shall be located on private property with the permission of the property owner. They shall not be located on the street right-of-way and must be no closer than ten (10) feet from the edge of the pavement. Weekend directional real estate signs shall not be located less than three hundred (300) feet from any other such sign. They shall not be affixed to trees, poles or other signs.

(c) *Construction.* All weekend directional real estate signs shall be constructed of weather-resistant material.

(d) *Limitation.* Weekend directional real estate signs shall have a maximum area of three (3) square feet per face. The height of such signs shall not exceed four (4) feet. Each such sign shall be legibly marked with the name of the owner or the party responsible for its removal.

(Ord. No. 90-10, § 1206, 9-17-90)

Sec. 3-7-238. Incidental signs.

The following signs are permitted in any zoning district subject to the provisions listed herein (sign permit not required):

(1) Real estate signs not exceeding six (6) square feet in residential areas which advertise the sale, rental or lease on the premises upon which said signs are located at that only one (1) sign be permitted for each street on which the building or property faces.

(2) Professional nameplates not exceeding one (1) square foot in area.

(3) Bulletin boards not over thirty-two (32) square feet in area for public, civic, charitable or religious institutions when the same are located on the premises of said institutions. A maximum of four (4) off-premises directional signs no larger than four (4) square feet located on private property with permission of the property owner are allowed for the above institutions.

(4) Signs denoting the architect, lender, engineer or contractor, when placed upon work under construction and not exceeding thirty-two (32) square feet in area.

(5) Occupational signs denoting only the name and profession of an occupant in a commercial building and not exceeding two (2) square feet in area.

(6) Signs not exceeding twelve (12) square feet in area giving information concerning the location or use of accessory off-street parking facilities or loading and unloading facilities.

(7) Signs indicating bus stops, taxi stands, and similar transportation facilities.

(8) Traffic control signs on private property not to exceed four (4) square feet in area.

(9) Political signs shall not exceed thirty-two (32) square feet in area, and shall not be located on utility poles, trees or natural objects. Signs are to be located on private property only with permission of the property owner and shall conform with all sign setback requirements. Political signs shall be removed by the candidate, property owner or occupier where such sign is located within three (3) days after such candidate has been finally elected or defeated. This subsection shall become effective January 1, 1991.

(10) Garage sale signs not to exceed four (4) square feet in area when mounted on a substantial frame and erected on private property with owner's approval. A twenty-five dollar ($25.00) removal deposit is required prior to erection. Deposit to be returned by the county subsequent to sale completion and sign removed.

(11) Memorial signs, historical signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other combustible material. Traffic or other municipal signs, legal notices, railroad crossing signs, danger and such temporary emergency or nonadvertising signs as may be approved by the board of commissioners of Henry County.

(Ord. No. 90-10,§ 1207, 9-17-90)

Sec. 3-7-239. Signs prohibited.

The following signs are expressly prohibited in all zoning districts:

(1) Signs imitating warning signals are prohibited. No sign shall display lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance or rescue vehicles; nor shall any signs use the words, slogans, dimensional shape or size of any governmental traffic sign.

(2) No signs, except traffic signs and signals and informational signs erected or authorized by a public agency, are permitted within any street or highway right-of-way.

(3) Signs painted or attached to natural features such as trees or rocks, telephone poles, utility poles or fence posts are prohibited.

(4) Signs within three hundred (300) feet of any officially designated historical site or monument, except signs pertaining to that particular site of monument, are prohibited.

(Ord. No. 90-10, § 1208, 9-17-90)

Sec. 3-7-240. Interstate signs.

(a) All signs located on sites abutting or visible from the interstate right-of-ways shall conform with Georgia Code Annotated, Section 32-6-70 et seq., (the Georgia Outdoor Advertising Code) and shall meet all federal and state requirements necessary to obtain a permit from the Georgia Department of Transportation under said code. In instances where the sign controls of this article are more strict, the regulations of this article shall apply.

(b) Any sign located on an interstate highway which advertises an activity, business, product or service which has ceased operation or production shall be removed within six (6) months of the discontinuance of said activity, business, product or service.

(Ord. No. 90-10, § 1209, 9-17-90)

Sec. 3-7-241. Sign setbacks and restrictions.

The following regulations govern the location of all signs within Henry County:

(1) Signs shall be required to be located within the required front yard of a principal structure, and shall not be permitted to extend beyond the front property line into the street right-of-way, and shall not be closer

than twenty (20) feet to the edge of the zoned pavement. The location of signs shall not interfere with the view of a traffic signal or traffic vision as provided by section 3-7-239(2).

(2) No sign may be located in a manner which can obstruct or interfere with the view of a traffic signal. No sign may be located within one hundred (100) feet of an intersection of a public road if the sign obstructs the vision of a motorist within the distance of one hundred (100) feet of the intersection or causes confusion with a traffic control sign or a signal by reason of color, lighting or other means.

(3) In order to erect a second point of business sign a use must have frontage on two (2) publicly dedicated streets with each including a legal curb cut. In addition, there must be a minimum lot area of one (1) acre to permit a second such sign to be erected. In those instances where one (1) of the street frontages is on a street serving a residential subdivision, a second sign shall be prohibited. If any applicant has an existing sign that does not conform to the county's sign regulations, the sign in violation shall be brought into conformance prior to a permit being issued for a second sign.

(Ord. No. 90-10, § 1210, 9-17-90)

Sec. 3-7-242. Filing procedure and permit issuance.

The procedure outlined herein shall be complied with by all persons erecting signs within the corporate limits of the county:

(1) All signs erected, replaced, modified or relocated shall be in conformance with all ordinances and codes of Henry County. A permit shall be secured from the building department director prior to erection of any sign. This permit is to be issued prior to installation or modification of any sign. No permit shall be required for any change of copy on a sign, provided no modification is made to the size or location of the sign.

(2) Application for permits to erect, hang or place a sign shall be submitted on forms obtainable from the building department director. Each application shall be accompanied by plans showing the area of the sign, size and character and the method of illumination, if any, the exact location proposed for such sign and, in the case of a projecting sign, the proposed method of fastening said sign to the building structure, the vertical distance between such sign and the finished grade, and the horizontal distance between such sign and the street right-of-way line.

The application shall also include a photograph or line drawing of the face of the sign showing exactly what is to be portrayed. Each applicant shall, upon the request of the building department director, submit any additional information deemed necessary by said building department director.

The county shall complete review of the application within thirty (30) days, notifying the applicant of its decision. If approved the county shall issue a sign permit to the applicant. If denied, the applicant may reapply, correcting deficiencies in the original application or file notice of appeal to the board of commissioners within thirty (30) days of denial.

(3) The board of commissioners shall establish a schedule of fees, charges and expenses relating to signs. The schedule of fees shall be posted in the office of the building department director and may be altered or amended only by the board of commissioners.

Signs listed as exceptions in section 3-7-238 are not required to pay a fee.

(4) All lighted signs must be erected and maintained to preclude light spill onto adjacent residential properties by being located not less than fifty (50) feet from the nearest residence property line or residential district and being shielded, if necessary.

(Ord. No. 90-10, § 1211, 9-17-90)

Sec. 3-7-243. Unlawful signs.

(a) The director of code enforcement shall inspect, at any time, each sign regulated by the provisions herein. Should any sign be installed or maintained improperly or should any violation of these provisions be noted, the director of code enforcement shall notify the owner or lessee of said sign in writing of the reasons for noncompliance. The director of code enforcement is empowered to revoke any permit issued upon failure of a sign owner or lessee to comply with provisions of these regulations. The owner or lessee shall have three (3) business days from receipt of notice to bring sign into compliance or it may be removed by the county at the expense of the owner or lessee. The director of code enforcement shall not be required to provide written notice to owners or lessees of signs addressed in section 3-7-239, nor shall the three-day compliance period apply.

(b) All prohibited signs located on public right-of-ways are hereby declared litter and may be removed and disposed of in the Henry County Landfill by any Henry County employee.
(Ord. No. 90-10, § 1212, 9-17-90)

Sec. 3-7-244. Nonconforming signs.

(a) Nonconforming signs shall be removed by the owner or lessee within a period of five (5) years from the date of adoption of this article.

(b) No conforming sign shall be erected on the same lot having an existing nonconforming sign until the nonconforming sign is removed or brought into conformance.

(c) Signs which advertise a discontinued use of a building shall be removed within ninety (90) days from the date the use was terminated. If such signs are not removed within this time period, they shall be removed at the direction of the building department director. The cost of the removal shall be placed as a lien against the property until such cost is paid.
(Ord. No. 90-10, § 1213, 9-17-90)

Secs. 3-7-245—3-7-250. Reserved.

ARTICLE XIII. ADMINISTRATION AND ENFORCEMENT

Sec. 3-7-251. Administration of chapter; interpretation.

(a) The provisions of this chapter shall be administered by the planning and zoning administrator. The planning and zoning administrator shall be responsible for interpretation of the provisions of the zoning ordinance and maintenance of the official zoning map.

(b) The planning and zoning administrator shall be responsible for the acceptance of applications for rezoning and map amendments, conditional use, conditional exceptions, and variances. The planning and zoning administrator shall present these applications to the planning and zoning board, board of commissioners (board of zoning appeals) and municipal governing authorities.

(c) In interpreting and applying the provisions of this chapter they shall be held to the minimum requirements for the promotion of health, safety,

aesthetics, and convenience of the general welfare. The lot or yard area required by these regulations for a particular building shall not be diminished and shall not be included as part of the lot or yard areas of any other building. The lot or yard areas of buildings existing at the time this chapter became effective shall not be diminished below the requirements herein provided for buildings hereafter erected, and such required areas shall not be included as a part of the required areas of any building hereafter erected.

Sec. 3-7-252. Enforcement.

(a) The building administrator shall be responsible for the issuance of permits for construction according to the regulations of the zoning ordinance, and shall be responsible for enforcement against any violations of the zoning ordinance.

(b) No permit or license shall be issued for any use, building, or other purpose if the same shall be in conflict with the regulations of this chapter.

(c) If it is found that any of the regulations of this chapter are being violated, the building administrator shall notify the person responsible for such violations in writing, indicating the nature of the violation, and order the action necessary to correct it. Such written notice shall not be a necessary condition precedent to enforcement of the chapter. The county shall order discontinuance of illegal use of land, buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.

Sec. 3-7-253. Building permits.

(a) A building permit issued by the building administrator (chief building inspector) is required in advance of the initiation of construction, erection, moving or alteration of any building or structure where the estimated cost of such construction, erection, moving, or alterations is figured to be in excess of three hundred dollars ($300.00).

(b) All applications for building permits shall be accompanied by a plot or site plan drawn to scale, showing the actual dimensions of the lot to be built upon, the right-of-way of the existing road, the size of the building to be erected, the location of the building on the lot, the number of dwelling units the building is designed to accommodate, if for a residential structure, the setback lines of proposed buildings, the location of easements and other such information as may be essential for determining whether the provisions of all county ordinances are being observed. A record of such applications and plot or site plans shall be kept.

(c) No building permit shall be issued by the building administrator until the Henry County Health Department shall have approved the proposed water supply and sewage disposal facilities required in connection with the proposed buildings; provided, that in an area served by a public utility for water or for sewage disposal, or both, the health department may elect to waive the requirement for approval. The Henry County Health Department shall either approve or disapprove said water and sewerage facilities within thirty (30) days after the receipt thereof.

(d) Nothing contained in these regulations shall be deemed to prevent the commissioner of health, after study of the site of a proposed use, from requiring for reason of health that all or any portion of such site not be used for the intended purpose or that the minimum lot sizes set forth for the zoning district in which the use will be located be increased with regard to the proposed use; provided that the commissioner of health shall define his decision in writing, with reasons therefor, within (30) days upon being so requested by an applicant for the building permit.

Sec. 3-7-254. Reasons for denial of building permit.

When a building permit is denied, the building administrator shall provide in writing, upon request of the applicant for a permit, the reasons for denial of the permit within ten (10) days after said request.

Sec. 3-7-255. Permits and licenses void when issued in conflict.

Any permit or license issued in conflict with the regulations of this chapter shall be null and void.

Sec. 3-7-256. Construction and use to be as stated in applications, plans and permits.

Building permits or certificates of occupancy issued on the basis of plans and applications approved by the building administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter.

Sec. 3-7-257. Certificate of occupancy.

(a) It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use of structure, until a certificate of occupancy shall have been issued stating that the building or land conforms to the requirements of this chapter.

(b) A temporary certificate of occupancy may be issued for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

(c) A certificate of occupancy shall be required for any of the following:

(1) Occupancy and use of a building hereafter erected or enlarged.

(2) Change in use of existing buildings to use of a different classification.

(3) Occupancy and use of vacant land, except for raising of crops.

(4) Change in use of land to a different classification, except for the raising of crops.

(5) Any change in use of a nonconforming use.

(6) Development of a mobile home park.

(d) Said certificate of occupancy may be applied for either coincidently with a building permit or at any time thereafter; provided, however, that no such occupancy, use or change of use shall take place until a certificate of occupancy shall have been issued by the building administrator.

(e) A record of all certificates of occupancy shall be maintained and a copy shall be furnished upon request to any person. Failure to obtain a certificate of occupancy shall be a violation of this chapter.

Sec. 3-7-258. Expiration of building permit.

If the work described in any building permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire and it shall be cancelled. Construction is said to have commenced at the time when initial inspection is made prior to installation of the foundation system. Once construction is under way, and discontinuation for a period in excess of twelve (12) months shall result in cancellation of the building permit.

Secs. 3-7-259—3-7-270. Reserved.

ARTICLE XIV. APPEALS AND VARIANCES

Sec. 3-7-271. Appeals.

(a) When it is alleged that an error has been made in interpretation of the provisions of this chapter or when a decision relating to provisions of this chapter aggrieves any person an appeal shall be made within thirty (30) days of the decision.

(b) Such appeal shall be filed with the planning administrator and the purpose of the appeal shall be specified in writing.

Sec. 3-7-272. Appeals process.

The board of commissioners shall establish a reasonable time for the hearing of the appeal and shall give public notice thereof as well as due notice to the parties in interest; and shall decide the appeal within reasonable time. At the hearing any party may appear in person or by agent or by attorney.

Sec. 3-7-273. Variances.

The board of commissioners is authorized upon appeal in specific cases to consider such variances from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the chapter will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of the chapter shall be observed, public safety and welfare secured, and substantial justice done. The existence of a nonconforming use of neighboring land, buildings, or structures in the same or in other districts shall not constitute a reason for a variance. A variance may be granted in an individual case of unnecessary hardship upon a finding by the board of commissioners that all the following conditions exist:

(1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.

(2) A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.

(3) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.

(4) The requested variance will be in harmony with the purpose and intent of this chapter and will not be injurious to the neighborhood or to the general welfare.

(5) The special circumstances are not the result of the actions of the applicant.

(6) The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.

(7) The variance is not a request to permit a use of land, buildings, or structures which is not permitted by right in the district involved.

Sec. 3-7-274. Variance procedure.

An applicant for a variance shall file a written request with the planning administrator. The board of commissioners or municipal authorities shall establish a reasonable time for hearing the variance request and shall give public notice thereof and due notice to the parties in interest; and shall decide the variance request within reasonable time. At the hearing any party may appear in person, or by agent or by attorney.

Sec. 3-7-275. Administrative variances.

The planning administrator shall have the power to grant variances in unincorporated areas from the development standards of this chapter where, in his opinion, the intent of the chapter can be achieved and equal performance obtained by granting a variance. The authority to grant such variances shall be limited to variance from the following requirements:

(1) Front yard or yard adjacent to public street: Variance not to exceed five (5) feet.

(2) Side yard: Variance not to exceed two (2) feet.

(3) Rear yard: Variance not to exceed four (4) feet.

(4) Height of building: Variance not to exceed five (5) feet.

Sec. 3-7-276. Fees.

All requests by private groups, individuals, businesses and other nonpublic organizations for appeals and variances shall be accompanied by a filing fee which is maintained in the office of the zoning administrator.

Secs. 3-7-277—3-7-290. Reserved.

ARTICLE XV. CONDITIONAL USES AND CONDITIONAL EXCEPTIONS

Sec. 3-7-291. Generally.

Several of the zoning districts contained herein permit certain uses subject to compliance with stated conditions. The evaluation of conditional

use and conditional exception requests and determination of compliance shall be the responsibility of the planning commission.

Sec. 3-7-292. Application procedure; evaluation.

(a) The planning commission shall accept applications for conditional uses and conditional exceptions. This application shall be submitted to the planning administrator for technical review. A site plan depicting compliance with all appropriate provisions of this chapter shall accompany this submittal. The planning administrator shall make a report to the planning commission at the meeting date at which the conditional use or conditional exception request shall be considered. The planning and zoning administrator may require additional information necessary to evaluate the application.

(b) The planning commission shall consider all of the following prior to making recommendations on conditional uses or conditional exceptions:

(1) The report submitted by the planning administrator.

(2) That all specific conditions of this chapter relative to the conditional use or conditional exception have been met.

(3) The proposed use shall not cause traffic congestion or conditions that will adversely affect other nearby properties in the area.

(4) The physical conditions of the site, including topography, drainage and size and shape, are suitable for the proposed development.

(5) There are adequate public facilities to serve the proposed use.

(6) That the applicant has made a binding agreement for any specific limitations or conditions necessary to protect the public interest and assure the continued beneficial use and enjoyment of nearby properties or that no special limitations are necessary to protect the public.

(7) That the conditional use or conditional exception with specific limitations and design features as may have been required will further the aims of the land use plan and will not be unduly detrimental to nearby properties.

(c) The board of commissioners shall hold a public hearing to either approve or deny the request.

Sec. 3-7-293. Hearing before board of commissioners.

(a) The board of commissioners shall hold a public hearing to either approve or deny the request.

(b) The board of commissioners shall consider all of the following prior to making its decision:

(1) The report submitted by the planning administrator.

(2) That all specific conditions of this chapter relative to the conditional use or conditional exception have been met.

(3) The proposed use shall not cause traffic congestion or conditions that will adversely affect other nearby properties in the area.

(4) The physical conditions of the site, including topography, drainage and size and shape, are suitable for the proposed development.

(5) There are adequate public facilities to serve the proposed use.

(6) That the applicant has made a binding agreement for any specific limitations or conditions necessary to protect the public interest and assure the continued beneficial use and enjoyment of nearby properties or that no special limitations are necessary to protect the public.

(7) That the conditional use or conditional exception with specific limitations and design features as may have been required will further the aims of the land use plan and will not be unduly detrimental to nearby properties.

(c) The board of commissioners may consider such other information specifically related to public health, safety, aesthetics and general welfare of Henry County citizens including but not limited to the potential impact on county infrastructure, impact on adjacent property own

necessary road improvements or relocations and may approve or deny conditional uses and/or conditional exceptions based upon the factors considered.

(d) If the board of commissioners denies the request for conditional use and/or conditional exception, the same request may not be considered until the expiration of at least twelve (12) months immediately following the denial.
(Ord. No. 86-14, 7-15-86; Ord. No. 88-05, 4-5-88)

Secs. 3-7-294—3-7-310. Reserved.

ARTICLE XVI. AMENDMENTS*

Sec. 3-7-311. Amendments to chapter and to official zoning map.

This chapter, including the official zoning map, may be amended by the board of commissioners on its own motion, or on recommendation to the planning commission, but no amendment shall become effective unless it shall have been proposed by or shall first have been submitted to the planning commission for review and recommendation.
(Ord. No. 89-18, 11-7-89)

Sec. 3-7-312. Application for amendment.

(a) A zoning map amendment may be proposed by any public agency or department of Henry County or by the Henry County Planning Commission. Unless initiated by one (1) of the above bodies, all applications for map amendments must be submitted by an individual with fifty-one (51) or more percent ownership in fee simple of the subject property being petitioned for rezoning, or his legal agent authorized in writing over the owner's signature.

(b) Any petition for amendment of the Henry County Zoning Ordinance or official zoning map shall be accompanied by a filing fee established by separate resolution of the county commission and available at the zoning administrator's office.

(c) Applications for zoning map amendments shall be filed with the planning and zoning administration office, which will schedule the application at the next possible meeting of the planning and zoning board, allowing sufficient time for public notice.

(d) Applications for rezonings must contain the following:

(1) A completed and signed copy of the application for zoning map amendment.

(2) A site plan representing information on the location, extent and type of proposed development, which may include, depending upon the type of development, the following minimum types of information:

a. Correct scale and north arrow.
b. The present zoning classification of all adjacent parcels.
c. The location of the parcel relative to existing or proposed streets.
d. Required zoning yard setbacks for the zoning district requested.
e. Topographic information sufficient to show elevation and drainage conditions of the land.
f. Existing conditions or improvements on the property.
g. The location and extent of required buffer areas, including the extent of natural vegetation or fences as required.
h. Proposed lot layout of the property if it is to be a subdivision for residential, commercial or industrial development, with required building line setbacks and buffer areas shown.
i. Commercial or industrial development on existing individual lots, or proposed shopping center developments shall also indicate the location and dimensions of proposed buildings, parking and loading areas, driveways and storage areas.
j. Report from the Henry County Health Department and the Henry County Water and Sewerage Authority.

*Editor's note—Ordinance No. 89-18, adopted Nov. 7, 1989, repealed §§ 1600—1606 of the zoning ordinance (former §§ 3-7-311—3-7-317 of this chapter) and enacted, in lieu thereof, new §§ 1600—1608 which are included herein as new §§ 3-7-311—3-7-319. The repealed provisions also pertained to amendments and derived from the zoning ordinance adopted June 3, 1986.

k. The planning and zoning administration may require additional information, or information different from the above depending upon the type of development, to properly evaluate the zoning map amendment.

(Ord. No. 89-18, 11-7-89)

Sec. 3-7-313. Review of application for amendment.

(a) All proposed amendments to this chapter or to the official zoning map with required site plans shall be transmitted to the planning administrator and planning commission for study and recommendation. The planning administrator and planning commission shall study the need and justification of the following facts:

(1) The possible effects of the change in the regulations or map on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community.

(2) The relation that the proposed amendment bears to the purpose of the overall zoning scheme with due consideration given to whether or not the proposed change will help carry out the purposes of this chapter.

(3) Consistency with the land use plan.

(4) The potential impact of the proposed amendment on county infrastructure including water and sewerage systems.

(5) The impact of the proposed amendment on adjacent thoroughfares and pedestrian and vehicular circulation and traffic volumes.

(6) The impact upon adjacent property owners should the request be approved.

(7) The ability of the subject land to be developed as it is presently zoned.

(8) The physical conditions of the site relative to its capability to be developed as requested, including topography, drainage, access, and size and shape of the property.

(9) The merits of the requested change in zoning relative to any other guidelines and policies for development which the planning commission and board of commissioners may use in furthering the objectives of the land use plan.

(b) After completing its studies of the proposed amendment, the planning board shall submit its recommendations and report to the board of commissioners or city council. The recommendations of the planning commission shall be of an advisory nature and shall not be binding on the board of commissioners.

(c) In making its recommendation, the planning commission may recommend approval or denial with reasons set forth in official minutes of the planning commission. In recommending approval of an amendment to the official zoning map, the planning commission may recommend specific conditions necessary to promote and protect the public health and safety. Such conditions shall be for the benefit of the community to lessen any negative effects that the zoning map amendment may have upon surrounding land uses, as provided in section 3-7-316.

(Ord. No. 89-18, 11-7-89)

Sec. 3-7-314. Notification and public hearing.

(a) If Henry County is taking action resulting in a zoning decision, it shall provide for a hearing on the proposed action. At least fifteen (15) but not more than forty-five (45) days prior to the date of the hearing, the county shall cause to be published within a newspaper of general circulation within the territorial boundaries of Henry County a notice of the hearing. The notice shall state the time, place and purpose of the hearing.

(b) If a zoning decision of Henry County is for the rezoning of property and the rezoning is initiated by a party other than county officials or a county department then:

(1) The notice, in addition to the foregoing requirements, shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property; and

(2) A sign containing information required by this chapter shall be placed in a conspic-

uous location on the property not less than fifteen (15) days prior to the date of the hearing.

(c) If the property proposed for rezoning does not have frontage on a public street, then the sign may be posted on the right-of-way of the nearest public street which provides access to the site. No public hearing may be held by the board of commissioners until said sign(s) have been posted for at least fifteen (15) days. Said signs shall remain posted until final action has been taken by the board of commissioners.

(d) Before enacting an amendment to this chapter, whether the proposed amendment is a text or map amendment, the Henry County Board of Commissioners shall hold a public hearing thereon for the purpose of receiving and considering public comment on the merits of the proposed amendment. Said hearings shall be held only after full compliance with all required public notification of the hearing as set forth herein.

(e) If the zoning decision of the board of commissioners is for the rezoning of property and the amendment to the zoning ordinance to accomplish the rezoning is defeated by the board of commissioners, then the same property may not again be considered for rezoning until the expiration of at least twelve (12) months immediately following the defeat of the rezoning by the board of commissioners.
(Ord. No. 89-18, 11-7-89)

Sec. 3-7-315. Procedure for hearing before board of commissioners.

(a) All proposed amendments to this chapter or to the official zoning map with required site plans shall be considered at public hearing. The board of commissioners shall consider the following:

(1) The possible effects of the change in the regulations or map on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community.

(2) The relation that the proposed amendment bears to the purpose of the overall zoning scheme with due consideration given to whether or not the proposed change will help carry out the purposes of this chapter.

(3) Consistency with the land use plan.

(4) The potential impact of the proposed amendment on county infrastructure including water and sewerage systems.

(5) The impact of the proposed amendment on adjacent thoroughfares and pedestrian vehicular circulation and traffic volumes.

(6) The impact upon adjacent property owners should the request be approved.

(7) The ability of the subject land to be developed as it is presently zoned.

(8) The physical conditions of the site relative to its capability to be developed as requested, including topography, drainage, access, and size and shape of the property.

(9) The merits of the requested change in zoning relative to any other guidelines and policies for development which the planning commission and board of commissioners may use in furthering the objectives of the land use plan.

(b) The following rules of procedure shall govern the public hearing before the board of commissioners:

(1) Each applicant shall appear before the board, identify himself/herself by name, address and whether or not applicant is owner or agent for owner.

(2) Each applicant or other interested party who provides the board with documents shall have each document numbered and shall identify each document and each such document submitted shall be made a part of the official record of the hearing.

(3) a. Each applicant shall have fifteen (15) minutes to present facts pertinent to the application. An applicant may have additional time to address the board if the applicant notifies the clerk prior to the start of the public hearing that applicant needs additional time. The ad-

ditional time shall be limited to fifteen (15) minutes.

b. Each person in opposition to rezoning of property and amendment to the zoning ordinance shall have five (5) minutes to address the board of commissioners and shall provide the clerk with name and address; however, the total time for all interested parties in opposition shall be thirty (30) minutes.

(4) At the conclusion of the hearing, the board of commissioners shall announce its decision and direct the planning administration to notify the applicant in writing of the board's decision. The written notification shall immediately be entered on the minutes and made a part of the record on the date that written notification is given to the applicant.

(5) Any aggrieved party shall have thirty (30) days from the date of written notification to file an appeal from the board's decision with the superior court.

(Ord. No. 89-18, 11-7-89)

Sec. 3-7-316. Conditional zoning.

(a) In deciding upon any application for zoning map amendment, the board of commissioners may, on their own motion or upon the suggestion of the applicant, or on consideration of the recommendations of the planning commission, grant the application subject to certain conditions necessary to promote and protect the health, safety and general welfare.

(b) The board of commissioners may grant approval of a zoning map amendment and include conditional approval as follows:

(1) Such conditions as deemed necessary to protect neighboring properties and to lessen any potentially adverse effects of the zoning change;

(2) That the rezoning is conditional upon the condition that the applicant or any successor in title may construct only those uses and only in such a manner as depicted upon any site plan submitted and approved with the application; and,

(3) That the rezoning is conditional upon any written conditions proposed by the applicant and/or planning commission, and as further set forth on an approved site plan.

(c) Prior to a final vote being taken upon any application for a zoning map amendment for which such conditions shall be imposed, such conditions shall be announced at the public hearing and made a part of the motion to approve. If the applicant finds such conditions to be unacceptable, it may, at the time, withdraw the application for zoning map amendment. Such withdrawal shall not enable the applicant to refile the same zoning map amendment for the same property until one (1) year has elapsed from the date of withdrawal.

(d) Any zoning map amendment which is adopted with conditions shall be indicated on the official zoning map. The property shall be indicated on the official zoning map with the suffix "P" to indicate that the property has been rezoned with conditions. Such conditions shall remain imposed upon the property until removed or modified by the board of commissioners.

(e) Conditional requirements may be imposed upon either permitted and/or conditional use within any zoning district. In ruling upon such requirements, the board of commissioners shall utilize the standards of review contained in section 3-7-313 of this chapter.

(Ord. No. 89-18, 11-7-89)

Sec. 3-7-317. Types of zoning conditions.

In adopting an amendment to the zoning map, or approving a conditional use permitted in any zoning district, the board of commissioners may impose conditions, such as, but not limited to, the following:

(1) Setback requirements from any lot line;

(2) Specified or prohibited locations for buildings, parking, loading or storage areas;

(3) Restrictions on land use activities to be permitted;

(4) Maximum building dimensions and height;

(5) Landscaping or planted area which may include the location, type and maintenance of

plant materials within a designated buffer area;

(6) Fences, walls, earth berms, or other landscape buffer provisions or protective measures;

(7) Preservation of existing trees and vegetation;

(8) Special conditions to eliminate or reduce undesirable views, light, glare, dust or odor;

(9) Hours of operation;

(10) Architectural details to be compatible with existing buildings in the area;

(11) Adherence to specific site plans as adopted; and

(12) Any other requirements that the board of commissioners may deem appropriate and necessary for the protection of public health and welfare.

(Ord. No. 89-18, 11-7-89)

Sec. 3-7-318. Reversion.

After an approval has been granted for a map amendment to create or extend any zoning district, the applicant, agent or property owner has twelve (12) months in which to make substantial progress in developing the property. Substantial progress shall mean the point of construction at which time the first inspection is carried out. If no substantial construction or alteration of the property or other affirmative action to develop the property has occurred within twelve (12) months of the granting of an application for rezoning, the planning commission shall review the situation and report its findings with recommendations to the board of commissioners who can, at a public hearing change, the zoning category to its prior or other appropriate zoning district classification.

(Ord. No. 89-18, 11-7-89)

Sec. 3-7-319. Invalidation of preliminary subdivision plat.

If no substantial construction or alteration of the property or other affirmative action to develop the property occurs within twelve (12) months of the effective date of granting approval of a preliminary plat, said plat approval may become void. Unless there are circumstances that clearly justify an extension of time, the Henry County Planning Commission may nullify the preliminary plat approval and so instruct the zoning administrator to:

(1) Inform the preliminary plat applicant by letter of the actions of the planning commission; and

(2) Inform the property owner that land alteration shall terminate until another preliminary plat is approved.

(Ord. No. 89-18, 11-7-89)

Sec. 3-7-320. Reserved.

ARTICLE XVII. BUILDING NUMBERING*

Sec. 3-7-321. Assignment of numbers.

Street numbers for dwelling units and places of business on all public streets and street numbers and/or building numbers for dwelling units and places of business within apartment projects and nonresidential developments located on private streets shall be assigned by the building department in accordance with administrative procedures.

(Ord. No. 88-06, 4-5-88)

Sec. 3-7-322. Posting.

Each dwelling unit and place of business shall have light-reflective numbers posted and maintained in a prominent place on the property, visible from the street providing public access, the address of the dwelling unit or place of business:

(1) For residences using mailboxes: Two-inch high light-reflective numbers with contrasting background;

*Editor's note—Ordinance No. 88-06, adopted April 5, 1988, amended the zoning ordinance by adding thereto provisions relative to building numbering; inasmuch as the ordinance did not specify the manner of amendment, the substantive provisions of Ord. No. 88-06 have been included herein as a new Art. XVII, §§ 3-7-321—3-7-323, at the discretion of the editor.

(2) For residences which do not use mailboxes and within one hundred (100) feet of roadway: Three-inch high light-reflective numbers with contrasting background;

(3) For residences which do not use mailboxes and are more than one hundred (100) feet from a roadway: Three-inch high light-reflective numbers visible from the roadway with contrasting background; and

(4) For all commercial establishments: Three-inch high light-reflective numbers with contrasting backgrounds.

(Ord. No. 88-06, 4-5-88)

Sec. 3-7-323. Penalties.

Any person violating the terms of this article or rules and regulations promulgated pursuant thereto shall be punished in magistrate court by a fine not to exceed five hundred dollars ($500.00) and/or sixty (60) days in jail for each separate violation. Each day the violation continues shall be considered a separate offense.
(Ord. No. 88-06, 4-5-88)

Secs. 3-7-324—3-7-330. Reserved.

ARTICLE XVIII. LEGAL STATUS PROVISIONS

Sec. 3-7-331. Provisions of this chapter declared to be minimum requirements.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, aesthetics, or general welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing higher standards shall govern.

Sec. 3-7-332. Violations; penalties.

Any person who violates or fails to comply with the requirements of this chapter may be punished with a fine of not more than one thousand dollars ($1,000.00), confinement in the Henry County jail for a term not to exceed sixty (60) days, or both. (Ord. No. 95-09, § 2, 6-20-95)

Sec. 3-7-333. Fee schedule.

A complete schedule of fees for rezoning applications, appeals, variances, conditional use or conditional exception application, building permits, certificates of occupancy, sign permits and final inspection permits shall be maintained in the office of the zoning administrator. The board of commissioners may from time to time alter these fee structures.

Sec. 3-7-334. Remedies.

If any building or structure is constructed, reconstructed, altered, repaired, converted or maintained, or if any building, structure or land is used in violation of this chapter, the board of commissioners of Henry County, the zoning administrator, building administrator, the planning staff or any adjacent property owner who would be damaged by such violation, in addition to other remedies, may institute an injunction, mandamus or other appropriate action in proceeding to stop the violation in the case of such building, structure or land use.

Sec. 3-7-335. Separability.

Should any section or provision of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Sec. 3-7-336. Repealer.

All ordinances and regulations or parts of other regulations in conflict with this chapter are hereby repealed. More specifically, the following zoning ordinances and official zoning maps appurtenant thereto are hereby repealed and declared null and void as of the effective date of this chapter:

(1) The "Zoning Regulations of Henry County" and "Zoning Districts Map" of 1963, as amended;

(2) The "Zoning Ordinance of Henry County, Georgia" and the "Zoning Map of Henry County" of 1973, as amended;

(3) "The Zoning Ordinance of Henry County, Georgia" and the "Zoning Map of Henry County" of 1978, as amended; and

(4) The "Zoning Ordinances of Henry County, Georgia" and the "Zoning Map of Henry County" of 1982, as amended.

Sec. 3-7-337. Effective date.

This chapter shall be in full force and effect on the time of its passage as provided for by law.

NEW ORDINANCES

STATE OF GEORGIA

CITY OF HAMPTON

ORDINANCE NO. 90

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF HAMPTON, GEORGIA, TO PROVIDE FOR DEVELOPMENT STANDARDS IN R-2, R-3, RM and RMH RESIDENTIAL DISTRICTS; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

BE IT AND IT IS HEREBY ORDAINED by the Mayor and Council of the City of Hampton, Georgia, and by the authority thereof:

That the Zoning Ordinance of the City of Hampton, Georgia is hereby amended as follows:

Section 1. **Section 3-7-146, R-2: single-family residence district** is amended by repealing Paragraph (f)(1) in its entirety and adopting a new Paragraph (f)(1) which shall read as follows:

"(f) Space Limits:

(1)	Minimum lot area ...	30,000 sq. ft. on septic tank system; 21,780 sq. ft. on public sewer system"

Section 2. **Section 3-7-147 R-3: single-family residence district** is amended by repealing Paragraph (f)(1) in its entirety and adopting a new Paragraph (f)(1) which shall read as follows:

"(f) Space Limits:

(1)	Minimum lot area ...	21,780 square feet

Section 3. **Section 3-7-149 RM: multiple-family residence district** is amended by repealing:

A. "Paragraph (a) Purpose" and adopting a new Paragraph (a) as follows:

"(a) Purpose: It is the intent of this district to provide for the development of multiple-family residences at low to moderate densities on lots where public water and sewer systems are provided."

B. "Paragraph (f) Space Limits" and adopting a Paragraph (f) as follows:

"(f) Space Limits:

(1)	"Minimum Lot Area:	10,890 square feet per dwelling unit (4 dwelling units/acre)
(2)	"Minimum Lot Width:	125 feet
(3)	"Minimum Front Yard:	60 feet from right-of-way line
(4)	"Minimum Side Yard:	20 feet
(5)	"Minimum Rear Yard:	40 feet
(6)	"Maximum Height:	4 stories or 45 feet, whichever is less
(7)	"Minimum Floor Area: (heated space)	650 square feet for a one-bedroom unit, 950 square feet per two-bedroom unit; [and for three or more bedroom units,] 200 additional square feet per bedroom
(8)	"Curb & Gutter:	Yes
(9)	"Paved Driveway:	Yes
(10)	"Sewage System:	Sanitary sewer required
(11)	"Water System:	County water system"

C. "Paragraph (g) Miscellaneous Provisions" and adopting a new Paragraph (g) as follows:

"(g) Miscellaneous Provisions. For the purpose of promoting innovative design and building siting, all multiple-family developments shall be treated as one lot with setbacks applying to exterior property lines. The maximum permissible density for a multiple-family development shall be four (4) dwelling units per acre. Any portion of a multiple-family site designated as floodplain shall not be included in the density calculation.

Section 4. **Section 3-7-150 RMH: mobile home development district** is amended by repealing:

(A) Paragraph (f)(1)a. and adopting a new Paragraph (f)(1)a. as follows:

"(f) Space Limits:

(1) Mobile homes and manufactured housing on individual lots or in subdivisions:

a.	"Minimum Lot Area:	21,780 square feet on public water and sewer system; 25,000 square feet on septic tank system

(B) Paragraph (f)(2)c. and adopting a new Paragraph (f)(2)c. as follows:

"(f) Space Limits:

(2) Mobile home parks:

c. Minimum lot area 21,780 square feet"

Section 5. All ordinances and parts of ordinances in conflict with this ordinance, or to the extent of such conflict, are hereby repealed.

Section 6. This Ordinance shall become effective on January 1, 1997.

[Signatures continued on following page]

SO ORDAINED, This 10th day of September, 1996.

CITY OF HAMPTON

Tommy N. Smith, Mayor

Attest:

Elaine Haynes, City Clerk

Approved as to Form By:

Ben W. Studdard
City Attorney

f:\wp3\cities\hampton\zoning.amd

FIRST READING, August 13, 1996
SECOND READING, September 10, 1996

STATE OF GEORGIA

CITY OF HAMPTON

ORDINANCE NO. 98

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF HAMPTON, GEORGIA, TO PROVIDE FOR DEVELOPMENT STANDARDS IN R-2 and R-3 RESIDENTIAL DISTRICTS; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

BE IT AND IT IS HEREBY ORDAINED by the Mayor and Council of the City of Hampton, Georgia, and by the authority thereof:

That the Zoning Ordinance of the City of Hampton, Georgia is hereby amended as follows:

Section 1. **Section 3-7-146, R-2: single-family residence district** is amended by repealing Paragraph (f)(7) in its entirety and adopting a new Paragraph (f)(7) which shall read as follows:

"(f) Space Limits:

(7) Minimum house size 1,500 feet"

Section 2. **Section 3-7-147 R-3: single-family residence district** is amended by repealing Paragraph (f)(7) in its entirety and adopting a new Paragraph (f)(7) which shall read as follows:

"(f) Space Limits:

(7) Minimum house size 1,300 feet"

Section 3. **Section 3-7-61 Accessory use and structures** is amended by striking from subparagraph (8) the words:

"R-3:

Minimum floor area (heated)	1,050
Accessory structure	525"

nd replacing same with the following:

"R-3:

Minimum floor area (heated)	1,300
Accessory structure	650"

Section 4. All ordinances and parts of ordinances in onflict with this ordinance, to the extent of such conflict, are ereby repealed.

Section 5. This Ordinance shall become effective mme ately upon adoption by the Mayor and City Council.

IRST READING: February 10, 1998

ECOND READING: March 10, 1998

SO ORDAINED, this 10th day of March, 1998.

CITY OF HAMPTON

Tommy N. Smith, Mayor

ttest:

Elaine Haynes, City Clerk

pproved as to Form By:

Ben W. Studdard
City Attorney

wp3\cities\hampton\zoning.aml

ORDINANCE NO. 99-02

An ordinance to amend the Zoning Ordinance of Henry County, Georgia adopted June 3, 1986, as amended, by permitting R-3: Single-Family Residence District developments outside of planned development projects in certain circumstances; by increasing the minimum required heated floor area for housing in the R-3: Single-Family Residence District; by making certain changes in the regulations applicable to planned developments consistent with the foregoing; and for other purposes.

****

Be it ordained by the Board of Commissioners of Henry County, Georgia, and it is hereby ordained by authority of the same, as follows:

1.

The Zoning Ordinance of Henry County, Georgia adopted June 3, 1986, as amended, is hereby amended by deleting Section 3-7-147(a) f the code of Henry County, Georgia relating to the purpose of the R-3: Single-Family Residence District, and by replacing the same with a new Section 3-7-147(a), so that when amended, said subsection shall provide as follows:

(a) Purpose. The R-3 District is to provide for single-family residential development on smaller lots where public sewer and water systems are provided and access to a major or minor arterial road is available in areas designated for medium to high density residential development in the Henry County Comprehensive Land Use Plan, or as part of a planned development project.

2.

The Zoning Ordinance of Henry County, Georgia adopted June 3,

1986, as amended, is hereby further amended by deleting from Section 3-7-147(f)(7) of the Code of Henry County, Georgia relating to development standards in the R-3: Single-Family Residence District, the words, "1,050 square feet" and replacing them with the words, "1,300 square feet" so that when amended that subsection shall provide as follows:

(7) Minimum floor area (heated space) .... 1300 square feet

3.

The Zoning Ordinance of Henry County, Georgia adopted June 3, 1986, as amended, is hereby further amended by deleting Section 3-7-147(g) of the Code of Henry County, Georgia and by replacing it with a new Section 3-7-147(g), which shall provide as follows:

(g) Miscellaneous Provisions:

(1 R-3 Single Family Residential Developments outside of planned development projects shall be limited to tracts of land consisting of 20 acres or less. The maximum permissible density for R-3 developments shall be 3.6 dwelling units per acre.

(2) The Board of Commissioners may require, as a condition of any R-3 zoning, that the developer permanently dedicate not more than fifteen (15%) percent of the net acreage in the project for recreational use or open space.

(3) The Board of Commissioners of Henry

County may require as a condition of R-3 zoning a vegetative buffer along the development property boundaries.

4.

The Zoning Ordinance of Henry County, Georgia adopted June 3, 1986, as amended, is hereby further amended by deleting Section 3-7-157(d)(4)a.1. of the Code of Henry County, Georgia relating to permitted uses in the PD: Planned Development District.

IT IS SO ORDAINED, this 2nd day of February, 1999.

HENRY COUNTY BOARD OF COMMISSIONERS

BY: Jim L. Joyner
Jim L. Joyner, Chairman

ATTEST: Sara B. Austin
Sara B. Austin, Clerk

Section 3-7-147. R-3: Medium/high-density single-family residential district

(a) *Purpose.* It shall be the purpose of this district to provide for single-family dwellings of a medium to high density character on individual lots when served by adequate public facilities. Areas available for development in accordance with the standards of this district shall be designated for medium- to high-density development in the Henry County/Cities Joint Comprehensive Development Plan and shall be contiguous to or no more than 1,000 feet from previously developed property. The maximum development area of any project developed in accordance with the standards of this zoning district shall not exceed twenty (20) acres, unless included as part of a planned development project. Residential subdivisions in this district shall have access onto a major collector, minor arterial, or major arterial road as identified in the functional road plan.

(b) *Permitted Uses.*

(1) Those permitted uses common to all single-family residential districts;
(2) Cluster home developments.

(c) *Accessory uses.* Those accessory uses common to all single-family residential districts.

(d) *Conditional Uses.* Upon application to, and recommendation by the planning commission and a favorable decision thereon by the Mayor and Council, the following conditional uses are permitted in this district:

(1) Those conditional uses common to all single-family residential districts.

(e) *Conditional Exceptions.* Those conditional exceptions common to all single-family residential districts, with the exception of taxidermy, are permitted in this zoning district.

(f) *Development Standards*:

(1)	Maximum development area:	20 acres
(2)	Minimum lot area:	12,000 square feet 0.28 acres
(3)	Minimum lot width:	75 feet at building line
(4)	Minimum front yard:	20 feet from right of way line
(5)	Maximum front yard:	30 feet from right of way line

(6)	Minimum side yard:	10 feet
(7)	Minimum rear yard:	25 feet
(8)	Maximum height:	40 feet
(9)	Minimum floor area:	1/3 of all homes within a development developed under the standards of this district may have a minimum of 1,500 square feet of heated space; 1/3 of all homes within a development developed under the standards of this district may have a minimum of 1,600 square feet of heated space; 1/3 of all homes within a development developed under the standards of this district may have a minimum of 1,700 square feet of heated space;
(10)	Curb and Gutter:	Required;
(11)	Paved Driveway:	Required;
(12)	Paved Sidewalk:	Required on both sides of all streets within any development developed under the standards of this district;
(13)	Streetlights:	Required;
(14)	Underground Utilities:	Required;

(15)	2 car Garages:	Required, however, the maximum coverage of the facade of any dwelling unit by the garage may be no greater than 40%;
(16)	Buffer/Landscaping:	20 foot landscaped buffer around the perimeter of any development developed under the standards of this district is required;
(17)	Recreation/Open Space:	A minimum of 10% of the net useable acres of any development developed under the standards of this district must be set aside as open space and/or useable recreational areas;
(18)	Sewerage system:	Public Sanitary sewer required;
(19)	Water system:	County water system required.

(g) *Miscellaneous Provisions.*

(1) Maximum permissible density shall not exceed three and six-tenths (3.6) dwelling units per net (du/acre), with county water and public sanitary sewer systems.

(2) As part of Section 3-7-147(f)(16), the Mayor and Council may reduce the width of the required buffer in favor of a brick or stone wall no greater than eight (8) feet in height, with a ten (10) foot planted buffer along the perimeter of any development developed under the standards of this district.

PLANNING
&
DEVELOPMENT

Chapter 3-6

PLANNING AND DEVELOPMENT*

Art. I. In General, §§ 3-6-1—3-6-15
Art. II. County-Municipal Planning Commission, §§ 3-6-16—3-6-30
Art. III. Soil Erosion and Sedimentation Control, §§ 3-6-31—3-6-60
Art. IV. Stormwater runoff, §§ 3-6-61—3-6-65

*Cross references—Buildings and building regulations, Ch. 3-9; signs, Ch. 3-10; subdivisions, Ch. 3-8; drainage and flood control, Ch. 3-11; zoning, Ch. 3-7; minimum size of water main, § 3-4-105.

ARTICLE I. IN GENERAL

Sec. 3-6-1. Driveways and parking lots for certain buildings.

(a) In addition to the requirements of the zoning regulations presently in effect in the county, all commercial and industrial buildings that are under construction, as of August 17, 1982 or that are constructed after such date, shall:

(1) Have all entrances and exits to said commercial and industrial sites paved with either asphalt or cement covering; and

(2) Have all parking areas located on said commercial sites paved with either asphalt or cement covering.

(b) Said paving shall be completed prior to the issuance of any occupancy permit by the building inspector and prior to any permanent electrical or utility service being furnished to said property.

(c) Any person who fails to complete said paving as required above, shall be guilty of a misdemeanor. All such persons shall be required to remedy such violations or defects within a reasonable time period. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the county from taking such other lawful action as is necessary to prevent or remedy any violation.
(Ord. No. 82-13, §§ 1—3, 8-17-82)

Cross references—Off-street parking and service requirements in zoning ordinance, Ch. 3-7; ordinance violations, § 3-1-8.

Sec. 3-6-2. Comprehensive plan.

The Henry County Comprehensive Land Use Plan, dated October 4, 1983, as prepared for the Henry County Land Use Committee pursuant to the agreement approved by the board of commissioners on September 7, 1982, and adopted by Resolution No. 83-19 is hereby adopted and does hereby supercede the Plan prepared by the McIntosh Trail Area Planning and Development Commission (dated May, 1974). Such plan is the official development policy and implementation guide for the county to coordinate and direct physical and economic development, related public investment, and, to provide reasonable regulations for the development of private property in the interest of public health, safety, and welfare.

Secs. 3-6-3—3-6-15. Reserved.

ARTICLE II. COUNTY-MUNICIPAL PLANNING COMMISSION

Sec. 3-6-16. Established.

There is hereby established the county-municipal planning commission.
(Res. of 8-18-81, § 1)

Sec. 3-6-17. Membership.

The county-municipal planning commission shall be composed of eight (8) members. One member shall be appointed from each of the five (5) commissioner districts and one member from the cities of Locust Grove, Hampton, and Stockbridge.

All members shall be appointed for terms of three (3) years. No county-appointed member of the county-municipal planning commission shall hold any other county-elected or appointed office or position. No member shall be covered by the county's group health insurance.
(Res. of 8-18-91, §§ 2, 3, 4, 6, 10)

Sec. 3-16-18. Meetings, organization, staff and finance.

(a) Five (5) members of the county-municipal planning commission shall constitute a quorum for the transaction of business. The chairman shall vote only in the event of a tie.

(b) The planning commission shall elect one of its appointive members as chairman who shall serve for one year or until he is reelected or his successor is elected. A second appointive member shall be elected as vice chairman, and he shall serve for one year or until he is reelected or his successor is elected. The planning commission shall appoint a secretary who may be an officer or an employee of the governing authority or of the planning commission. The planning commission shall meet at least once each month at the call of

the chairman and at such other times as the chairman or board may determine, shall adopt rules for the transaction of business, and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record. The planning commission may appoint such employees and staff as it may deem necessary for its work. In the performance of its duties, the planning commission may cooperate with, contract with, or accept funds from Federal, State, or local, public or semi-public agencies or private individuals or corporations, may expend such funds, and may carry out such cooperative undertakings and contracts. It may make expenditures for the purchase of required equipment and supplies. The expenditures of the planning commission, exclusive of gifts to the commission or contract receipts, shall be within the amounts appropriate for the purpose by the governing authority or authorities who are empowered to determine, agree upon, and appropriate funds for the payment of the expenses of the planning commission or their respective shares thereof.

(c) The administrator and staff of the county-municipal planning commission shall be subject to the county personnel system and accountable to the board of commissioners.
(Res. of 8-18-81, §§ 7, 8)

Sec. 3-6-19. Principal powers and duties.

It shall be the function and duty of the county-municipal planning commission to make such careful and comprehensive surveys and studies of existing conditions and probable future developments and to prepare such plans for physical, social, and economic growth as will best promote the public health, safety, morals, convenience, prosperity, or the general welfare as well as efficiency and economy in the development of the county. In particular, the planning commission shall have the power and duty to:

(1) Prepare a master plan or parts thereof for the development of the county.

(2) Prepare and recommend for adoption to the appropriate governing authority or authorities a zoning ordinance or resolution and map for the county.

(3) Prepare and recommend for adoption to the appropriate governing authority or authorities regulations for the subdivisions of land within the county and to administer the regulations that may be adopted.

(4) Prepare and recommend for adoption to the board of commissioners a plat or plats or an official map showing the exact location of the boundary lines of existing, proposed, extended, widened or narrowed streets, public open spaces or public building sites, together with regulations to control the erection of buildings or other structures within such lines, within the county or a specified portion thereof.

Sec. 3-6-20. Miscellaneous powers.

The county-municipal planning commission may make, publish, and distribute maps, plans and reports and recommendations relating to the plan and development of the county to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. It may recommend to the board of commissioners programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the planning commission, within a reasonable time, such available information as it may require for its work. The planning commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and marks thereon; provided, however, that the planning commission shall be liable for any injury or damage to property resulting therefrom. In general, the planning commission shall have powers as may be necessary to enable it to perform its functions and promote the planning of the county, including the authority to enter into agreements with political subdivision and planning commissions, by whatever name known, in adjacent states.

Sec. 3-6-21. Reports on matters referred to commission.

The board of commissioners may by ordinance or resolution provide for the reference of any matter or class of matters to the county-municipal planning commission serving its political jurisdiction before final action thereon by the public body or officer having final authority thereon, with the provision that final action thereon shall not be taken until the planning commission has submitted its reports thereon or has had a reasonable time, to be fixed in said rule, to submit the report.

Sec. 3-6-22. Master plan.

It shall be the duty of the county-municipal planning commission to make a master plan of its political jurisdiction and to perfect it from time to time. Such master plan may show, among other things: existing and proposed streets, highways, expressways, bridges, tunnels and viaducts and approaches thereto; routes of railroads and transit lines; terminals, ports, airports; parks, playgrounds, forests, reservations, and other public open spaces; sites for public buildings and structures; districts for residence, business, industry, recreation, agriculture, forestry; special districts for other purposes; limited development districts for purposes of conservation, water supply, sanitation, drainage, protection against floods, and the like; areas for housing developments, slum clearance, and urban renewal and redevelopment; location of public utilities whether publicly or privately owned including but not limited to sewerage and water-supply systems; zoning districts, and other planning features, together with time and priority schedules and cost estimates for the accomplishment of the proposals. The master plan shall be based upon and include appropriate studies of the location and extent of present and anticipated population, social and economic resources and problems, and other useful data. Such plan may be adopted, added to, and changed from time to time, by a majority vote of the planning commission. It shall be a public record, but its purpose and effect shall be solely to aid the planning commission in the performance of its duties.

Sec. 3-6-23. Zoning ordinances.

(a) Before enacting a zoning ordinance the board of commissioners shall hold a public hearing thereon, at least fifteen (15) days' notice of the time and place of which shall be published in a newspaper of general circulation in the municipality or county. No change in or departure from the text or maps, as certified by the county-municipal planning commission, shall be made unless such change or departure be first submitted to the planning commission for review and recommendation. The planning commission shall have thirty (30) days within which to submit its report. If the planning commission fails to submit a report within the thirty-day period, it shall be deemed to have approved the change or departure.

(b) The zoning ordinance, including the maps, may be amended from time to time; but no amendment shall become effective unless it shall have been proposed by or shall first have been submitted to the county-municipal planning commission for review and recommendation. The planning commission shall have thirty (30) days within which to submit its report. If the planning commission fails to submit a report within the thirty-day period, it shall be deemed to have approved the proposed amendment. The provisions of subsection (a) relative to public hearings and official notice shall apply equally to all amendments. However, the governing authority of a municipality and county may, by joint resolution, authorize the planning commission to hold all the public hearings in lieu of the public hearing required by the governing authority of the municipality and county, and when so authorized by ordinance or resolution by the governing authority of the municipality and county the planning commission shall hold a public hearing thereon; at least fifteen (15) days' notice of the time and place, together with a brief description of the property sought to be rezoned, shall be published in a newspaper of general circulation in the county by the secretary of the respective planning commission before enacting any amendment to the zoning ordinance or resolution, including the maps, and when said public hearing is held as required herein by the planning commission a public hearing by the governing authority of the municipality or

county wherein the property under consideration is located shall not be necessary before amending the said zoning ordinance or resolution including the maps thereof by the governing authority of the municipality or county wherein the property affected is located. The recommendations of the planning commission shall be submitted by the secretary to the governing authority of the municipality when the property sought to be rezoned lies within the corporate limits thereof, or to the governing authority of the county when the property sought to be rezoned lies within the unincorporated area of the county.

(c) The board of commissioners shall have final approval of all zoning matters.
(Res. of 8-18-81, § 9)

Sec. 3-6-24. Platting authority, etc.

(a) From and after the time the county-municipal planning commission shall have prepared and adopted a master plan or at least the major street portion of such master plan and shall have recommended to the board of commissioners county regulations for the subdivision of land within the county which regulations shall have been adopted as provided in subsection (b), then no plat of a subdivision within the county shall be filed or recorded in the office of the clerk of the superior court of the county until it shall have been submitted to and approved by the planning commission and such approval entered in writing on the plat by the secretary of the planning commission. The clerk of the superior court shall not file or record a plat of a subdivision which does not have the approval of the planning commission as required by this chapter. The filing or recording of a plat of a subdivision without the approval of the planning commission as required by this chapter shall be an offense.

(b) In exercising the powers granted to it by this chapter, the municipal planning commission shall prepare and recommend to the board of commissioners for adoption regulations governing the subdivision of land within the county. Such regulations may provide for the harmonious development of the county; for the coordination of streets within subdivisions with other existing or planned streets or official map streets; for the size of blocks and lots; for the dedication or reservation of land for streets, school sites, and recreation areas and of easements for utilities and other public services and facilities; and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, prosperity, or general welfare. Such regulations may include requirements as to the extent to which and the manner in which streets shall be graded, surfaced, and improved, and water, sewers, septic tanks, and other utility mains, piping, connections, or other facilities shall be installed as a condition precedent to the approval of the plat. Such regulations may provide that, in lieu of the completion of such work and installations previous to the final approval of a plat, the board of commissioners may accept a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the municipality or county the actual construction and installation of such improvements and utilities within a period specified by the planning commission and expressed in the bond; and the municipality or county is hereby granted the power to enforce such bonds by all appropriate legal and equitable remedies. The board of commissioners may adopt and amend such land subdivision regulations after a public hearing thereon, at least fifteen (15) days' notice of the time and place of which shall have been published in a newspaper of general circulation in the county.

(c) The county-municipal planning commission is hereby given the authority to give tentative approval or disapproval to preliminary plats and to approve or disapprove final plats but in each case their action shall be taken within thirty (30) days after the submission thereof; otherwise, such plat shall be deemed to have been approved and a certificate to that effect shall be issued by the planning commission on demand; provided, however, that the applicant for the planning commission's approval may waive this requirement and consent to the extension of such period. The ground of disapproval of any plat shall be stated upon the records of the planning commission. Any plat submitted to the planning commission shall contain the name and address of a person to whom notice of hearing may be sent; and no plat shall be acted upon by the planning commission without afford-

ing a hearing thereon, notice of the time and place of which shall be sent by registered or certified mail to said address not less than five (5) days before the date fixed therefor.

(d) The approval of a plat by the county-municipal planning commission shall not be deemed to constitute or effect an acceptance by the county or the public of the dedication of any street or other ground shown upon the plat.

(e) The owner or agent of the owner of any land to be subdivided within the county who transfers or sells such land by reference to or exhibition of or by other use of a plat of subdivision of such land before such plat has been approved by the county-municipal planning commission and recorded in the office of the clerk of the superior court in the county, shall be guilty of an offense and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transfer shall not exempt the transaction from punishment. The county, through its attorney or other official designated by the board of commissioners, may enjoin such transfer or sale or agreement by appropriate action.

(f) From and after the time when the platting jurisdiction of the county-municipal planning commission shall have attached by virtue of the adoption by the planning commission of a major street plan and the adoption by the board of commissioners of a set of land subdivision regulations recommended by the planning commission, as provided in this section, the board of commissioners or other public authority shall not accept, lay out, open, improve, grade, pave, or light any street or lay or authorize the laying of any water mains, sewers, connections, or other facilities or utilities in any street within the county unless such street shall have been accepted or opened as, or shall otherwise have received the legal status of, a public street prior to the said attachment of the planning commission's subdivision jurisdiction, or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the planning commission or on a street plat made and adopted by planning commission; provided, however, that the board of commissioners may locate and construct or may accept any other street if the ordinance or resolution or other measure for such approval be first submitted to the planning commission for its review and comment; such street shall have the status of an approved street as fully as though it has been originally shown on a subdivision plat approved by the planning commission or on a plat made and adopted by the planning commission.

Secs. 3-6-25—3-6-30. Reserved.

ARTICLE III. SOIL EROSION AND SEDIMENTATION CONTROL*

Sec. 3-6-31. Title.

This article will be known as "The Henry County Soil Erosion and Sedimentation Control Ordinance."
(Ord. No. 89-22, § 1, 12-5-89; Ord. No. 96-04, 8-19-96)

Sec. 3-6-32. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article, unless otherwise specifically stated:

Best management practices (BMPs). A collection of structural measures and vegetative practices which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control for all rainfall events up to and including a 25-year, 24-hour rainfall event.

Board. The board of natural resources.

Buffer. An area along the course of any state waters to be maintained in an undisturbed and natural condition.

*Editor's note—Ordinance No. 89-22, enacted Dec. 5, 1989, did not specifically amend this Code; hence, codification of the substantive provisions of such ordinance as superseding former Art. III was at the discretion of the editor. Former Art. III consisted of §§ 3-6-31—3-6-38 which also pertained to soil erosion and sedimentation control and derived from Ord. No. 87-04, adopted July 21, 1987, as amended by Ord. No. 87-15, adopted Aug. 4, 1987.

Cross reference—Stormwater runoff, § 3-6-61 et seq.

State law reference—Erosion and Sedimentation Act of 1975, Official Code of Georgia Annotated, 12-7-1 et seq.

Commission. The state soil and water conservation commission.

Cut. A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as "excavation."

Department. The department of natural resources.

Director. The director of the environmental protection division of the department of natural resources.

District. The Henry County Soil and Water Conservation District.

Division. The environmental protection division of the department of natural resources.

Drainage structure. A device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control, or flood control purposes.

Erosion. The process by which land surface is worn away by the action of wind, water, ice or gravity.

Erosion and sedimentation control plan. A plan for the control of soil erosion and sedimentation resulting from a land-disturbing activity. Also known as the "plan."

Fill. A portion of land surface to which soil or other solid material has been added; the depth above the original ground.

Finished grade. The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Grading. Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

Ground elevation. The original elevation of the ground's surface prior to cutting or filling.

Issuing authority. The governing authority of any county or municipality which has been certified by the director of the environmental protection division of the department of natural resources as an issuing authority, pursuant to the Erosion and Sedimentation Act of 1975, as amended, or the division in those instances where an application for a permit is submitted to the division.

Land-disturbing activity. Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting and filling of land but not including agricultural practices as described in section 3-6-33(a)(5).

Metropolitan River Protection Act (MRPA). A state law referenced as O.C.G.A. 12-5-440 et seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

Natural ground surface. The ground surface in its original state before any grading, excavation or filling.

Nephelometric turbidity units (NTU). Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloidally dispersed particles are present.

Permit. The authorization necessary to conduct a land-disturbing activity under the provisions of this article.

Person. Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this state, any interstate body or any other legal entity.

Project. The entire proposed development project regardless of the size of the area of land to be disturbed.

Roadway drainage structure. A device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one (1) side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Sediment. Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice, or gravity as a product of erosion.

Sedimentation. The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

Soil and water conservation district approved plan. An erosion and sedimentation control plan approved in writing by the Henry County Soil and Water Conservation District.

Stabilization. The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

State waters. Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

Structural erosion and sedimentation control measures. Measures for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps and land grading, etc. Such measures can be found in the publication *Manual for Erosion and Sediment Control in Georgia.*

Vegetative erosion and sedimentation control practices. Practices for the stabilization of erodible or sediment-producing areas by covering the soil with:

(1) Permanent seeding, sprigging or planting, producing long-term vegetative cover; or

(2) Temporary seeding, producing short-term vegetative cover; or

(3) Sodding, covering areas with a turf of perennial sod-forming grass.

Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia.*

Watercourse. Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drains, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Wetlands. Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

(Ord. No. 89-22, § 2, 12-5-89; Ord. No. 96-04, 8-19-96)

Sec. 3-6-33. Exemptions.

(a) This article shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

(1) Surface mining, as same is defined in O.C.G.A. 12-4-72;

(2) Granite quarrying and land clearing for such quarrying;

(3) Such minor land-disturbing activities as home gardens and individual home land-

scaping, repairs, maintenance work, and other related activities which result in minor soil erosion;

(4) The construction of single-family residences, when such are constructed by or under contract with the owner for his or her own occupancy, or the construction of single-family residences not a part of a platted subdivision, a planned community, or an association of other residential lots consisting of more than two (2) lots and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in section 3-6-34 of this article. The minimum requirements of section 3-6-34 of this article and the buffer zones provided by this section shall be enforced by the issuing authority;

(5) Agricultural operations as defined in O.C.G.A. 1-3-3 to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aquaculture, horticultural, dairy, livestock, poultry, eggs and apiarian products; forestry land management practices, including harvesting and farm buildings and farm ponds;

(6) Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture;

(7) Any project involving one and one-tenth (1.1) acres or less; provided, however, that this exemption shall not apply to any land-disturbing activity within two hundred (200) feet of the bank of any state waters, and for purposes of this paragraph, "state waters" excludes channels and drainageways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves one and one-tenth (1.1) acres or less, which involves land-disturbing activity, and which is within two hundred (200) feet of any such excluded channel or drainageway, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the issuing authority from regulating any such project which is not specifically exempted by paragraphs (1), (2), (3), (4), (5), (6), (8) or (9) of this section;

(8) Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the department of transportation, the Georgia Highway Authority, or the Georgia Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that such projects shall conform to the minimum requirements set forth in section 3-6-34 of this article;

(9) Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the public service commission, provided that any such land-disturbing activity shall conform to the minimum requirements set forth in section 3-6-34(b) and (c).

(b) Where this section requires compliance with the minimum requirements set forth in section 3-6-34(b) and (c) of this article, issuing authorities shall enforce compliance with the minimum requirements as if a permit had been issued and violations shall be subject to the same penalties as violations by permit holders.

(Ord. No. 89-22, § 3, 12-5-89; Ord. No. 96-04, 8-19-96)

Sec. 3-6-34. Minimum requirements for erosion and sedimentation control using best management practices.

(a) *General provisions.* Excessive soil erosion and resulting sedimentation can take place dur-

ing land-disturbing activities. Therefore, plans for those land-disturbing activities which are not excluded by this article shall contain provisions for application of soil erosion and sedimentation control measures and practices. The provisions shall be incorporated into the erosion and sedimentation control plans. Soil erosion and sedimentation control measures and practices shall conform to the minimum requirements of subsections (b) and (c) of this section. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion and sedimentation pollution during all stages of any land-disturbing activity.

(b) *Minimum requirements/BMPs.*

(1) Best management practices as set forth in subsections (b) and (c) of this section shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the director or to any other allegation of noncompliance with paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to subsection (f) of Code section 12-5-30. As used in this subsection, the terms "proper design" and "properly designed" mean designed to control soil erosion and sedimentation for all rainfall events up to and including a 25-year, 24-hour rainfall event.

(2) A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local issuing authority or by the division or of any general permit for construction activities issued by the division pursuant to subsection (f) of Code section 12-5-30 for each day on which such discharge results in the turbidity of receiving waters being increased by more than twenty-five (25) nephelometric turbidity units. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the director.

(3) Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a local issuing authority or by the division or of any general permit for construction activities issued by the division pursuant to subsection (f) of Code section 12-5-30 for each day on which such failure occurs.

(4) The director may require, in accordance with regulations adopted by the board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land-disturbing activities occur.

(c) [*General design principles.*] All persons engaging in non-exempt land disturbing activities shall utilize, at a minimum, best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the *Manual for Erosion and Sediment Control in Georgia* published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

(1) Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;

(2) Cut-fill operations must be kept to a minimum;

(3) Development plans must conform to topography and soil type so as to create the lowest practical erosion potential;

(4) Whenever feasible, natural vegetation shall be retained, protected and supplemented;

(5) The disturbed area and the duration of exposure to erosive elements shall be kept to a practical minimum;

(6) Disturbed soil shall be stabilized as quickly as practicable;

(7) Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;

(8) Permanent vegetation and structural erosion control measures shall be installed as soon as practicable;

(9) To the extent necessary, sediment in runoff water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of this article;

(10) Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping surface of fills;

(11) Cuts and fills may not endanger adjoining property;

(12) Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;

(13) Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;

(14) Land-disturbing activity plans for erosion and sedimentation control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in subsection (b)(2) of this section;

(15) Land-disturbing activities shall not be conducted within twenty-five (25) feet of the banks of any state waters, as measured from the point where vegetation has been wrested by normal stream flow or wave action, except where the director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the director pursuant to Code section 12-2-8, or where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented; provided, however, that buffers of at least twenty-five (25) feet established pursuant to O.C.G.A. Title 12, Chapter 5, Article 5, Part 6, the Metropolitan River Protection Act, shall remain in force unless a variance is granted by the director as provided in this paragraph.

(d) [*Limitation.*] Nothing contained in this article shall be interpreted to repeal or limit any other ordinance or resolution previously or hereafter adopted which contains requirements relating to stormwater control or flood hazard management which exceed the minimum requirements in subsection (b) and (c) of this section.

(e) [*Injury to the property of another.*] The fact that land-disturbing activity for which a permit has been issued resulted in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this article or the terms of the permit.
(Ord. No. 89-22, § 4, 12-5-89; Ord. No. 96-04, 8-19-96)

Sec. 3-6-35. Application/permit process.

(a) *General.* The property owner, developer and designated planners and engineers shall review the general development plans and detailed plans of the issuing authority that affect the tract to be developed and the area surrounding it. They shall review the zoning ordinance, stormwater management ordinance, subdivision ordinance, flood damage prevention ordinance, this article, and other ordinances which regulate the development of land within the jurisdictional boundaries of the issuing authority. The property owner is the only party who can obtain a permit.

(b) *Application requirements.*

(1) No person shall conduct any land-disturbing activity within the jurisdictional bound-

aries of Henry County without first obtaining a permit from the county to perform such activity.

(2) The application for a permit shall be submitted to the appropriate county official and must include the applicant's erosion and sedimentation control plan with supporting data, as necessary. Said plans shall include, at a minimum, the data specified in subsection (c) of this section. Soil erosion and sedimentation control plans shall conform to the provisions of section 3-6-34(b) and (c) of this article. Eight (8) copies of the applicant's soil erosion and sedimentation control plans shall be submitted with the application.

(3) The applicant, at the time of submission of the application, shall pay a fee, the amount of which shall be determined from time to time by action of the county governing authority.

(4) No permit may be issued unless the applicant provides a statement by the Tax Commissioner of Henry County certifying that all ad valorem taxes levied against the property and due and owing have been paid.

(c) *Plan requirements.*

(1) Plans must be prepared to meet the minimum requirements contained in section 3-6-34(b) and (c) of this article. Conformance with the minimum requirements may be attained through the use of design criteria in the current issue of the *Manual for Erosion and Sediment Control in Georgia*, published by the state soil and water conservation commission as guide; or through the use of alternate design criteria which conform to sound conservation and engineering practices. The *Manual for Erosion and Sediment Control in Georgia* is hereby incorporated by reference into this article. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and stormwater management facilities, local ordinances and state laws.

(2) The following data shall be required for site plans:

a. Notes or narrative to be located on the site plan in general notes or in erosion and sediment control notes.

b. Description of existing land use at project site and description of proposed project.

c. Name, address, and telephone number of the property owner.

d. Name and telephone number of 24-hour local contact who is responsible for erosion and sedimentation controls.

e. Size of project, or phase under construction, in acres.

f. Activity schedule showing anticipated starting and completion dates for the project. Include the statement in bold letters, that "the installation of erosion and sedimentation control measures and practices shall occur prior to or concurrently with land-disturbing activities."

g. Stormwater and sedimentation management systems storage capacity, hydrologic study, and calculations, including off-site drainage areas.

h. Vegetative plan for all temporary and permanent vegetative practices, including species, planting dates, and seeding, fertilizer, lime, and mulching rates. The vegetative plan should show options for year-round seeding.

i. Detail drawings for all structural practices. Specifications may follow guidelines set forth in the *Manual for Erosion and Sediment Control in Georgia.*

j. Maintenance statement "Erosion and sedimentation control measures will be maintained at all times. Addi-

tional erosion and sedimentation control measures and practices will be installed if deemed necessary by on-site inspection."

(3) Maps, drawings, and supportive computations shall bear the signature/seal of a registered or certified professional in engineering, architecture, landscape architecture, land surveying, or erosion and sedimentation control. The certified plans shall contain:

a. Graphic scale and north point or arrow indicating magnetic north.

b. Vicinity maps showing location of project and existing streets.

c. Boundary line survey.

d. Delineation of disturbed areas within project boundary.

e. Existing and planned contours, with contour lines drawn with an interval, in accordance with the following:

Map Scale	*Ground Slope*	*Contour Interval (feet)*
1 inch = 100 ft. or larger scale	Flat 0—2%	0.5 or 1
	Rolling 2—8%	1 or 2
	Steep 8% +	2, 5 or 10

f. Adjacent areas and features such as streams, lakes, and residential areas which might be affected should be indicated on the plan.

g. Proposed structures or additions to existing structures and paved areas.

h. Delineate the twenty-five-foot horizontal buffer adjacent to state waters and the specified width in MRPA areas.

i. Location of erosion and sedimentation control measures and practices using coding symbols from the *Manual for Erosion and Sediment Control in Georgia*, Chapter 6.

(4) Maintenance of all soil erosion and sedimentation control practices, whether temporary or permanent, shall be at all times the responsibility of the property owner.

(d) *Permits.*

(1) Permits shall be issued or denied as soon as practicable but in any event not later than forty-five (45) days after receipt by the issuing authority of a completed application, providing variances are obtained where necessary.

(2) No permit shall be issued unless the issuing authority has affirmatively determined that the plan is in compliance with this article, any variances required by section 3-6-34(b)(15) are obtained, and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the issuing authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.

(3) If the tract is to be developed in phases, then a separate permit shall be required for each phase.

(4) The permit may be suspended, revoked, or modified by the issuing authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this article. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approval plan of the conditions contained in the permit.

(Ord. No. 89-22, § 5, 12-5-89; Ord. No. 96-04, 8-19-96; Ord. No. 97-02, 2-3-97)

Sec. 3-6-36. Inspection and enforcement.

(a) County officials will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if measures required in the plan are effective in controlling erosion and sedimentation. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with

the provisions of this article, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this article.

(b) The county shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this article, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.

(c) No person shall refuse entry or access to any authorized representative or agent of the issuing authority, the commission, the district, or division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.
(Ord. No. 89-22, § 6, 12-5-89; Ord. No. 96-04, 8-19-96)

Sec. 3-6-37. Penalties and incentives.

(a) *Failure to obtain a permit for land-disturbing activity.* Any person who commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this article without first obtaining a permit, or who violates any of the other requirements of this article, shall, upon conviction, be punished by incarceration of not more than sixty (60) days in the Henry County Jail, a fine of not more than one thousand dollars ($1,000.00), or both. Each day during which a violation continues shall constitute a separate offense.

(b) *Stop-work orders.* Upon notice from the issuing authority or its agent, work on any project that is being done contrary to the provisions of this article or in a dangerous or unsafe manner, shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property, his authorized agent or the person or persons in charge of the activity on the property, and shall state the conditions under which work may be resumed. Where an emergency exists, no written notice shall be required.
(Ord. No. 89-22, § 7, 12-5-89; Ord. No. 96-04, 8-19-96)

Sec. 3-6-38. Administrative appeal, judicial review.

(a) *Administrative remedies.* The suspension, revocation, modification or grant with condition of a permit by the issuing authority upon finding that the holder is not in compliance with the approved erosion and sediment control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the county governing authority within thirty (30) days after receipt by the issuing authority of written notice of appeal.

(b) *Judicial review.* Any person, aggrieved by a decision or order of the issuing authority, after exhausting his administrative remedies, shall have the right to seek a writ of certiorari from the Superior Court of Henry County.
(Ord. No. 89-22, § 8, 12-5-89; Ord. No. 96-04, 8-19-96)

Sec. 3-6-39. Liability.

(a) Neither the approval of a plan under the provisions of this article, nor the compliance with provisions of this article shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the issuing authority for damage to any person or property.

(b) The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this article or the terms of the permit.
(Ord. No. 89-22, § 9(c), 12-5-89; Ord. No. 96-04, 8-19-96)

Secs. 3-6-40—3-6-60. Reserved.

ARTICLE IV. STORMWATER RUNOFF*

Sec. 3-6-61. Purpose.

(a) The purpose of this article is for the management of Stormwater Runoff with the bound-

*Editor's note—Chapter 3-6, Article IV, §§ 3-6-61—3-6-67, was deleted as being superseded by the provisions of Ord. No. 94-05, adopted November 1, 1994, included as a new Ch. 3-6,, Art. IV at the discretion of the editor. Former Ch. 3-6 Art. IV which pertained to similar subject matter was derived from Ord. No. 86-16, §§ 1, 2, adopted October 7, 1986.

Cross references—Water and sewers, Ch. 2-10; public works generally, Ch. 3-5; water system, § 3-5-216 et seq.; Towaliga Watershed Protection District, § 3-5-376 et seq.; soil erosion and sedimentation control, § 3-6-31 et seq.; drainage and flood control, Ch. 3-11; flood damage prevention, § 3-11-16 et seq.

aries of Henry County, and all of Stockbridge, Hampton, and Locust Grove, Georgia. In addition to the requirements of this article, any proposed construction regulated by this article must be in compliance with the regulations of the following Henry County Ordinances:

(1) Soil erosion and sedimentation control ordinance;

(2) Subdivision ordinance;

(3) Zoning ordinance; and

(4) Flood hazard ordinance.

(b) Planned construction for commercial, industrial, government, residential subdivision, parks, recreational, or combined total of more than four thousand (4,000) square feet of roof and pavement shall be governed by this article.

(c) The peak rate of stormwater runoff from a development project shall not exceed the preconstruction or natural undeveloped peak rate of runoff at any time after the soil cover is disturbed for all rainfall intensities up to and including the one-hundred-year frequencies. Detention shall be required as specified in section 3-6-62 of this article.
(Ord. No. 94-05, § 1, 11-1-94)

Sec. 3-6-62. Stormwater control.

(a) *Runoff computation.* Computations for rate of runoff shall be based on the Weather Bureau Technical paper 25 showing Rainfall Intensity and Duration for Atlanta, Georgia for period 1903 through 1951. (See Exhibit "A"). Hydrology methods used for computing runoff shall be by one of the following methods: Rational Method for drainage areas up to 64 acres, Soil Conservation Service (SCS) for small and medium sized watersheds, containing up to approximately ten thousand (10,000) acres, and the U.S.G.S. Regression Equation Method, or FEMA Studies for the major creeks. Other methods may be used with prior approval. The Burkli-Ziegler Formula, Talbot Formula, or Bonstring Method, shall not be used.

(b) *Storm drain pipe design.*

(1) Piped drainage structures shall be designed to meet the following criteria: Street catch basins, inlets, cross drains and longitudinal piping shall be designed for fifty-year storm frequency and shall have a minimum size of eighteen (18) inches diameter with headwalls. The one-hundred-year storm frequency shall be used on live streams and any other drainage system receiving offsite drainage flow. Minimum velocities for all pipes shall be three (3) feet per second when flowing full.

(2) All storm drain pipe design and related plans and specifications shall be prepared and submitted by a professional engineer registered in the State of Georgia. Each page of computations must be dated, project identified, signed, and sealed by the engineer. The professional engineer's registration stamp and signature shall be on all residential subdivision plats which involve new public improvements.

(3) After construction and before acceptance for occupancy or final plat approval the engineer shall submit another set of calculations, plans and specifications with any revisions and certify with his seal and signatures that they represent "as constructed".

(4) Plans, specifications and computations must be complete in detail sufficient to enable another engineer to fully check and verify the results and computations. The plans used for construction must contain basic design data, a project narrative, schedule of construction, name and address of person responsible for construction, the engineer's seal or stamp, signature and address and engineering drawings required for the project construction.
(Ord. No. 94-05, § 2, 11-1-94)

Sec. 3-6-63. Stormwater detention.

(a) *Stormwater management report required.*

(1) Every project shall provide a stormwater management report prepared by a professional engineer currently registered in the State of Georgia. The purpose of this report shall be to formulate a plan to manage stormwater runoff so that stormwater runoff hazards are not created and existing

runoff-related problems are not expounded, either upstream or downstream from or within the boundaries of the property being developed.

(2) The stormwater management report shall identify the locations and quantities of stormwater runoff entering and exiting the site for both pre- and post-developed conditions. Analysis of the off-site properties shall anticipate future development in addition to addressing existing conditions. It shall contain drainage area delineation maps and other exhibits at satisfactory scale and sufficient in quantity and scope to define the boundaries of the site relative to water courses, drainage divides, drainage structures, and other pertinent features.

(3) The analysis of downstream conditions in the report shall address each and every point or area along the project site's boundaries at which runoff will exit the property. The analysis shall focus on the portion of the drainageway "immediately" downstream from the project. In determining downstream effects from stormwater discharge control structures and the development, hydrologic-hydraulic engineering studies, using the ten-year design storm, shall extend downstream to a point where the proposed development represents less than ten (10) percent of the total watershed. If the discharge calculations indicate that adjacent properties, between the exit of the proposed development and the "ten-percent downstream point," might be adversely impacted by the proposed development, then backwater calculations and the determination of flood elevations for the areas impacted may be required.

(b) *Stormwater detention required.*

(1) Whenever a stormwater management report indicates that adverse stormwater runoff related impact is expected to result from the development of a property, that project shall be required to provide stormwater detention facilities such that peak flows from the developed site do not exceed those associated with the development.

(2) The following criteria shall be evaluated by the engineer preparing the stormwater management report, and in determining whether or not detention should be required for any portion of any site:

a. Existing land uses downstream,

b. Anticipated future land uses downstream,

c. Magnitude of increase in peak flows due to development,

d. Presence of existing drainage problems,

e. Capacity of existing and anticipated drainage systems,

f. Creation of concentrated flow where none had occurred previously,

g. Availability of feasible locations for detention facilities,

h. Existing flows generated off-site which pass through the project site, and

i. The nature of the receiving watercourse.

(3) Stormwater detention facilities shall be required for any site for which development activities will result in increased flows, unless the registered professional engineer currently registered in the State of Georgia certifies and provides certified documentation supporting the conclusion that the following is true and correct as applicable:

a. The nondetained, post-development runoff will leave the project site as sheet flow, and will not have an adverse impact upon downstream properties due to dispersal of stormwater.

b. The effect of detention would be to concentrate flows where sheet flow had occurred under predeveloped conditions, and any impact of increased sheet flows upon downstream properties would be less adverse than which would result from the concentrated flows from a detention facility even if energy dissipation devices were employed.

c. The runoff will flow directly into a flood plain without crossing off-site prop-

erties, and the runoff will constitute less than five (5) percent of the total runoff in the watercourse at the point where the watercourse crosses the project site's downstream property line.

d. The undetained flow will pass through downstream properties, in drainage easements obtained by the developer, to an existing detention facility which has been designed to manage the upstream property's runoff.

(4) Should the professional engineer conclude that stormwater detention may not be necessary because of anticipated compliance with section 3-6-63(b)(3), rigid compliance with all of the following criteria is mandatory.

a. A stormwater management report shall always be required whether or not stormwater detention is required.

b. If the applicant proposes to show that the detention requirement may be eliminated for all or a portion of a project, then a presubmittal conference with the department staff is required prior to preparation and submittal of construction plans for the project.

c. A studied FEMA floodplain or the one-hundred-year floodplain as determined by the consulting engineer must be present on the property of the proposed development in order for elimination of the detention requirement to be considered.

d. At the presubmittal conference with the staff, the consultant shall be prepared to discuss the downstream analysis findings as follows:

1. The affected stream must be analyzed for a distance as specified in section 3-6-63(a)(3). The analysis must include all culverts, obstructions, existing and potential erosion problems, elevations of existing improvements, and any other existing modifications to natural conditions; and,

2. If the existing downstream conditions are overburdened by the predeveloped flows in the stream, then detention shall be required unless the developer elects to eliminate the downstream overburdened conditions at his or her expense when the development occurs.

e. If the five-percent rule is to be used to show that the detention requirements may be eliminated, the following must be included in the stormwater management report:

1. The five-percent study point has to be at the downstream property line; and,

2. The five-percent study will compare peak flows originating on the site against peak flows for the ten-, fifty-, and one-hundred-year flood frequencies of the major stream at the downstream property line. Comparison of peak flows shall include the timing of peak flows.

(Ord. No. 94-05, § 3, 11-1-94)

Sec. 3-6-64. Detention design criteria.

(a) *Generally.*

(1) All stormwater detention design calculations shall be certified by a professional engineer currently registered in the State of Georgia.

(2) All stormwater detention facilities shall be designed to control the peak flow rates associated with storms having two-year, five-year, ten-year, twenty-five-year, fifty-year, and one hundred-year storm frequencies.

(3) A variety of methods of achieving stormwater management goals shall be acceptable in providing detention facilities. The type of facility provided shall be based on the following criteria:

a. The type of development which the detention facility is being provided;

b. The type of development which the detention facility is intended to protect;

c. Volume of stormwater to be stored;

d. Origin and magnitude of the flows to be managed;

e. Topographic opportunities and limitations;

f. Safety considerations;

g. Maintenance requirements;

h. Aesthetic considerations;

i. Likelihood of facility operation interfering with access to public or private facilities;

j. Proximity of facility to property lines, utilities, buffers, etc.; and

k. Similar site-specific constraints.

(4) Detention facilities may be of any of the following types, and two (2) or more types may be used in combination with one another:

a. Normally-dry basins, whether excavated or created by damming a natural drainage feature, or a combination of both methods.

b. Lakes and ponds, whether excavated or created by damming a natural drainage feature, or a combination of both methods.

c. Parking lot facilities.

d. Underground facilities.

e. Rooftop facilities.

(5) Plans, specifications and computations must be complete in detail sufficient to enable another engineer to fully check and verify the results and computations. The plans used for construction must contain basic design data, a project narrative, schedule of construction, name and address of person responsible for construction, the engineer's seal or stamp, signature and address and engineering drawings required for the project construction.

a. The detention facility shall be provided with an overflow device or emergency spillway to accommodate the one-hundred-year frequency storm in the event the outflow control structure becomes obstructed with debris.

b. The configuration of the detention facility, outflow and overflow control devices shall be clearly depicted in plan and cross-section on the construction drawings.

c. Graded access easement, (maximum six-percent grade) around all detention ponds in areas inaccessible to vehicular traffic.

d. Temporary sediment basins shall be designed and shown at all detention sites and all major drainage exits. The detention facility shall be designed to provide temporary silt protection.

e. Underground detention facilities will require details that provide:

1. The location and type of access protection for the detention facility.

2. An outline of maintenance procedures to be filed with the County.

3. Safety requirements as specified by the county for the site.

(b) *As constructed certification of detention pond.* After construction and before acceptance for occupation or otherwise the engineer shall submit a certified field run topographic map of the detention area and a revised hydrology study using the as-built topographic map to verify that the required detention storage and outflow rates are being provided.

(c) *Detention pond fencing.* When a detention structure is over four (4) feet deep or in a location that constitutes a danger to human habitation it shall be protected by a permanent fence or barrier and warning signs. Fences shall be five (5) feet high chain link or other approved material with a ten-foot wide gate. Fences shall be located on the outside edge of the twenty-foot perimeter easement.

(d) *Detention pond and drainage easements.* Drainage easements suitable for the construction

and maintenance of the drainage system shall be provided. No fences shall be built that would inhibit proper function of the drainage system. All subdivision lots shall have ten-foot drainage easement along all side lot lines. All detention facilities shall be accessible from a public street by a minimum twenty-foot easement, and there shall be an easement for the detention facility including twenty (20) feet around the outside perimeter of the facility. No fences or planting of shrubbery shall be allowed on the access easement.
(Ord. No. 94-05, § 4, 11-1-94)

Sec. 3-6-65. Maintenance of detention facilities.

(a) *Special drainage district.* For residential subdivision developments where a final subdivision plat had been approved by the Henry County Board of Commissioners after the date of adoption of this article, a special drainage district as authorized by Georgia Laws, p. 1552 shall be established for all properties within the development for which the detention facilities are designed to compensate for increased peak runoff rates due to development. An ad valorem tax on all properties served by the detention facilities shall be applied to fund county maintenance of detention facilities. Such ad valorem millage will be set annually by the board of commissioners when other ad valorem millage rates are set. The special drainage district shall be designated on the final plat for the development and shall be provided to the tax assessor's office.

(b) *County maintenance.*

(1) County maintenance of detention facilities within a residential development shall become effective following expiration of the two-year maintenance bond and verification from the Henry County Building Department that the detention facilities have been constructed, and maintained according to the approved construction plans.

(2) Preexisting facilities in residential subdivision development constructed under permits issued prior to Ordinance No. 86-16 dated October 7, 1986, will not be accepted for county maintenance unless individually approved by and at the discretion of the board of commissioners and suitable access easements are provided. At the time of the board of commissioners accepts a detention facility for county maintenance, a special drainage district will be established that includes all properties for which the detention facility is designed to compensate for increased peak runoff rates due to development. The ad valorem millage for the special drainage district shall be set by the board of commissioners when other ad valorem millage rates are set.
(Ord. No. 94-05, § 5, 11-1-94)

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SIGNS

Chapter 3-10

SIGNS*

Art. I. In General, §§ 3-10-1—3-10-15
Art. II. Signs on Interstate Highways, §§ 3-10-16—3-10-37

ARTICLE I. IN GENERAL

Secs. 3-10-1—3-10-15. Reserved.

ARTICLE II. SIGNS ON INTERSTATE HIGHWAYS

Sec. 3-10-16. Definitions.

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

New outdoor advertising sign: A sign, fourteen (14) feet by forty-eight (48) feet, located off premises of the activity being advertised and abutting, visible and intended to be read from the interstate and falling within the twelve hundred-foot zone as described in this article.

Nonconforming sign: Any sign, legally erected, prior to the enactment of this ordinance which does not now comply to the provisions of this article.

On premises sign: A sign located on same property as being advertised and must be within one hundred (100) feet of a regularly used portion of the activity being advertised.
(Ord. No. 82-17, § II, 12-7-82; Ord. No. 89-17, 10–3-89)

Sec. 3-10-17. Scope.

This article shall apply to all outdoor advertising signs abutting or visible from the interstate 75 right-of-way in the county.
(Ord. No. 82-17, § I(1), 12-7-82)

Sec. 3-10-18. Compliance.

No new sign shall be erected unless it is in compliance with the regulations of this article. All signs located on sites abutting or visible from the Interstate 75 right-of-way shall conform with Georgia Code Annotated Section 32-6-70, et seq. (The Georgia Outdoor Advertising Code) and shall meet all federal and state requirements necessary to obtain a permit from the Georgia Department of Transportation under said code. In instances where the sign controls of this article are more strict, the regulations of this ordinance shall apply.
(Ord. No. 82-17, § I(2), (4), 12-7-82)

Sec. 3-10-19. General standards.

Signs must be constructed of durable materials, maintained in good condition, and not permitted to become dilapidated.
(Ord. No. 82-17, § I(3), 12-7-82)

Sec. 3-10-20. Removal of signs.

Any sign which advertises an activity, business, product or service which has ceased operation or production shall be removed within six (6) months of the discontinuance of said activity, business, product or service.
(Ord. No. 82-17, § I(5), 12-7-82)

Sec. 3-10-21. Nonconforming signs.

Outside the twelve hundred-foot zone are allowed to have repairs performed to the face of the sign, but not repairs or replacement of any type to the supporting ground poles.
(Ord. No. 82-17, § IV(7), 12-7-82)

Sec. 3-10-22. Prohibited signs.

(a) Signs imitating warning signals are prohibited. No sign shall display lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles, nor shall any signs use the words, slogans, di-

*Cross references—Zoning requirements for signs, § 3-7-231 et seq.; buildings and building regulations, Ch. 3-9; advertising of malt beverages and wine, § 3-14-27.

mensional shape or size, of any governmental traffic sign.

(b) No signs, except traffic signs and signals and informational signs erected by a public agency, are permitted within any street or highway right-of-way.

(c) Signs painted or attached to natural features such as trees or rocks, telephone poles, utility poles, or fence posts are prohibited.

(d) Fluttering ribbons and banners are prohibited.

(e) Signs within three hundred (300) feet of any officially designated historical site or monument, except signs pertaining to that particular site or monument are prohibited.
(Ord. No. 82-17, § III, 12-7-82)

Sec. 3-10-23. Nonconforming signs.

Any legally erected sign which would become nonconforming as a result of this article would be allowed to remain until purchased by the Georgia Department of Transportation provided that the sign meets the requirements of state laws and rules and regulations governing such signs.
(Ord. No. 82-17, § IV(10), 12-7-82)

Sec. 3-10-24. Permit procedures.

Prior to the issuance of a permit for an outdoor advertising sign by the Georgia Department of Transportation, the county zoning department must verify that the proposed sign site is in a proper zoning classification (commercial or industrial) for erection. Thereafter, permit issuance for signs allowed to the aforesaid twelve hundred-foot zone is at the discretion of the Georgia Department of Transportation. The county building inspector shall also issue a building permit for the erection of a new sign prior to its construction.
(Ord. No. 82-17, § V, 12-7-82)

Sec. 3-10-25. Sketch.

To aid in the greater understanding of the meaning of this article, an attachment to Ordinance No. 82-17 appeared at the rear of such ordinance as "Appendix A" and said appendix is hereby made an integral part of this article.
(Ord. No. 82-17, § VI, 12-7-82)

Sec. 3-10-26. Home occupation signs.

One nonilluminated professional or business name plate not exceeding two (2) square feet in area is permitted on the premises of a business.
(Ord. No. 82-17, § IV(1), 12-7-82)

Sec. 3-10-27. Signs for work under construction.

One nonilluminated sign not exceeding forty (40) square feet in area displaying the name of the building, the contractors, the architects, the engineers, the owners, the financial, selling and development agencies are permitted upon the premises of any work under the construction, alteration, or removal. Such signs shall be removed from the site within thirty (30) days after the completion of the project.
(Ord. No. 82-17, § IV(2), 12-7-82)

Sec. 3-10-28. Temporary subdivision signs.

Temporary signs, not exceeding forty (40) square feet in area announcing a land subdivision development, are permitted on the premises of the land subdivision. Such signs shall be spaced not less than three hundred (300) feet apart. They shall be removed when seventy-five (75) percent of the lots are conveyed.
(Ord. No. 82-17, § IV(3), 12-7-82)

Sec. 3-10-29. Roof signs.

Not more than one roof sign structure (off premises or on premises) may be erected on the roof of any one building. No roof sign structure shall extend more than twenty-five (25) feet above the elevation of the roof.
(Ord. No. 82-17, § IV(4), 12-7-82)

Sec. 3-10-30. Wall signs.

Signs on the walls of a building (including signs attached flat against the wall, painted wall signs and projected signs) shall meet the following requirements:

(1) The total area of signs on the exterior front surface of a building shall not exceed twenty-five (25) percent of the front surface of the building.

(2) The total area of signs on a side or rear surface of building shall not exceed fifty (50) percent of the exterior side of the rear surface of the building respectively.

(3) Wall signs attached flat against a wall may extend not more than twenty-four (24) inches from the wall.

Signs attached at an angle to a wall may extend outward from the wall of a building not more than five (5) feet.
(Ord. No. 82-17, § IV(5), 12-7-82)

Sec. 3-10-31. Illuminated signs.

Illumination devices (on and off premises) shall be so placed and so shielded that light from the sign itself will not be directly cast into any residential district, sleeping rooms in any district or the eyes of an automobile or vehicular driver.
(Ord. No. 82-17, § IV(6), 12-7-82)

Sec. 3-10-32. New advertising signs.

New outdoor advertising signs shall meet the following requirements:

(1) The outside measurements of all such new signs shall be fourteen (14) feet in height and forty-eight (48) feet in length, with or without trim, except that, existing factory-manufactured metal signs now located within the twelve hundred-foot zones set out in section 3-10-21 and if holding a conforming state permit on December 7, 1982, are considered to be conforming with respect to size requirements until such time as the sign is moved, enlarged, raised or otherwise physically altered with respect to dimensions or changes from its present configuration or sign type.

(2) The total height of the sign may not exceed seventy (70) feet above the level of the surface of the pavement of the nearest lane of the main traveled way or seventy (70) feet from the ground at the base of the structure to the tallest part of the structure, whichever is greater. Upon the effective date of this section, no new permit applications shall be accepted for billboards with the total height of the sign exceeding seventy (70) feet above the level of the surface of the pavement of the nearest lane of the main traveled way or seventy (70) feet from the ground at the base of the structure to the tallest part of the structure, whichever is greater. Permits for signs of this configuration, the applications for which were in effect prior to the effective date of this rule, shall retain conforming status.

(3) Extrusions beyond the face of the sign, excluding aprons, are prohibited.

(4) Only one sign shall be allowed to face the same direction per location. This allows either a back-to-back sign or a "V" formation sign but prohibits two (2) signs (side-by-side) facing the same direction.

(5) Sign locations shall be no less than five hundred (500) feet apart measuring from the two (2) closest points.

(6) Sign structures shall be no less than ten (10) feet from any property or right-of-way line.

(7) Three (3) outdoor advertising signs shall be allowed per quadrant of an interchange adjacent to the Interstate Highway. This will allow a maximum of twelve (12) sign structures per interchange. These signs must be within an area zoned commercial or industrial as specified in state law and are restricted to an area one thousand two hundred (1,200) feet long beginning five hundred (500) feet from the point where the pavement widens on the main traveled way to accommodate the longest entrance or exit ramp.

(8) Sign erection at historic area locations is prohibited. No sign shall be placed in or obstruct the view of an area of designated historic interest.

(9) Outdoor advertising signs (fourteen (14) feet by forty-eight (48) feet) shall be limited to the following:

a. Travel service facilities including lodging, gas, food, camping;

b. Areas of scenic beauty;

c. Public attractions including historic, natural, scientific or recreational amenities; and

d. Any combination of the above-listed facilities.

Further, the content of all advertising shall be direction in nature.
(Ord. No. 82-17, § IV(8), 12-7-82; Ord. No. 89-17, 10-3-89; Ord. No. 89-21, 11-21-89)

Sec. 3-10-33. On premises signs.

On-premise signs located within one hundred (100) feet of a regularly used part of the activity (building, parking lot) being advertised and located on the same property and "for sale" or "for lease" signs located on the property being advertised are not prohibited.
(Ord. No. 82-17, § IV(9), 12-7-82)

Sec. 3-10-34. Variances.

The board may authorize, upon appeal in specific cases, such variance from the terms of these regulations as will not be contrary to the public interest where owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done.
(Ord. No. 86-01, 2-4-86)

Sec. 3-10-35. Penalties.

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars ($500.00), or by imprisonment not exceeding one (1) year, or both such fine and imprisonment as the facts of the case may justify. Each such violation committed, or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder.
(Ord. No. 86-01, 2-4-86)

Sec. 3-10-36. Separability.

If any section, subsection, sentence, clause, phrase, or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.
(Ord. No. 86-01, 2-4-86)

Sec. 3-10-37. Repeal of existing ordinances.

Article II of Chapter 3-10 of this code of Henry County, Georgia hereby repeals and replaces any former interstate sign ordinance. All other ordinances or regulations not specifically in conflict herewith are hereby continued in force and effect, but all such ordinances or parts of ordinances in conflict herewith are hereby repealed.
(Ord. No. 86-01, 2-4-86)

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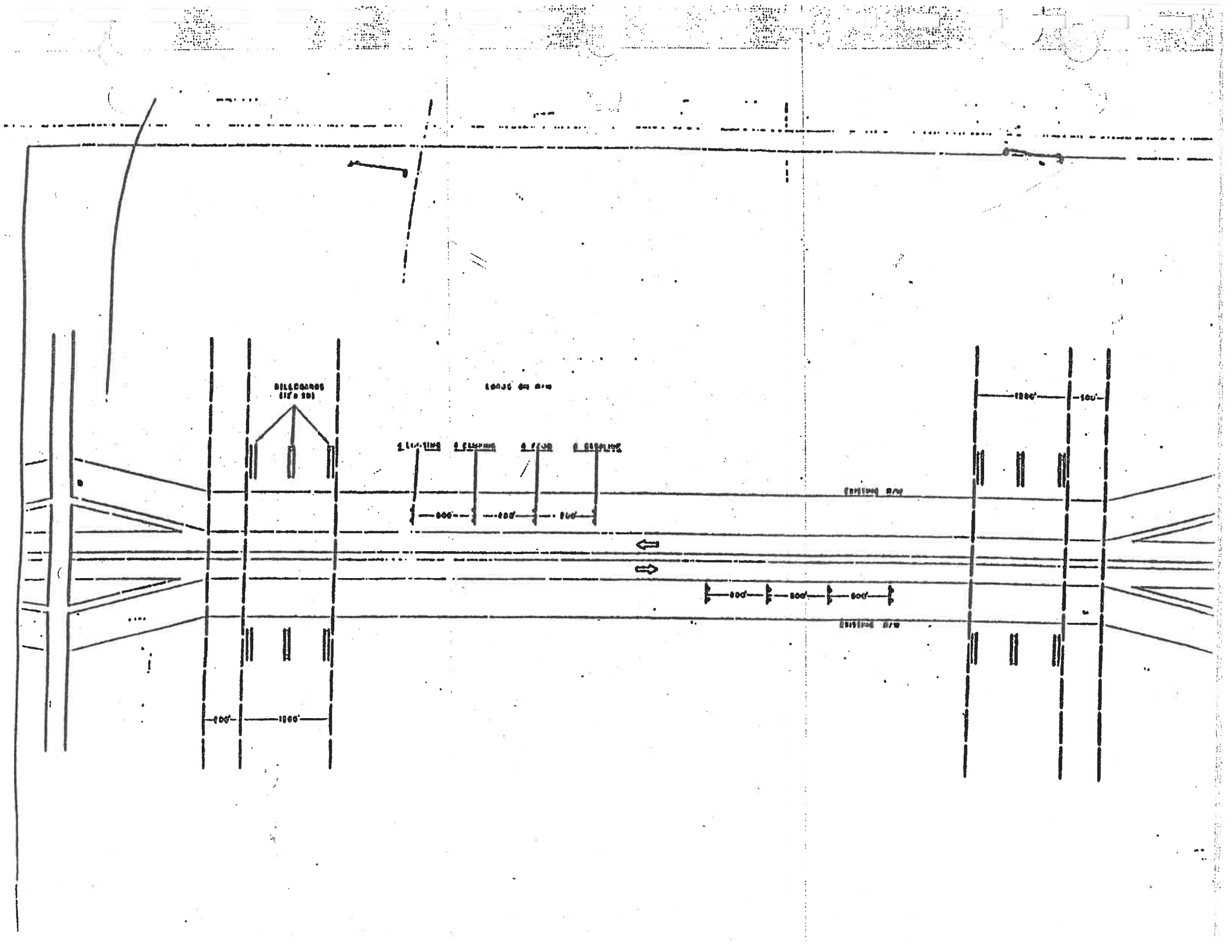

Drainage & Flood Control

Chapter 3-11

DRAINAGE AND FLOOD CONTROL*

Art. I. In General, §§ 3-11-1—3-11-15
Art. II. Flood Damage Prevention, §§ 3-11-16—3-11-74
Div. 1. Generally, §§ 3-11-16—3-11-40
Div. 2. Administration, §§ 3-11-41—3-11-50
Div. 3. Provisions for Flood Hazard Reduction, §§ 3-11-51—3-11-70
Div. 4. Enforcement and Penalties, §§ 3-11-71—3-11-74

*Cross references—Stormwater runoff, § 3-6-61 et seq.; zoning, Ch. 3-7; subdivisions, Ch. 3-8; buildings and building regulations, Ch. 3-9.

ARTICLE I. IN GENERAL

Secs. 3-11-1—3-11-15. Reserved.

ARTICLE II. FLOOD DAMAGE PREVENTION*

DIVISION 1. GENERALLY

Sec. 3-11-16. Authorization.

This article is adopted by the governing authority of Henry County pursuant to authority granted to counties by Article 9, Section 2, paragraph 1(a) of the Constitution of the State of Georgia of 1983. (Ord. No. 87-06, Art. 1, § A, 6-2-87; Ord. No. 96-02, § 1, 5-6-96)

Sec. 3-11-17. Findings of fact.

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

(b) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages. (Ord. No. 87-06, Art. 1, § B, 6-2-87)

Sec. 3-11-18. Statement of purpose.

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

(1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

(4) Control filling, grading, dredging and other development which may increase erosion or flood damage; and,

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(Ord. No. 87-06, Art. 1, § C, 6-2-87)

Sec. 3-11-19. Objectives.

The objectives of this article are:

(1) To protect human life and health;

(2) To minimize expenditures of public money for costly flood control projects;

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) To minimize prolonged business interruptions;

(5) To minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(6) To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood-blight areas; and,

*Editor's note—Ordinance No. 87-06, enacted June 2, 1987, provided that the flood prevention ordinance be deleted in its entirety and the substantive provisions of the ordinance be inserted in lieu thereof; hence, former Art. II, which derived from Ord. No. 82-7, enacted April 6, 1982, has been deleted and the substantive provisions of Ord. No. 87-06 were numbered by the editor to conform to established Code format and included herein as a new Art. II.

(7) To ensure that potential home buyers are notified that property is in a flood area.

(Ord. No. 87-06, Art. 1, § D, 6-2-87)

Sec. 3-11-20. Definitions.

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

Additions (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common loadbearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.

Appeal means a request for a review of Henry County's interpretation of any provision of this article or a request for a variance.

Area of shallow flooding means a designated AO Zone on a community's flood insurance rate map (FIRM) with base flood depths from one to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

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

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

Basement means that portion of a building having its floor subgrade (below ground level) on all sides.

Building means any structure built for support, shelter, or enclosure for any occupancy or storage.

Development means any manmade change to improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials.

Elevated building means a nonbasement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

Existing construction means any structure for which the start of construction commenced before June 2, 1987.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) was completed before June 2, 1987.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

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

(1) The overflow of inland or tidal waters;

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood hazard boundary map (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

Flood insurance rate map (FIRM) means an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood insurance study is the official report provided by the Federal Emergency Management

Agency. The report contains flood profiles, as well as the flood boundary flood map and the water surface elevation of the base flood.

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

Flood plain means any land area susceptible to flooding.

Floor means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic structure means any structure that is:

(1) Listed individually in the National Register of Historical Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places and determined as eligible under the state historic preservation program which has been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places and determined as eligible under the local historic preservation program which has been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in the event the state has no approved program.

Lowest floor means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, used solely for parking vehicles, building access, or storage, in an area other than a basement is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this Code.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers and similar transportable structures placed on a site for one hundred eighty (180) consecutive days or longer and intended to be improved property.

Mean sea level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this article, the term is synonymous with National Geodetic Vertical Datum (NGVD).

National Geodetic Vertical Datum (NGVD), as corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction means structures for which the "start of construction" commenced on or after the effective date of this article.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 2, 1987.

Recreational vehicle means a vehicle which is:

(1) Built on a single chassis;

(2) Four hundred (400) square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towable by a light duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348)), includes a substantial improvement, and means the date the building permit was issued; provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Structure means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other manmade facilities or infrastructures.

Substantial improvement means any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a five-year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure prior to the improvement. The market value of the building means (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred substantial damage regardless of the actual amount of repair work performed. For purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include those improvements of a building required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, which have been pre-identified by the code enforcement official, and not solely triggered by an improvement or repair project.

Substantially improved existing manufactured home parks or subdivisions means repair, reconstruction, rehabilitation, or improvement of streets, utilities, and pads which equals or exceeds fifty (50) percent of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement commenced.

Variance is a grant of relief from the requirements of this article which permits construction in a manner otherwise prohibited by this article where specific enforcement would result in unnecessary hardship.
(Ord. No. 87-06, Art. 2, 6-2-87; Ord. No. 96-02, § 2, 5-6-96)

Sec. 3-11-21. Lands to which this article applies.

This article shall apply to all areas of special flood hazard within the jurisdiction of Henry County.
(Ord. No. 87-06, Art. 3, § A, 6-2-87)

Sec. 3-11-22. Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study, dated May, 1983, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this article.
(Ord. No. 87-06, Art. 3, § B, 6-2-87)

Sec. 3-11-23. Compliance.

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this article and other applicable regulations.
(Ord. No. 87-06, Art. 3, § D, 6-2-87)

Sec. 3-11-24. Abrogation and greater restrictions.

This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
(Ord. No. 87-06, Art. 3, § E, 6-2-87)

Sec. 3-11-25. Interpretation.

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

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and,

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 87-06, Art. 3, § F, 6-2-87)

Sec. 3-11-26. Warning and disclaimer of liability.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of Henry County or by any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.
(Ord. No. 87-06, Art. 3, § G, 6-2-87)

Secs. 3-11-27—3-11-40. Reserved.

DIVISION 2. ADMINISTRATION

Sec. 3-11-41. Community development director—Designated as administrator.

The community development director is hereby appointed to administer and implement the provisions of this article.
(Ord. No. 87-06, Art. 4, § A, 6-2-87)

Sec. 3-11-42. Same—Duties and responsibilities.

Duties of the community development director shall include, but not be limited to:

(1) Review all development permits to assure that the permit requirements of this article have been satisfied prior to issuance of permits by the building department.

(2) Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.

(3) Notify adjacent communities and the Department of Natural Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(5) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with section 3-11-44(2).

(6) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with section 3-11-44(2).

(7) When floodproofing is utilized for a particular structure, the community development director shall obtain certification from a registered professional engineer or architect, in accordance with section 3-11-52(2).

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

person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

(9) When base flood elevation data or floodway data have not been provided in accordance with section 3-11-22, then the community development director shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of Division 3, sections 3-11-51 through 3-11-55.

(10) All records pertaining to the provisions of this article shall be maintained in the office of the community development director and shall be open for public inspection.

(Ord. No. 87-06, Art. 4, § C, 6-2-87)

Sec. 3-11-43. Development permit—Required.

A development permit shall be required in conformance with the provisions of this article prior to the commencement of any development activities.

(Ord. No. 87-06, Art. 3, § C, 6-2-87)

Sec. 3-11-44. Same—Application procedures.

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

(1) *Application stage:*

a. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures;

b. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

c. Certificate from a registered professional engineer or architect that the nonresidential floodproofed structure will meet the floodproofing criteria in section 3-11-52(2);

d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and,

(2) *Construction stage.* For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the regulatory floor elevation or flood-proofing level immediately after the lowest floor or floodproofing is completed. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for nonresidential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of these certifications shall be at the permit holder's risk. The administrator shall review the above-referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required thereby shall be cause to issue a stop-work order for the project.

(Ord. No. 87-06, Art. 4, § B, 6-2-87; Ord. No. 96-02, § 3, 5-6-96)

Sec. 3-11-45. Variance procedures.

(a) The board of commissioners as established by Henry County shall hear and decide appeals and requests for variances from the requirements of this article.

(b) The board of commissioners shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination

made by the community development director in the enforcement or administration of this article.

(c) Any person aggrieved by the decision of the board of commissioners or any taxpayer may appeal such decision to the Henry County Superior Court.

(d) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section, except for section 3-11-45(h)(1) and (4), and provided the proposed reconstruction, rehabilitation, or restoration will not result in the structure losing its historical designation.

(e) In passing upon such applications, the board of commissioners shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this article, and:

(1) The danger that materials may be swept onto other lands to the injury of others;

(2) The danger to life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(4) The importance of the services provided by the proposed facility to the community;

(5) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(6) The compatibility of the proposed use with existing and anticipated development;

(7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(8) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(9) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and,

(10) The cost of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(f) Upon consideration of the factors listed above, and the purposes of this article, the board of commissioners may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.

(g) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(h) Conditions for variances:

(1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building;

(2) Variances shall only be issued upon:

a. A showing of good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship; and

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(4) The community development director shall maintain the records of all appeal actions

and report any variances to the Federal Emergency Management Agency upon request.

(Ord. No. 87-06, Art. 4, § D, 6-2-87)

Secs. 3-11-46—3-11-50. Reserved.

DIVISION 3. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 3-11-51. General standards.

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

(1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

(3) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.

(4) Electrical, heating, ventilation, plumbing, air conditioning equipment, other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(5) New and replacement water supply systems shall be designed to minimize or eliminate the infiltration of floodwaters into the system.

(6) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

(7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(8) Any alteration, repair, reconstruction or improvements to a structure which is in compliance with the provisions of this article shall meet the requirements of the "new construction" as contained in this article.

(Ord. No. 87-06, Art. 5, § A, 6-2-87)

Sec. 3-11-52. Specific standards.

In all areas of special flood hazard where base flood elevation data have been provided, as set forth in section 3-11-22 or section 3-11-42(10), the following provisions are required:

(1) *New residential construction and substantial improvements.* New construction or substantial improvements of any residential structure or manufactured home shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of section 3-11-52(3).

(2) *Nonresidential construction.* New construction or substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated no lower than one foot above the level of the base flood elevation. Structures located in all A Zones may be floodproofed in lieu of being elevated, provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Division 2 of this article.

(3) *Elevated buildings.* New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

a. Designs for complying with this requirement must either be certified by a professional engineer or architect to meet the following minimum criteria:

1. Provide a minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
2. The bottom of all openings shall be no higher than one foot above grade; and
3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;

b. Electrical, plumbing, and other utility connections are prohibited below the base flood elevation;

c. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

d. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(4) *Floodways.* Located within areas of special flood hazard established in section 3-11-22, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and have erosion potential, the following provisions shall apply:

a. Prohibit encroachments, including fill, new construction, substantial improvements and other development unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge;

b. If section 3-11-52(4)a., is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Division 3; [and]

c. Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of section 3-11-52(1) are met.

(5) *Standards for manufactured homes and recreational vehicles where base flood elevation data are available.*

a. All manufactured homes placed or substantially improved on: (1) individual lots or parcels, (2) in new or substantially improved manufactured home parks or subdivisions, (3) in expansions to existing manufactured home parks or subdivisions, or (4) on a site in an existing manufactured home park or subdivision where a manufactured home has incurred substantial damage as a result of a flood, must have the lowest floor including basement, elevated no lower than one foot above the base flood elevation.

b. Manufactured homes placed or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:

1. The lowest floor of the manufactured home is elevated no lower than one foot above the level of the base flood elevation; or
2. The manufactured home chassis is elevated and supported by rein-

forced piers (or other foundation elements of at least an equivalent strength) of no less than thirty-six (36) inches in height above grade.

c. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

d. All recreational vehicles placed on site must either:

1. Be fully licensed and ready for highway use, that is, licensed, on its wheel or jacking system, attached to the site only by quick-disconnect type utilities and security devices, and having no permanently attached structures or additions; or

2. Meet all the requirements for new construction, including the anchoring and elevation requirements contained in this chapter.

(Ord. No. 87-06, Art. 5, § B, 6-12-87; Ord. No. 96-02, §§ 4, 5, 5-6-96)

Sec. 3-11-53. Standards for streams without established base flood elevations and/or floodways.

Located within the areas of special flood hazard established in section 3-11-22, where small streams exist but where no base flood data have been provided or where no floodways have been provided, the following provisions apply:

(1) When base flood elevation data or floodway data have not been provided in accordance with the requirements of this chapter, then the administrator shall obtain, review, and utilize any scientific or historic base flood elevation and floodway data available from federal, state, or other sources, in order to administer the provisions of this chapter. Only if data are not available from these sources, then the following provisions (subsections (2) and (3)) shall apply:

(2) No encroachments, including fill material or structures, shall be located within a distance of the stream bank equal to five (5) times the width of the stream at the top of bank or twenty (20) feet each side from top of bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(3) New construction or substantial improvements of structures shall be elevated or floodproofed to elevations established in accordance with section 3-11-42(10).

(Ord. No. 87-06, Art. 5, § C, 6-2-87; Ord. No. 96-02, § 6, 5-6-96)

Sec. 3-11-54. Standards for subdivision proposals.

[The following shall apply to all subdivision proposals:]

(1) All subdivision proposals shall be consistent with the need to minimize flood damage;

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and,

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions).

(Ord. No. 87-06, Art. 5, § D, 6-2-87)

Sec. 3-11-54.1. Standards for subdivisions.

(a) All subdivision proposals shall be consistent with the need to minimize flood damage;

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and

(d) Base flood elevation data shall be provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions greater than fifty (50) lots or five (5) acres, whichever is less.
(Ord. No. 96-02, § 7, 5-6-96)

Sec. 3-11-55. Standards for areas of shallow flooding (AO Zones).

Located within the areas of special flood hazard established in section 3-11-22, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

(1) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least three (3) feet above the highest adjacent grade.

(2) All new construction and substantial improvements of nonresidential structures shall:

a. Have the lowest floor, including basement, elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement shall be elevated at least three (3) feet above the highest adjacent grade; or

b. Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(3) Drainage paths shall be provided to guide flood water around and away from any proposed structure.
(Ord. No. 87-06, Art. 5, § E, 6-2-87; Ord. No. 96-02, §§ 8, 9, 5-6-96)

Secs. 3-11-56—3-11-70. Reserved.

DIVISION 4. ENFORCEMENT AND PENALTIES

Sec. 3-11-71. Enforcement officer.

The provisions of this article shall be administered and enforced by the community development director. The community development director or other authorized county officials have the authority to issue citations for any violations of this article. The community development director or his duly authorized representative shall:

(1) Receive all subdivision plats;

(2) Review and approve or disapprove or modify subdivision plats; and

(3) Inspect subdivision for compliance with the requirement of this resolution.
(Ord. No. 87-06, Art. 6, § A, 6-2-87)

Sec. 3-11-72. Enforcement procedures.

(a) The owner or agent for the owner of any land to be subdivided within the jurisdiction of the governing body who transfers or sells or agrees to sell or negotiates to sell such land by reference to, or exhibition of, or by other use of plat to subdivide such land before such plat has been approved by the clerk of the superior court of Henry County, shall constitute a violation of this article and, upon conviction thereof, shall be punished as provided for in section 3-11-74. The description by metes and bounds in the instrument of transfer or other documents used in the process or selling shall not exempt the transaction from such penalties.

(b) No plat or plan of subdivision within the jurisdiction of the governing body will be recorded

in the office of the clerk of the superior court of Henry County until it has been approved by the community development director. The clerk of the superior court shall not file or record a plat of a subdivision which does not have the approval of the community development director. The filing or recording of a plat of a subdivision without the approval of the community development director or Henry County Board of Commissioners is hereby declared a violation of this article and, upon conviction, is punishable as provided for in section 3-11-74.

(c) No building permit shall be issued for and no building or other structure shall be erected on any lot within the jurisdiction of the governing body unless the street giving access to the lot upon which said building is proposed to be placed shall be accepted or opened, as, or shall have otherwise received the legal status of a public street prior to that time, or unless such street corresponds in its location and the line with a street shown on a subdivision plat approved by Henry County. Any building erected in violation of this section shall be deemed an unlawful structure, and the building administrator, community development director, or other official designated by the governing body may bring appropriate action to enjoin such erection or cause it to be vacated or removed.
(Ord. No. 87-06, Art. 6, § B, 6-2-87)

Sec. 3-11-73. Appeal procedure.

Any appeal of an administrative decision made by the community development director, building administrator, or of a decision by the planning commission, shall be presented in writing to the community development director who shall forward it on to the board of commissioners. An appeal shall be scheduled before the board of commissioners at their next regular meeting if practicable, but in no event later than twenty-one (21) calendar days from the date of the appeal request.
(Ord. No. 87-06, Art. 7, § C, 6-2-87)

Sec. 3-11-74. Penalties for violation.

Any person violating the provisions of this article shall, upon conviction in the magistrate court of Henry County, Georgia, or upon plea of guilty or nolo contendere, be punished by a fine not to exceed five hundred dollars ($500.00) and/or up to sixty (60) days in the Henry County Detention Facility. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Henry County from taking such other lawful action as is necessary to prevent or remedy any violation.
(Ord. No. 87-06, Art. 3, § H, 6-2-87)

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ALCOHOLIC BEVERAGES

Chapter 3-14

ALCOHOLIC BEVERAGES*

Art. I. In General, § § 3-14-1—3-14-15
Art. II. Regulation of Alcoholic Beverages, §§ 3-14-16—3-14-57
Div. 1. Generally, §§ 3-14-16—3-14-45
Div. 2. Licenses, §§ 3-14-46—3-14-57

*State law reference—Georgia Alcoholic Beverage Code, Official Code of Georgia Annotated, § 3-1-1 et seq.

ARTICLE I. IN GENERAL

Secs. 3-14-1—3-14-15. Reserved.

ARTICLE II. REGULATION OF ALCOHOLIC BEVERAGES

DIVISION 1. GENERALLY

Sec. 3-14-16. Definitions.

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

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

Alcoholic beverage: Includes all alcohol, distilled spirits, beer, malt beverage, wine, or fortified wine.

Distilled spirits: Any alcoholic beverage obtained by distillation or containing more than twenty-one (21) percent alcohol by volume, including, but not limited to, all fortified wines.

Fortified wine: Any alcoholic beverage containing more than twenty-one (21) percent alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, brandy.

Grocery store: A retail business engaged primarily in the retail sale of food and groceries.

Malt beverage: Any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than six (6) percent alcohol by volume, and including ale, porter, brown, stout, lager beer, small beer, and strong beer. The term "malt beverage" does not include sake, known as Japanese rice wine.

Private club: Any nonprofit association organized under the laws of this state which:

(a) Has been in existence for at least one (1) year prior to the filing of its application for a license to be issued pursuant to this chapter;

(b) Has at least seventy-five (75) regular dues-paying members;

(c) Owns, hires, or leases a building or space within a building for the use of its members, which building or space:

1. Has suitable kitchen and dining room space and equipment; and

2. Is staffed with a sufficient number of employees for cooking, preparing, and serving meals for its members and guests; and

(d) Has no member, officer, agent, or employee directly or indirectly receiving, in the form of salary or other compensation, any profits from the sale of alcoholic beverages beyond a fixed salary. "Fixed salary" means the amount of compensation paid any member, officer, agent, or employee of a private club as may be fixed for him by its members at a prior annual meeting or by the governing body out of the general revenue of the club and shall not include any commission on any profits from the sale of alcoholic beverages. For the purpose of this definition, tips or gratuities which are added to the bills under club regulations shall not be considered profits from the sale of alcoholic beverages.

Proper identification: A document issued by a governmental agency containing a description of the person and the person's photograph and the person's date of birth. By way of example only and without limiting the foregoing, proper identification may be a passport, driver's license, or an identification card authorized under the Official Code of Georgia. "Proper identification" shall never include a birth certificate.

Restaurant:

(a) Any public place kept, used, maintained, advertised and held out to the public as a

place where at least one (1) meal per day is served five (5) or more days a week during normal business operations:

(b) Having adequate and sanitary kitchen and dining room equipment and a minimum seating capacity of sixty (60); and

(c) Wherein the principal business is the serving of such meals which, excluding the sale of alcoholic beverages, account for at least fifty-one (51) percent of the gross revenue of the business.

Retail dealer: Except as to distilled spirits, any person who sells alcoholic beverages, either in unbroken packages or for consumption on the premises, at retail only to consumers and not for resale. With respect to distilled spirits, the term means any person who sells distilled spirits for beverage purposes by the drink, such sales for consumption only on the premises.

Special event: A gathering or event for which the promotor or other person, firm, or corporation holding or producing the event must obtain a permit under chapter 3-15 of the Code of Henry County adopted May 1, 1984, as amended.

Wholesale dealer: Any person who sells beer or wine to retail dealers or other wholesale dealers.

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

(Ord. No. 82-3, § I, 3-16-82; Ord. No. 91-07, 9-24-91; Ord. No. 97-01, § 2, 2-5-97)

State law reference—Similar provisions, Official Code of Georgia Annotated, § 3-1-2(25).

Sec. 3-14-17. Excise tax.

(a) There is hereby levied an excise tax on the sale of malt beverages on each licensed wholesaler of malt beverages as follows:

48/7 oz. cans or bottles, $1.40 per case; 36/8 oz. cans or bottles, $1.20 per case; 24/12 oz. cans or bottles, $1.20 per case; 24/14 oz. cans or bottles, $1.40 per case; 24/16 oz. cans or bottles, $1.60 per case; 12/32 oz. cans or bottles, $1.60 per case; 24/7 oz. cans or bottles, $.70 per case; 24/8 oz. cans or bottles, $.80 per case; 12/12 oz. cans or bottles, $.60 per case; 36/7 oz. cans or bottles, $1.05 per case; 20/16 oz. cans or bottles, $1.34 per case; 3.8 gallons, $5.11 per containers; ¼ bbl., $3.00 per container, and ½ bbl., $6.00 per container.

(b) There is hereby imposed an excise tax on the first sale or use of wine by the package in the amount of twenty-two cents ($0.22) per liter, and a proportionate tax at like rates on all fractional parts of a liter. No such tax shall be imposed, levied or collected in any portion of the county in which a municipality within the county is imposing the tax authorized by Section 3-6-60 of the Official Code of Georgia Annotated on wine sold by the package.

(c) The excise tax provided for in subsections (a) and (b) of this section shall be imposed upon and shall be paid by the licensed wholesale dealer.

(d) The taxes shall be paid by the dealer on or before the tenth day of the month following the calendar month in which the beverages are sold or disposed of within the county by said wholesale dealer.

(e) Each licensee responsible for the payment of the excise tax shall file a report itemizing for the preceding calendar month the exact quantities of malt beverages, by size and type of container, sold during the month within the county. The licensee shall file the report with the county.

(f) The wholesaler shall remit to the county on the tenth day of the month next succeeding the calendar month in which the sales were made the taxes imposed by this section.

(g) There is hereby imposed an excise tax upon the sale of distilled spirits by the drink in the amount of three (3) percent of the charge to the public for the beverages. No such tax shall be imposed, levied, or collected in any portion of the county in which a municipality within the county is imposing the tax authorized by section 3-4-130 of the Official Code of Georgia, Annotated. The tax imposed hereby shall be collected and paid by the licensee on or before the tenth day of the month following the calendar month in which the beverages are sold. Each licensee responsible for payment of the tax shall file a monthly report at the time the tax is paid stating the total amount of charges to the public from the sale of distilled spirits during the preceding month and shall supply appropriate supporting documentation.
(Ord. No. 82-3, § XV(3), (4), 3-16-82; Ord. No. 97-01, § 4, 2-5-97)

Cross reference—Local acts relating to licenses and taxation, Ch. 2-4.

State law references—County excise tax on malt beverages required, Official Code of Georgia Annotated § 3-5-80; payment procedures, Official Code of Georgia Annotated § 3-5-81; county excise tax on wine authorized, Official Code of Georgia Annotated, § 3-6-60.

Sec. 3-14-18. Types of retail sales authorized; prohibited.

(a) Malt beverages and wine shall be sold only by wholesale establishments, retail grocery stores, restaurants, or private clubs operated under a license issued under this article; and in the case of wholesale establishments and retail grocery stores, shall be sold only in sealed containers and shall not be opened for consumption or for any other purpose on the premises where sold. Malt beverages and wine also may be sold at special events as defined herein, provided the holder of the special event permit also sells or makes available at said event a substantial amount and variety of food and non-alcoholic beverages.

(b) Distilled spirits shall be sold only by the drink for consumption on the premises in restaurants or private clubs operated under a license issued under this article, or at special events provided the same requirements for the sale of malt beverages and wine at special events are met.

(c) No adult entertainment establishment, as defined in Article II of Chapter 3-17, shall be permitted to serve or sell alcoholic beverages. This prohibition is for the purpose of reducing criminal activity and minimizing community blight, which studies of related communities including, but not limited to, Austin, Texas; Amarillo, Texas; Beaumont, Texas; Indianapolis, Indiana; Los Angeles, California; Los Angeles County, California; and St. Paul, Minnesota, have shown to be increased by the presence of adult entertainment establishments.
(Ord. No. 82-3, § II, 3-16-82; Ord. No. 97-01, § 5, 2-5-97; Ord. No. 97-05, 3-17-97)

Sec. 3-14-19. General duty of retail licensee.

A person issued a retail license pursuant to this article shall be active in, and solely responsible for, the management and operation of the business for which the license is granted.
(Ord. No. 82-3, § XII(4), 3-16-82)

Sec. 3-14-20. Retailer to purchase from licensed wholesalers.

No holder of a license authorizing the sale of malt beverages and/or wine at retail in the county, nor any agent or employee of the licensee, shall receive malt beverages or wine delivered to the premises of the retail licensee by any mans other than a conveyance owned or operated by a wholesale dealer with a license from the board of commissioners obtained pursuant to the provisions of this article.
(Ord. No. 82-3, § XIV(7), 3-16-82)

Sec. 3-14-21. Notice to county of managerial changes in retail establishments.

The holder of any retail license issued pursuant to this article shall notify the board of commissioners in writing of any managerial change within five (5) days of such change. When such a change occurs, the applicant shall report in person to the board of commissioners' office to report the new information by filling out the manager section of the application form. Violation of this section shall be grounds for suspension of license.
(Ord. No. 82-3, § III(2), 3-16-82)

Sec. 3-14-22. Hours of sale.

(a) No holder of a license authorizing the sale of alcoholic beverages at retail establishments for off-premises consumption in the county nor any agent or employee of a licensee, shall sell, serve, distribute or give away alcoholic beverages upon the licensed premises at any time except between 7:00 a.m. and midnight, Monday through Saturday nor shall they sell, serve, distribute or give away alcoholic beverages on Sundays or Christmas Day. Pursuant to the delegation of authority granted to the board of commissioners of Henry County, by the state, with respect to the wholesale and retail sale of alcoholic beverages on election days; the sale of alcoholic beverages shall be lawful during the polling hours of any election, provided however, nothing herein shall authorize the sale of alcoholic beverages within two hundred fifty (250) feet of a polling place during such time as the polls are open.

(b) No holder of a license authorizing the sale of alcoholic beverages in restaurants in the county nor any agent or employee of a licensee, shall sell, serve, distribute or give away alcoholic beverages upon the licensed premises at any time except between 7:00 a.m. and 2:00 a.m., Monday through Friday and between 7:00 a.m. and 11:55 p.m. on Saturday nor shall they sell, serve, distribute or give away alcoholic beverages on Sundays or Christmas Day. Pursuant to the delegation of authority granted to the board of commissioners of Henry County, by the state with respect to the wholesale and retail sale of alcoholic beverages on election days; the sale of alcoholic beverages shall be lawful during the polling hours of any election; provided, however, nothing herein shall authorize the sale of alcoholic beverages within two hundred fifty (250) feet of a polling place during such time as the polls are open.

(c) An election day is hereby defined as that period of time beginning one (1) hour prior to the opening of the polls and ending one (1) hour after the closing of the polls. The prohibition against the giving or furnishing of alcoholic beverages, spirituous liquors, malt beverages or other intoxicating beverages to any person on election days shall apply only with the territorial boundaries for which the election is being held.

(d) The other provisions of this section notwithstanding, no malt beverages shall be sold at a time prohibited by state law.

(Ord. No. 82-3, §§ XI, XIV(3), 3-16-82; Ord. No. 84-04, 2-7-84; Ord. No. 86-06, 3-18-86; Ord. No. 91-07, 9-24-91)

State law reference—Hours of sale, Official Code of Georgia Annotated, § 3-3-20.

Sec. 3-14-23. Sales to intoxicated persons.

No holder of a license authorizing the sale of alcoholic beverages, nor any agent or employee of the licensee, shall, upon the licensed premises, sell, serve, distribute, or give any alcoholic beverage to any person while such person is in a state of noticeable intoxication.

(Ord. No. 82-3, § XIV(2), 3-16-82; Ord. No. 84-04, 2-7-84; Ord. No. 97-01, § 6, 2-5-97)

State law reference—Similar provisions, Official Code of Georgia Annotated § 3-3-22.

Sec. 3-14-24. Sales to minors.

(a) Except as otherwise authorized by law, no person knowingly, by himself or through another, shall sell, serve, distribute or give away or permit any person in his employ to sell, serve, distribute or give away any alcoholic beverage to any person under twenty-one (21) years of age.

(b) The prohibition contained in subsection (a) of this section shall not apply with respect to the sale or purchase of alcoholic beverages for consumption:

(1) For medical purposes pursuant to a prescription of a physician duly authorized to practice medicine in this state.

(2) At a religious ceremony.

(3) In the home with parental consent.

(c) The prohibition contained in subsection (a) of this section shall not apply with respect to sale of alcoholic beverages by a person when such person has been furnished with proper identification showing that the person to whom the alcoholic beverage is sold is twenty-one (21) years of age or older. For purposes of this subsection, "proper identification" means any document that is issued by a governmental agency containing a description of the person, such person's photo-

graph, or both, and giving such person's date of birth and includes, without being limited to, a passport, military identification card, driver's license, or an identification card authorized under Official Code of Georgia Annotated Section 40-5-100 requiring the department of public safety to issue identification cards to handicapped persons who do not have a motor vehicle driver's license. "Proper identification" shall not include a birth certificate.

(d) It shall be unlawful for anyone, either by himself or through another, to sell, serve, distribute, give away or otherwise permit the sale of alcoholic beverages to any person without first examining "proper identification" as defined herein above to be provided by the proposed purchaser of the alcoholic beverage.
(Ord. No. 82-3, § XIV(1), 3-16-82; Ord. No. 84-04, 2-7-84; Ord. No. 88-02, 2-2-88; Ord. No. 89-03, 2-21-89; Ord. No. 91-07, 9-24-91)

State law reference—Similar provisions, Official Code of Georgia Annotated, § 3-3-23.

Sec. 3-14-25. Employment of minors.

(a) No holder of a license authorizing the sale of alcoholic beverages at retail in the county, nor any agent or employee of the licensee, shall allow or require a person in his employment under twenty-one (21) years of age to dispense, serve, sell, or take orders for any alcoholic beverages for consumption on the premises.

(b) The provisions of this section shall not prohibit persons under twenty-one (21) years of age who are employed in supermarkets, convenience stores, breweries or drug stores from selling or handling alcoholic beverages which are sold for consumption off the premises.
(Ord. No. 82-3, § XIV(6), 3-16-82; Ord. No. 88-02, 2-2-88; Ord. No. 97-01, § 7, 2-5-97)

State law reference—Similar provisions, Official Code of Georgia Annotated § 3-3-24.

Sec. 3-14-26. Breach of peace, etc. on licensed premises.

No holder of a license authorizing the sale of alcoholic beverages at retail in the county, nor any agent or employee of the licensee, shall permit on the licensed premises any disorderly conduct or breach of peace.
(Ord. No. 82-3, § XIV(4), 3-16-82; Ord. No. 97-01, § 8, 2-5-97)

Sec. 3-14-27. Advertising.

No holder of a license authorizing the sale of alcoholic beverages at retail in the county, nor any agent or employee of the licensee, shall install any advertisement of the character or nature of the business being operated on the exterior of the building in which the business is carried on, or in any window or door, or at any place outside the building, whether on the same premises or not, with the exception of the following:

(1) One non-flashing sign no larger than three (3) feet by three (3) feet and bearing only the trade name of the business and the designation "Beer & Wine Package Store," and/or

(2) One non-flashing sign, no larger than three (3) feet by three (3) feet that may bear a brand name.

Elevated pole-mounted signs or any other sign advertising the nature of the business shall not be allowed in the parking lot or adjoining property.
(Ord. No. 82-3, § XIV(5), 3-16-82; Ord. No. 97-01, § 9, 2-5-97)

Cross references—Signs generally, Ch. 3-10; zoning ordinance provision relating to signs, § 3-7-231 et seq.

Sec. 3-14-28. Opening containers on licensed premises.

(a) No person shall open any alcoholic beverages for consumption, or otherwise, within one hundred (100) feet of a place of sale except within the confines of a private club or restaurant under the terms of this article.

(b) No holder of a license authorizing the sale of alcoholic beverages at retail in the county, nor any agent or employee of the licensee, shall suffer or permit a violation of subsection (a).
(Ord. No. 82-3, XIV(8), 3-16-82; Ord. No. 97-01, §§ 10, 11, 2-5-97)

State law reference—Similar provisions, Official Code of Georgia Annotated, § 3-3-26.

Sec. 3-14-29. Restriction on operator or manager dispensing alcoholic beverages.

The operator or manager of a place of business which has been issued a retail license pursuant to this article shall not be allowed to manage or dispense alcoholic beverages if he has been convicted of a felony or of any crime involving moral turpitude, or of any state or federal statute with reference to liquor, wine, or malt beverages.
(Ord. No. 82-3, § XII(2), 3-16-82)

Sec. 3-14-30. Off-street parking for restaurants and clubs.

Adequate parking must be provided by restaurants and private clubs by accordance with the off-street parking requirements of all ordinances.
(Ord. No. 82-3, § XIV(9), 3-16-82)

Cross references—Driveways and parking lots for certain buildings required, § 3-6-1; zoning ordinances off-street parking and service requirements, Ch. 3-7, § 7.

Sec. 3-14-31. Storage by retailers.

All retailers licensed pursuant to this article shall store all alcoholic beverages in their possession on the premises for which the license is issued, and at no other place or places except upon written permission from the board of commissioners upon written application therefor.
(Ord. No. 82-3, § XV(6), 3-16-82; Ord. No. 97-01, § 12, 2-5-97)

Sec. 3-14-32. Records and inspections of retailers.

Each retail licensee under this article shall retain in his place of business the invoice of each purchase of alcoholic beverages for at least six (6) months. All records as well as the premises of the licensee shall be subject to inspection by a duly authorized agent of the board of commissioners at any time.
(Ord. No. 82-3, § XV(5), 3-16-82; Ord. No. 97-01, § 13, 2-5-97)

State law reference—Records generally, Official Code of Georgia Annotated, § 3-3-6.

Sec. 3-14-33. Nonconforming uses.

Those businesses licensed prior to March 16, 1982 which do not meet the established criteria regarding floor space, food stock, or distance from churches or schools as outlined in Section 3-14-50 as of such date shall be considered nonconforming uses, and as such, shall not be allowed to operate as a malt beverage or wine establishment except in the name of the license holder who was last issued a license prior to March 16, 1982; or in the name of a member of the license holder's immediate family. For purposes of this section, immediate family members shall include: husband, spouse, mother, father, sister, brother, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandfather, grandmother, grandson, granddaughter, stepmother, stepfather, stepson, and stepdaughter. If, however, improvements are made to the nonconforming establishment which being it into compliance with the floor space and food stock requirements of this article, said establishment may be licensed and operated to sell malt beverages and wine by a person other than the previous license holder or immediate family members referred to above.
(Ord. No. 82-3, § XV(6), 3-16-82)

Sec. 3-14-34. Employee regulations/picture identification.

The following regulations shall apply to all establishments holding a retail license for alcoholic beverages:

(1) An employee shall meet the same character requirements as set forth in the general ordinances for the licensee, except for the residency requirements.

(2) No person shall be employed by a retail alcoholic beverage establishment until such person has applied for and received a permit from the license department. The cost of the permit shall be ten dollars ($10.00).

(3) No permit shall be issued until such time as a signed application has been filed with the license department. The application shall include name, address, date of birth, general description of applicant; height,

weight, hair color, eyes, social security number and driver's license or picture I.D.

(4) It shall be the duty of all persons holding any license to sell alcoholic beverages to file with the license department the name of the establishment, the license number and a list of all employees, with their home addresses and home telephone numbers twice annually on/or before June 1 and again on/or before December 1.

(5) All permits issued through administrative error can be terminated by the director of permits, inspections, licensing and code enforcement.

(6) This section shall not be construed to include employees who do not serve or sell alcoholic beverages.

(7) No licensee shall allow any employee required to hold a permit to work on the licensed premises without displaying, on their person in public view, the permit issued by the licensing department.

(8) In the event that any permit holder leaves the employ of a licensed establishment, the licensee shall immediately surrender the permit to the director of permits, inspections, licensing and code enforcement.

(9) All permits issued hereunder remain the property of Henry County and shall be worn by the employee at all times while at work or on duty with the licensed establishment.

(Ord. No. 88-13, 12-3-88; Ord. No. 97-01, § 14, 2-5-97)

Secs. 3-14-35—3-14-45. Reserved.

DIVISION 2. LICENSES*

Sec. 3-14-46. Required.

It shall be unlawful to sell, serve, distribute, or give alcoholic beverages at wholesale or retail within the limits of Henry County without a proper and current license to do so.

(Ord. No. 82-3, §§ I, II, X, 3-16-82; Ord. No. 84-04, 2-7-84; Ord. No. 97-01, § 16, 2-5-97)

State law references—County licenses required, Official Code of Georgia Annotated §§ 3-5-40, 3-6-40; authority to license private clubs, Official Code of Georgia Annotated § 3-7-40.

Sec. 3-14-47. Wholesale licenses.

Wholesale licenses to sell beer or wine shall be issued only to those persons who are licensed by the state to sell and distribute malt beverages and/or wine at wholesale. Application shall be made with the board of commissioners and the applicant shall show proof of licensing by the state and shall demonstrate understanding of all laws and regulations pertaining to wholesale distribution in the county.

(Ord. No. 82-3, § XIII, 3-16-82)

Sec. 3-14-48. Special provisions for private clubs.

Notwithstanding any other provisions of this article, a county retail alcoholic beverage license may be issued to a private club; provided, however, that such license shall be for the purpose of malt beverages, wine or distilled spirits by the drink for consumption on the premises only.

(Ord. No. 82-3, § I(7), 3-16-82; Ord. No. 97-01, § 17, 2-5-97)

State law reference—Private clubs generally, Official Code of Georgia Annotated § 3-7-1.

Sec. 3-14-49. Application for retail license.

(a) Any person who wishes to obtain a retail license for the sale of alcoholic beverages shall file with the clerk of the board of commissioners a written application on a form approved by the county manager. Each applicant shall pay an administration fee of two hundred fifty dollars

*Cross reference—Local acts relating to licenses and taxation, Ch. 2-4.

($250.00) and shall also tender with the application the license fee provided by this article. Said application shall include the following information:

(1) Full name, home address, social security number and birth date of the applicant and the applicant's manager or agent if different from the applicant, and whether the applicant is an individual, partnership or corporation, provided that the manager of each location owned by a corporation must receive the license in his name if the principal owner of the corporation resides in another county; if the applicant is a partnership, the names and addresses of each partner must be shown; if the applicant is a manager of a corporation or owner of a corporation, the names, addresses and telephone numbers of each officer of the corporation must be shown. If applicant is the owner, he must own at least twenty-five (25) percent share of the business.

(2) The location or address of the place of business at which the applicant will engage in business, if and when permission to do so is granted by the county and a license issued. The applicant shall include the plans for the building in which the business shall be operated, a plan of the property on which said building shall be situated, and a parking diagram.

(3) The names of all persons who have or will have an interest, monetary or otherwise, in the business which the licensee will operate under the license.

(4) The results of a police check (*i.e.*, local records, GCIC & FBI).

(5) The employment record of applicant and operator/manager.

(6) Such other information as the board of commissioners may, from time to time require.

(b) As a prerequisite to the issuance of any such license, the applicant shall furnish a complete set of fingerprints which shall be forwarded to the Georgia Bureau of Investigation.

(c) Each applicant shall make a sworn statement of his qualifications on the application form and place same on file with the clerk of the board of commissioners before any license is issued. Any misrepresentation or concealment of fact in said application or sworn statement shall be grounds for revocation of license.
(Ord. No. 82-3, §§ V, XII(3), (6), 3-16-82; Ord. No. 86-05, 3-18-86; Ord. No. 97-01, § 18, 2-5-97)

Sec. 3-14-50. Persons eligible for retail license.

No retail alcoholic beverage license shall be issued:

(1) To a person who, in the opinion and judgment of the board of commissioners, is not of good moral character and reputation in the county in which he resides.

(2) A person who is not a citizen of the United Stated or a person who does not possess a permanent resident alien green card.

(3) To any person who has been convicted of felony or any crime involving moral turpitude, or any federal or state law relating to liquor, malt beverages or wine.

(4) To any person who is not a natural person.

(5) To a person whose place of business is conducted by a manager or agent unless the manager or agent possesses the qualifications required of a license holder.

(6) To a person who is the previous holder of an alcoholic beverage license and is, in the judgment and discretion of the board of commissioners, an unfit person to have a license because of the manner in which he previously conducted business thereunder as to the necessity for unusual police observation and inspection in order to prevent the violation of any law or regulation relating to such business.

(7) To any elected public official state, county, or municipal, nor shall any license be granted to any person to operate a business wherein a public official,as defined above, has any ownership of the business. Should such a public official acquire any

ownership in a business being operated under a license issued hereunder subsequent to the issuance of same, said license shall be automatically revoked.

(8) Unless the licensee is the owner or lessee of the premises to be licensed.

(9) For a location not suitable in the judgment and discretion of the board of commissioners because of traffic congestion, general character of the neighborhood, or by reason of the effect which such an establishment would have on the adjacent and surrounding properties, or on the neighborhood.

(10) For a location within an area where, in the judgment of the board of commissioners, the number of alcoholic beverage licenses already granted makes it contrary to the public interest and welfare.

(11) For a location at which a previous alcoholic beverage license has been revoked or suspended, and where, in the judgment of the board of commissioners, the problems which have arisen from the operation of an alcoholic beverage license at such location indicate that it is not in the interest of public health, safety, welfare or morals that the sale of alcoholic beverages be permitted at such location.

(12) Where the granting of such license would constitute a violation of state law or regulations.

(13) For a grocery store, unless the grocery store: For purposes of issuance of a beer or wine license,

a. Maintains on display to the customer, a minimum stock of food and groceries, excluding tobacco, of not less than four thousand dollars ($4,000.00) retail value; and

b. Has a floor space of not less than eight hundred (800) square feet, excluding storage; and

c. The location used for sale of beer or wine may be either shut off and locked by a door from the remainder of the building, or the display coolers or counters must be locked securely with signs posting the non-sale of alcoholic beverages during times that are not permitted by this article.

The provisions herein requiring four thousand dollars ($4,000.00) retail value of grocery stock and eight hundred (800) square feet of floor space shall not apply to those businesses existing prior to March 16, 1982.

(14) a. No license for the sale of distilled spirits shall be granted to any location that is in or within one hundred (100) yards of any church building or within one thousand (1,000) feet of any school building, educational building, school grounds, or college campus;

b. No license for the sale of malt beverages or wine shall be issued for any location within one hundred (100) yards of any church building, or within one thousand (1,000) feet of any school building, school grounds, or college campus. This subparagraph shall not apply at any location for which a license has been issued prior to July 1, 1981, nor to the renewal of such license. Nor shall this paragraph apply at any location for which a new license is applied for if the sale of wine and malt beverages was lawful at such location at any time during the twelve (12) months immediately preceding such application;

c. No license for the sale of any distilled spirits, wine, or malt beverages shall be issued for any location within one hundred (100) yards of an alcoholic treatment center owned and operated by this state or any county or municipal government therein. This subparagraph shall not apply to any business having a license in effect on July 1, 1981.

d. As used in this subparagraph, the term "school building" or "education-

al building" shall apply only to state, county, city, or church school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common schools and colleges of this state.

e. For purposes of this subsection (14), the distance between the church building, school building, school grounds or college campus and the location proposed for the sale of malt beverages, wine or distilled spirits shall be measured along the nearest practicable route of travel along a public right-of-way on the ground.

f. This subsection shall not prohibit the renewal of any license lawfully issued prior to its effective date.

(Ord. No. 82-3, §§ I(5), III(2), XII(1)—(5), 3-16-82; Ord. No. 86-07, 3-18-86; Ord. No. 89-02, 2-21-89; Ord. No. 92-03, 4-7-92; Ord. No. 97-01, § 19, 2-5-97)

State law reference—Authority of county to set licensing standards, Official Code of Georgia Annotated § 3-3-2.

Sec. 3-14-51. Public notice and advertising of application for retail licenses.

(a) All information contained in the application for the privilege and license to sell alcoholic beverages in the county shall be published in the official legal organ of the county, once a week for two (2) consecutive weeks immediately preceding the week in which the meeting at which board of commissioners will act upon the application shall be held.

(b) No retail license shall be granted unless the applicant places a sign in the establishment where alcoholic beverages are to be sold. This sign shall remain on the premises for fifteen (15) consecutive days following the filing of the application with the board of commissioners. The sign shall be visible from the street or thoroughfare on which the establishment where alcoholic beverages are to be sold. The sign shall contain the words "NOTICE: ALCOHOLIC BEVERAGE LICENSE APPLIED FOR." The words shall appear in bold type and be clearly visible from the street or thoroughfare on which the establishment where alcoholic beverages are to be sold is located. Letters on this sign shall be not less than four (4) inches in height. The day, month, and year the license was applied for and date and place of hearing shall also appear on said sign.

(c) No retail license shall be granted unless the applicant for a license places a notice of application in the official legal organ of publication in the county for two (2) consecutive weeks after application has been made, but prior to a hearing on said application. This notice shall state:

(1) A license has been applied for;

(2) The date of application;

(3) The name of the person applying for the license;

(4) The location of the establishment where alcoholic beverages shall be sold; and

(5) The place, date, and time set for public hearing on said application.

(d) No retail license shall be granted unless a public hearing before the board of commissioners is held. This public hearing shall be held not less than fifteen (15) days after application is made and not more than forty-five (45) days after application has been made.

(e) All costs for sign, notice, and advertisement shall be borne by the applicant.

(Ord. No. 82-3, §§ VI, VII, 3-16-82; Ord. No. 97-01, §§ 20—22, 2-5-97)

Sec. 3-14-52. Issuance of retail licenses.

(a) All applications for retail licenses required by this article filed with the clerk of the board of commissioners shall be presented for approval to the board of commissioners in meeting duly assembled and after the qualifications of the applicant and the applicant's manager or agent, if different from the applicant, and the propriety of the proposed location have been investigated. The board of commissioners shall approve or disapprove the application. In case such application is approved by the board, the clerk shall then issue a proper license to the applicant authorizing the

applicant to engage in the business of retail alcoholic beverage sales at the business location designated in the application.

(b) The building and inspection department director may issue beer, wine, and distilled spirits licenses without board review when:

(1) The application is to change the name of the license holder in a previously approved location; and

(2) When the application is for a wholesale distributor's license.

(Ord. No. 87-09, 6-16-87; Ord. No. 97-01, § 23, 2-5-97)

Sec. 3-14-53. License fees; joint issuance.

(a) The applicant for a retail license for the sale of malt beverages shall pay to the clerk of the board of commissioners of Henry County, Georgia, at the time of the issuance of such license the sum of seven hundred fifty dollars ($750.00) as an annual license fee for the operation of one (1) year beginning on the first day of January. Applicants for a retail license for wine shall be subject to the same regulation and the annual license fee shall be three hundred seventy five dollars ($375.00).

(b) Applicants for a retail license for the sale of distilled spirits for beverage purposes by the drink shall be subject to the same regulation, and the annual license fee shall be five thousand dollars ($5,000.00), except as hereinafter provided for nonprofit organizations and special events.

(c) Nonprofit organizations shall pay an annual license fee for the sale of distilled spirits of one thousand three-hundred seventy-five dollars ($1,375.00).

(d) Holders of special event permits shall pay the following license fees for each day of the event: Seventy-five dollars ($75.00) for malt beverages; fifty dollars ($50.00) for wine; and one hundred twenty-five dollars ($125.00) for distilled spirits.

(e) The license may be issued jointly in the name of the owner, lessee of the premises which shall operate the business, and the manager in the event that the owner or lessee is from out of county. The manager shall be jointly responsible for the operation of the business and shall be subject to any penalties for violation of the county's ordinances.

(Ord. No. 82-3, § XV(1), (2), 3-16-82; Ord. No. 87-09, 6-16-87; Ord. No. 97-01, § 24, 2-5-97)

State law references—Payment of county license fee for malt beverage license required, Official Code of Georgia Annotated § 3-5-41; limitation on license fee for malt beverage wholesalers, Official Code of Georgia Annotated § 3-5-43.

Sec. 3-14-54. Term and transfer.

Licenses issued pursuant to this article shall be applicable to and valid with the respect only to the business location referred to therein, and shall not be transferrable to any person other than the named licensee, except that if the manager of a location which is owned by a corporation is removed by that corporation from the position of manager and a new manager is named for that location, then in that event, the new manager's name must be provided to the county and all other pertinent information requested by the county must be provided, and a fifty dollar ($50.00) transfer fee must be paid. This provision does not apply to the sale of a business. Such licenses shall expire upon and be of no validity after December 31 next after their issuance except in the event of renewals.

(Ord. No. 82-3, § IX, 3-16-82; Ord. No. 86-05, 3-18-86)

Sec. 3-14-55. Suspension or revocation.

(a) A license issued pursuant to this article shall be a mere grant of privilege to carry on business during the term of the license, subject to all terms and conditions imposed by this article and state law, or any future ordinances pertaining thereto, and subject to revocation or suspension at any time. In case of revocation, the licensee shall not be entitled to a return of the unearned license fee.

(b) Any person, licensee or employee of a licensed business, found to be in violation of this section shall result in the suspension of the license for a period of not less than five (5) days for the first occurrence (thirty (30) days for a willful violation); upon a second occurrence, within twelve (12) months, suspension of not less than thirty (30) days; and upon a third occurrence within

twenty-four (24) months, a suspension of not less than six (6) months or the remainder of the license period, whichever is greater. Nothing contained herein shall prevent the board of commissioners from suspending or revoking any license issued under this article whenever a person doing business under such license is found in violation of this article or is found guilty of violating any law involving moral turpitude, or when it shall be shown before the board of commissioners that the health, morals, interest and convenience of the public demand the suspension or revocation of such license.

(c) A suspension does not require notice or a hearing before the board of commissioners. Notice of a revocation hearing, however, shall be given, either personally or by leaving same at the licensed place of business at least ten (10) calendar days prior to the hearing. Such notice given in the name of the board of commissioners or the chairman, may include notice that the license is suspended pending a hearing, in which case the licensee shall immediately cease to operate his business until further order.
(Ord. No. 82-3, §§ III, IV, 3-16-82; Ord. No. 89-04, 3-21-89; Ord. No. 97-01, § 25, 2-5-97)

Sec. 3-14-56. Appeals.

(a) All decisions approving, denying, suspending, or revoking a license issued pursuant to this article or licenses shall be in writing, with the reasons therefor stated, and mailed or delivered to the applicant.

(b) Upon timely application, any applicant aggrieved by the decision of the board of commissioners regarding such a license shall be afforded a hearing with an opportunity to present evidence and cross-examine opposing witnesses.

State law reference—Similar provisions, Official Code of Georgia Annotated § 3-3-2(b).

Sec. 3-14-57. Renewals.

(a) All retail alcoholic beverages licenses shall expire on December 31 of each year and are subject to renewals as provided for in this section, and subject to compliance with all applicable ordinances and state laws. Each applicant for renewal shall make an application on the form provided by the Henry County Inspection Department by November 1 of each year. Each applicant shall provide the information required by the Code of Ordinances and shall authorize the inspection department to obtain NCIC/GCIC reports from the Henry County Sheriff's Department or other law enforcement agencies on applicants or applicants' employees. Fingerprinting shall not be required for renewal applications unless there is a new manager of a corporation.

(b) Before any retail alcoholic beverage license can be considered for renewal, the building and inspection administrator shall report the status of each business to the board of commissioners at their first meeting in January of each year.

(c) This report shall include violations, if any, of the beer and wine ordinance in the past twelve (12) months, and whether the retail license complies with the provisions of this article or state law governing the sale of alcoholic beverages.

(d) Notice of renewal shall be advertised in the official organ of publications in the county for two (2) consecutive weeks prior to the first scheduled meeting in January. Such advertisement shall notify that all retail alcoholic beverage licenses will be considered for renewal if applications for renewal have been filed as provided for in this section. All retail alcoholic beverage licenses for which renewal applications have been made as provided for in this section shall remain in full force and effect from December 31 through the meeting in January when the renewal application is considered by the board of commissioners.
(Ord. No. 85-22, 12-3-85; Ord. No. 86-04, 3-18-86; Ord. No. 97-01, §§ 26—28, 2-5-97)

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PUBLIC WORKS

Chapter 3-5

PUBLIC WORKS

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Subchapter 1

*Roads and Bridges**

Sec. 3-5-1. Permit for roadwork.

No person shall do any paving work, or any other related or similar road work, on, or adjacent to, a county road without a permit issued by the board of commissioners.
(Mo. of 2-6-73)

State law reference—Authority of county over roads, Official Code of Georgia Annotated §§ 32-4-41, 32-4-42.

Sec. 3-5-2. Road work to comply with county specifications.

A person doing any paving work, or any other similar or related road work, on, or adjacent to, a county road shall do such work in accordance with all specifications and requirements of the board of commissioners.
(Mo. of 2-6-73)

Sec. 3-5-3. Protecting roads, etc.; trucks, etc.

(a) The purpose of this section is to protect the county road system, bridges, and ditches from damage and excessive maintenance costs occasioned by the travel of heavily laden trucks over said road system.

(b) For the purpose of delivery or transport of goods, articles or wares that all such heavily laden trucks or delivery vehicles proceed over state routes, truck routes, or major highway systems for the delivery of their goods where at all possible or feasible.

(c) Said delivery or transport vehicles shall not proceed over residential paved streets unless the use of said residential route is essential to their delivery.

(d) Delivery or transport vehicles shall not proceed routinely over the county's unimproved road system during periods of rain or inclement weather when clearly, said travel causes excessive damage and maintenance to the road system such that road conditions for the passage of smaller and lighter passenger vehicles has been substantially hampered.

(e) Heavily laden delivery and transport vehicles are restricted from crossing county bridges, where their carted load exceeds the posted load limit of said bridge.

(f) All pulpwood, logging, or other timber cutting operations which necessitate the use of county roads and crossing county right-of-way ditches, shall, prior to commencement of such operation, apply for and be issued a permit to cross such ditches from the county engineering and road department. The applicant shall install and bear the entire expense of an approved culvert pipe for the purpose of crossing the ditch; and at the conclusion of the applicant's operations, the applicant shall return and bear the expense of returning the ditch to its original or better condition by the applicant. The applicant may be required to restore and shape the ditch, backslope and road shoulders. The county shall inspect the ditch prior to installation and after the removal of the culvert pipe. The fee for each permit provided for in this section shall be thirty dollars ($30.00), to be paid upon filing the application.

(g) Failure of any person to comply with any of the provisions of this section shall constitute a misdemeanor.
(Ord. No. 83-05, 2-1-83; Ord. No. 89-14, 9-5-89)

Sec. 3-5-4. Road classification system—Generally.

(a) Roadways may be created by:

(1) Dedication;

(2) Prescription;

(3) Express grant of an easement;

(4) Deed;

(5) Special statutory proceeding; or

(6) Condemnation.

(b) The board of commissioners has determined that there shall be the following classification of roadways in the county:

(1) *Private roadways.* A private road is a roadway that is created by an easement

*Cross references—Driveways and parking lots for certain buildings, § 3-6-1; signs along interstate highways, § 3-10-16 et seq.; traffic, § 3-4-301 et seq.

from a land owner to a certain individual or individuals and the use of said road can be controlled by the parties to the easement. It has been determined by the county zoning ordinance that there can be only one building permit issued by a private easement roadway.

(2) *Public roadways.* A public roadway is a roadway where the general public has acquired an implied easement for a roadway over the property of others by virtue of the unobstructed use of said roadway for a sufficient length of time to establish a public easement over the roadway. Public roadways are roadways over which the public has the right to travel, but have not been accepted by the governing authority of the county as county roads and the county assumes no responsibility to maintain said roadways.

Upon compliance with all of the provisions of the county zoning ordinance, building permits will be issued for building on public roads upon the applicant signing a "statement of understanding" that said roadway is a public road and that the county assumes no responsibility for the maintenance of said road until such time as it becomes feasible and advisable to accept said roadway as a "county road." The county at such time will accept said road as a county road upon the property owners along said road conveying a right-of-way to the county conveying the minimum width required by the county.

(3) *County roadways.* A county roadway is one that has been acquired by dedication, by prescription, by the express grant of an easement, by deed, by statutory proceedings, or by condemnation, and further has been accepted by the governing authority of the county and designated as a "county road" and has assumed the responsibility to maintain said road for the general public. Upon compliance with the provisions of the county zoning ordinance, building permits will be issued on county roads.

(Res. No. 82-36, §§ I—IV, 11-16-82)

Sec. 3-5-5. Same—Unpaved roads.

(a) *Findings of fact; scope:*

(1) Henry County encompasses an area of three hundred thirty-one (331) square miles and at the present time has approximately three hundred sixteen (316) miles of unpaved roads and approximately three hundred seventy (370) miles of paved roads;

(2) The county is in the process of completing a road inventory showing all of the roads in Henry County and the classification of said roads as they exist;

(3) The governing authority of Henry County has determined that there are certain unpaved roads within the county that are not used for the general public benefit and, it is not economically feasible or legally justifiable for the taxpayers of the county to maintain these roadways, some of which are no more than private driveways, and these roadways, if they have been maintained by the county, will be abandoned as public roads in accordance with the Official Code of Georgia, Sections 32-7-1 and 32-7-2; and

(4) It is the desire of the governing authority of Henry County to adopt the following policy concerning the types, uses and maintenance schedule of the unpaved roads in the county.

(b) *Creation or establishment of roadways.* Roadways must be created by:

(1) Dedication;

(2) Prescription;

(3) Express grant of an easement;

(4) Deed;

(5) Special statutory proceeding; or

(6) Condemnation.

(c) *Types of roadways.* The governing authority of Henry County has determined that there shall be the following classifications of unpaved roads in the county:

(1) *Private roadways.* A private roadway is a roadway that is created by an easement

from a land owner to a certain individual or individuals and the use of said road can be controlled by the parties to the easement. In addition, private roadways are roadways that are not used for the general public purpose. It has been determined by the Henry County Code that there can be only one (1) building permit issued on a private easement. These private roadways will not be maintained by the county.

(2) *Public roadways with rights-of-way of sixty (60) feet or greater.* These are roadways that are used for the general public purpose and have rights-of-way of greater than sixty (60) feet. These roadways will be maintained by the county consistent with the maintenance policy developed by the Henry County Department of Transportation.

(3) *Public roadways with deeded rights-of-way of fifty (50) feet or greater but less than sixty (60) feet.* These are roadways that are used for the general public purpose and have deeded rights-of-way of fifty (50) feet or greater but less than sixty (60) feet. These roadway rights-of-way were deeded to the county at a time when a fifty-foot right-of-way was sufficient according to the ordinances in effect in Henry County at the time of acceptance. These roadways will be maintained by the county consistent with the maintenance policy developed by the Henry County Department of Transportation and in accordance with deeded rights-of-way.

(4) *Public roadways with rights-of-way less than sixty (60) feet.* These are roadways which are used for the general public purpose and have rights-of-way of less than sixty (60) feet. These roadways will be maintained by the county in accordance with the maintenance policy developed by the Henry County Department of Transportation, but will not be maintained to the same standard as roads categorized in paragraph (b) hereof, because of insufficient rights-of-way. These roads will be upgraded to paragraph (b) as rights-of-way of sixty (60) feet or greater and deeded to Henry County by adjoining land owners.

(d) *Inventory of roads.* The county shall maintain a road inventory showing all of the roads in Henry County and the classification of such roads as they exist in accordance with this statement of policy.

(Res. No. 85-14, 4-2-85)

Editor's note—Resolution No. 85-14, enacted April 2, 1985, did not specifically amend this Code; hence, codification of the substantive provisions of such resolution as a new § 3-5-5 is at the discretion of the editor.

Secs. 3-5-6—3-5-100. Reserved.

Subchapter 2

*Solid Wastes**

ARTICLE I. IN GENERAL

Sec. 3-5-101. Definitions.

The purpose of this article and in addition to, their common meanings, the following words and/or phrases shall have the respective meanings assigned to them.

Commercial establishment means any hotel, motel, apartment house or complex, rooming house, business, industrial, public or semi-public establishment of any nature or kind whatsoever other than a single-family dwelling unit/residential unit or condominium.

Commercial solid waste means refuse from a commercial establishment, stores, offices, restaurants, warehouses and other nonmanufacturing activities, excluding residential and industrial wastes, as defined herein, including but not limited to waste material from industry. Commercial solid waste also includes waste materials from the construction, remodeling and repair of houses, commercial buildings, multiple dwellings and

*Editor's note—Ordinance No. 94-04, adopted September 20, 1994, repealed Ch. 3-5, Subchpt. 2, Arts. I, II, §§ 3-5-101—3-5-103, 3-5-116—3-5-125, 3-5-136—3-5-142 and added a new Ch. 3-5, Subchpt. 2, Art. I in lieu thereof. Former Subchpt. 2, Arts. I, II pertained to similar subject matter and derived from Res. No. 76-14, §§ 1—17, adopted December 7, 1976; Ord. No. 84-12, adopted June 19, 1984; Ord. No. 86-19, adopted December 16, 1986 and Ord. No. 87-13, adopted June 16, 1987.

State law reference—Solid Waste Management Act, Official Code of Georgia Annotated § 12-8-20.

other structures, such as concrete, bricks, plaster, stone, earth, lumber, roofing materials, gutters, shavings and sawdust (construction/demolition waste). However, the term "solid waste" does not include yard trimmings or excluded items.

Condominium means individual ownership units in a multifamily structure.

Construction/demolition waste means building materials and rubble resulting from construction, remodeling, repair, and demolition operations of pavements, houses, commercial buildings and other structures. Such waste includes, but are not limited to waste containing asbestos, wood, bricks, metal, concrete, wall board, paper, cardboard, inert waste landfill material, and other nonputrescible wastes which have low potential for groundwater contamination.

Contract hauler means a person, corporation, partnership or other legal entity which collects, transfers and/or disposes of solid waste material.

Excluded item means any item which must carry a permit to be disposed or hauled; any item which is classified as hazardous under Subtitle C, Resource Conservation and Recovery Act (RCRA); any item which is explosive, combustible or dangerous to handle without special equipment and training; includes but not limited to: batteries, tires, asbestos, and appliances with freon, and some paints.

Licensee means a person, persons or entity issued a license by the Henry County Board of Commissioners, who, for compensation by those receiving services, does the work of collecting and transporting solid waste from industries, offices, retail outlets, businesses, institutions, similar locations, or residential dwellings, provided this definition shall not include an individual collecting and transporting waste from his own single-family dwelling.

Garbage. See "solid waste."

Hauler. See "contract hauler."

Household waste means any solid waste (including garbage, trash, and sanitary waste in septic tanks) derived from households (including single and multiple-family residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day use recreation areas). This terms does not included yard trimmings, excluded items, or industrial waste.

Industrial waste means solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under Subtitle C of RCRA. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related products/by-products; inorganic chemical; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay and concrete products; textiles manufacturing; transportation equipment; and water treatment. This term does not include mining waste, oil and gas waste, yard trimmings or excluded items.

Landfill. See "Municipal solid waste landfill."

Litter means nonhazardous illegally discarded solid waste which includes, but is not limited to, paper, household appliances, furniture, and tires.

Mulch means chipped or ground yard trimmings and land clearing debris.

Municipal solid waste means any solid waste derived from households, including garbage, trash, and sanitary waste in septic tanks and solid waste from single-family and multifamily residences, hotels, motels, bunkhouses, campgrounds, picnic grounds, and day use recreation areas. The term includes yard trimmings and commercial solid waste, but does not include solid waste from mining, agricultural, or silvicultural operations or industrial processes or operations.

Municipal solid waste landfill (MSWLF) means a discrete area of land or an excavation which receives household waste, and is not a land application unit, surface impoundment, injection well, or waste pile, as those terms as defined in Subtitle D of RCRA. A MSWLF may receive other types of RCRA Subtitle D waste, such as commercial solid waste, nonhazardous sludge, small quantity generator waste and industrial solid waste. Such a landfill may be publicly or privately owned. A MSWLF may be a new MSWLF, or existing MSWLF, or a lateral or vertical expansion.

Occupants. See "owner."

Open dump means a disposal facility of which solid waste from one or more sources is consolidated and left to decompose, burn or to otherwise create a threat to human health or the environment.

Owner means any person, firm, corporation or other legal entity owning, leasing, renting, occupying, or managing any real property in unincorporated Henry County.

Plastic bag means a polyethylene or other heavy duty plastic bag meeting the National Sanitation Foundation Standard of at least 1.5 mills and not exceeding a thirty-gallon capacity, with securing twist ties. An untied plastic bag shall not be an approved container.

Putrescible waste means capable of being decomposed by micro-organisms. Examples of putrescible waste include, but are not necessarily limited to, kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes, and some types of garbage.

Reclamation means a controlled method of sorting and storing material from solid wastes for future use.

Recovered materials means materials which have a known use, reuse or recycling potential; which can be feasibly used, reused, or recycled; and have been diverted or removed from the waste stream for reclamation by sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing.

Recycling means the process by which recovered materials or other materials which could otherwise become solid waste are diverted from the waste stream and are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

Refuse. See "solid waste."

Residential unit means any free-standing structure or shelter of any part thereof used or constructed for use as a residence for one (1) family.

Roofing materials means material used to roof houses or businesses; including, but not limited to, asphalt shingles, tar, nails, roofing felt.

Rubbish. See "solid waste."

Sanitary landfill means a disposal site for solid waste which is operated in accordance with all State of Georgia laws and regulations and all federal laws and regulations, and which has been approved by the Georgia Department of Natural Resources for such purpose.

Sludge means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial waste water treatment plant, water supply facility exclusive of the treated effluent from a waste water treatment plant.

Solid waste means household, commercial, or industrial solid waste which is nonhazardous, nonmedical, and in a form classified as solid by the Georgia Department of Natural Resources.

Specially handled waste means any municipal solid waste which requires special handling or time to pickup, such as appliances, tires, yard trimmings, etc.

Waste stream means the total flow of solid waste from residential, commercial, and industrial sources generated within unincorporated Henry County.

Yard trimmings means grass clippings, leaves, tree and bush limbs, sticks, tree trunks and other organic matter discarded from yards and gardens. "Yard trimmings" does not include treated wood or wood products, plastic containers or any items which is considered solid waste.
(Ord. No. 94-04, 9-20-94)

Sec. 3-5-102. Prohibitions.

(a) No person shall place or deposit any excluded item into the waste stream. Items such as batteries, and tires shall be recycled and may be picked up by licensee for recycling according to section 3-5-105(c) and section 3-5-108(e).

(b) No person, individual, partnership, corporation, or other entity may collect and dispose of solid waste for a fee without first obtaining a license permit from the board of commissioners.

(c) No owner or occupant of real estate shall allow his or her solid waste to be disposed of in any manner which is inconsistent with this article.
(Ord. No. 94-04, 9-20-94)

Sec. 3-5-103. Licenses.

(a) A licensee zone area map is hereby adopted and attached to this article as Exhibit "A." Copies of this article and map shall be available for public inspection in the administration office, board of commissioners, Henry County, Georgia.

(b) A license for residential or commercial collection and disposal of solid waste for one or more areas designated on the zone area map may be issued only upon application to the board of commissioners.

(c) Licensees shall provide collection services for the entire zone area. In residential areas may operate only between the hours of 6:30 a.m. and 7:00 p.m.
(Ord. No. 94-04, 9-20-94)

Sec. 3-5-104. Requirements for license.

All licensees must meet the following minimum requirements:

(1) *Permit.* Prior to engaging in solid waste handling in Henry County, a licensee must have obtained a solid waste handling permit from the Environmental Protection Division of the Georgia Department of Natural Resources or any successor agency authorized to issue permits pursuant to Official Code of Georgia 12-8-24.

(2) *Insurance.* At the time of submission of a signed license agreement and prior to engaging in solid waste handling in Henry County, and annually thereafter, or upon request, each licensee shall provide to the board of commissioners proof of insurance as follows:

a. Statutory Worker's Compensation Insurance.
b. Comprehensive general liability insurance—One hundred thousand dollars ($100,000.00).
c. Vehicle liability.

1. Five-hundred-thousand dollar limit per occurrence for bodily injury and property damage.
2. Comprehensive covering all owned, non-owned and hired vehicles.
3. All insurance contracts must specify vehicles for "solid waste collection."

(3) *Indemnification.* Licensee shall, at its sole cost and expense, fully indemnify, defend and hold harmless the county, its officers, boards, commissions, employees and agents against any and all claims, suits, actions, liability and judgments from third parties for damages which may be the result of willful, negligent or tortuous conduct or operations arising out of the business of collection, transportation and disposal of solid waste, whether or not the action or omission complained of is authorized, allowed or prohibited by this article. This indemnification shall include attorneys' fees and other expenses of litigation incurred by the county.

(4) *Financial stability.* Licensee obtaining both residential and commercial licenses must meet financial stability criteria.

(5) *Vehicles.*

a. All vehicles and containers used for collection operations shall comply with the requirements of Rule 391-3-4.06 of Chapter 391-3-4 (Solid Waste Management) of the Rules of the Georgia Department of Natural Resources, Environmental Protection division, and must be compactor-type trucks, covered or enclosed vehicles. All vehicles must be constructed of durable metal, easily cleanable and able to prevent litter from escaping during movement.
b. Vehicles and containers shall meet all requirements of the Georgia Department of Transportation for highway safety and local ordinances governing weight and size for the streets which must be traveled for pick-up. All vehicles shall be subject to unannounced inspections by county officials for compliance with environmental and highway safety standards.
c. All vehicles shall be identified by displaying the name, telephone number and business license number of the lic-

ensee on both sides of the vehicle. The telephone numbers shall also be displayed on the rear of the vehicle. All identifying information must be easily readable in letters at least six (6) inches high.

d. Licensees shall provide an adequate number of vehicles for regular collection services. Nothing in this article shall prohibit licensees from sharing back-up vehicles with other licensees; provided, such sharing is adequately covered by insurance.

e. Vehicles used exclusively for collection and transporting recovered materials or for special waste shall be exempt from item one of this article except that an adequate cover shall be used to prevent litter from escaping during movement.

(6) *Reporting requirements.* Within thirty (30) days from June 30 and December 31, licensee shall submit to the board of commissioners reports of operation disclosing the following information:

a. Monthly tonnage figures reflecting total waste tonnage collected by service type; residential, commercial, industrial, or institutional.

b. Monthly tonnage figures reflecting total recovered materials collected by type, and proof of recycling in the form of manifests, bills of sale, or other records showing adequate proof of movement of the material to a recognized recycling facility.

c. Evidence of disposal of noncovered materials at state approved facilities and name of each such facility.

The above information shall be compiled for state reporting purposes by the board of commissioners.

(Ord. No. 94-04, 9-20-94)

Sec. 3-5-105. Residential service.

All licensees shall provide a minimum of the following services:

(1) Weekly curb service collection of residential waste packaged as approved pursuant to section 3-5-108 of this article, except as otherwise set forth herein. Each licensee shall set uniform fees for collection. Charges for residential collection and removal services shall be charged to the owners of the real property served, except that by requesting services, any tenant may become jointly bound to pay for the service. Uniform rates for a licensee's services shall be maintained within that zone for which the license is granted. However, in sparsely populated areas of a zone where the expenses for collection are greater, the licensee may charge a higher rate, not to exceed fifteen (15) percent over and above that amount charged all others in the same zone.

(2) Collection for disabled persons and senior citizens sixty-five (65) or older as defined in section 3-5-106 shall be made and billed as directed in that section.

(3) All residential customers shall participate in recycling. At least monthly, licensee's shall collect items from a county approved list of recyclables. The Board of Commissioners reserves the right to change the type and number of recovered materials, and to re-determine collection and disposal of yard trimmings. Licensees shall provide a proper mechanism for recycling. Licensees shall not dispose of recovered materials in landfills. All licensees shall participate fully in recycling. It is the intent of this section, all zones and licensees will have recycling at the curb no later than July 1, 1996.

(4) Upon recovered materials being placed in designated recycling containers for collection, they shall become the property of the licensee. During the twenty-four-hour period commencing at 7:00 p.m. on any day preceding a day designated for collection of recovered materials, no person other than an employee or agent of licensee shall remove recovered material from the designated recycling container. Any unauthorized person collecting or attempting collection of a recovered material in violation of this section shall constitute a violation of this ordinance, and shall be punish-

able as provided in section 3-5-113. Nothing herein shall be construed to limit the right of any individual, organization or other entity to donate, sell or otherwise dispose of recovered materials, if such disposal does not violate any applicable statute, regulation or ordinance.

(5) Provide total service to zone or zones selected. Accommodations for pickup of special wastes within that zone shall be made by licensee. Special fees to cover the service can be charged but must be announced to the customer at the time fees for service are considered by customer.

(6) The board of commissioners reserves the right, to direct and control the time, place and manner of solid waste handling. Nothing in this article is intended to abridge Henry County's right to own or regulate the waste stream.

(Ord. No. 94-04, 9-20-94)

Sec. 3-5-106. Elderly and disabled.

(a) Nothing in this article is intended to prohibit the licensee form offering discounts to senior citizens or the disabled.

(b) Any person who is a full-time resident of a residential unit as described above and who is disabled to the extent he or she is incapable of moving refuse to the curbside shall obtain a physician's certificate as to such disability. Disabled persons shall not be required to place the refuse at curbside. This subsection shall not apply unless all of the adult persons in a residential unit are disabled and obtain such physician's certificate. The certificate shall be mailed to the licensee with a copy to the director of the department of public health. This subsection also applies to temporary disability not to exceed ninety (90) days. Licensees may make reasonable rules for noncurbside collection for elderly and disabled persons.

(c) Licensees shall provide recycling services to disabled persons to the same extent such services may be provided under section 3-5-105.

(Ord. No. 94-04, 9-20-94)

Sec. 3-5-107. Other disposal methods.

Owners of record of all single residential units, condominiums, or multiple residential units not serviced by commercial container shall obtain service for each such unit from county-approved licensee, unless such owner disposes of solid waste by self-hauling of solid waste to a state-approved landfill. Failure to provide evidence of proper disposal upon request by county officials (receipts, canceled checks, etc.) shall be a violation of this article, punishable as set forth in section 3-5-113. No solid waste may be disposed of by any person in an open dump or may any person cause, suffer, allow or permit open dumping on his/her property. All disposal and burial of trash must comply with Georgia State Law "Rules for Solid Waste Management" Chapter 391-3-4. Contractors, builders, developers and others in the construction business shall be required to comply with this Code section, except as noted in Code section 3-5-109(c).

(Ord. No. 94-04, 9-20-94; Ord. No. 95-06, § 1, 6-6-95)

Sec. 3-5-108. General conditions of residential collection.

(a) Owners of single residential units, condominiums, or multiple residential units not served by commercial container, shall place refuse receptacles, plastic-lined paper bags or plastic bags securely tied, rubbish and bundles on assigned collection days, at front curbside locations in such a manner as not to obstruct vehicular or pedestrian passage. Owners shall place such refuse at appropriate curbside location at or before 6:30 a.m. or prior to the arrival of the collection vehicles. This placement shall not be made before dusk on the day prior to collection day. Any refuse placed on the curb after departure of the licensee's pickup crew shall subject the owner to prosecution for violation of this article.

(b) Owners shall remove container from curbside location to a storage location, which shall be unit behind the building line located on the premises. Removal should be accomplished with twenty-four (24) hours following collection.

(c) Owners shall prevent the continued, excessive and unsightly accumulation of refuse upon their property or the public thoroughfares bounding upon owners property.

(d) It shall be a violation for this ordinance to place or cause to be placed for collection any acid, explosive material, inflammable liquids or dangerous or corrosive material of any kind.

(e) Private used, inoperative and worn out special waste: household appliances (refrigerators, stoves, washing machines, dryers, etc.), discarded furniture, and tires shall be collected at least weekly as designated by the licensee with additional charge if necessary and disposed of in compliance with all current state and federal regulations.

(f) Solid waste generated from conducting customary home occupations as defined by the building and licenses department of Henry County shall be collected on a residential fee basis.

(g) All trash and refuse will be collected by the licensee if placed in plastic receptacles or metal garbage cans of not more than thirty-five-gallon capacity, in bags of not more than thirty-nine-gallon capacity, or tied in bundles of not larger than thirty (30) inches. The licensee may also provide a fifty- to one hundred-gallon wheeled container with lid if so desired. No open containers shall be permitted.

(h) Yard trimmings consisting of grass clippings, leaves, etc., shall be placed in suitable containers for separate pickup at a time specified by licensee. Licensees shall provide for pickup of yard trimmings at least once per week. Limbs and yard trimmings shall not be disposed of in a landfill; but taken to a facility that recycles trimmings as mulch or compost. Limbs must be tied in bundles not exceeding a weight fifty (50) pounds nor diameter of thirty (30) inches and length of thirty-six (36) inches. This paragraph shall become effective September 1, 1996.

(i) Specially handled waste shall be placed at or near the dwelling in such a manner it can easily be picked up by licensee, or shall be placed in the street or at curbside prior to an agreed upon pick up date.

(j) Nothing in this article shall prevent customers from contracting with licensees for additional services.

(k) A list of all current licensees and the license zones will be available for public inspection in the office of the board of commissioners.

(l) Property owners shall not be responsible for the cost of solid waste collection during any service period when the property is vacant for thirty (30) days or more and they have notified the licensee providing service to them of that fact in writing in advance of that service.
(Ord. No. 94-04, 9-20-94)

Sec. 3-5-109. Commercial and industrial collection.

(a) Applicants for commercial license permits are subject to the same requirements for a solid waste handling permit as residential licensees under section 3-5-104 of this article.

(b) The owner or occupant of any real estate, office, business establishment, institution, industry, or similar commercial establishment shall be responsible for the collection and transportation of all solid waste accumulated at such real estate, establishment or facility to a solid waste handling facility operating in compliance with state regulations, and must arrange for service with an approved licensee. No business license or renewal thereof shall be issued until the owner or occupant of such premises provides the business license officer of the Henry County Department of Permits and Licenses with the name of the licensee which provides collection for that business. Holders of a valid Solid Waste Handling Permit from the Georgia Department of Natural Resources shall be exempt from such contracting but shall comply with the requirements of section 3-5-104(4) and (5).

(c) Contractors, builders, developers, and others in the construction business are responsible for the proper disposal of waste from the job or construction site. Waste shall not be buried on site except as provided in this code section. All other waste shall be disposed of as required by Code section 3-5-107. The following rules shall apply to on-site waste disposal by contractors, builders, developers, and others in the construction business:

(1) Inert construction waste may be buried on a construction site provided the rules set

out in this subsection are followed. As used in this code section, "inert construction waste" means waste building materials and other waste resulting from the construction, remodeling, or repair of houses, buildings, and other structures which will not or are not likely to cause production of leachate of environmental concern. Such waste is limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps, limbs, and leaves. This definition excludes all waste not specifically listed above.

(2) Waste materials buried on construction sites shall be spread in layers and compacted to the least practical volume. A uniform compacted layer of clean earth cover no less than two (2) feet in depth shall be placed over buried waste material. Burial sites shall be graded and drained to minimize runoff and to prevent erosion. A vegetative cover shall be placed over the area when the burial site is completed.

(3) The existence of all inert waste burial sites shall be disclosed on the face of the deed conveying title to the property on which the same are located from the contractor, builder, developer, or other person in the construction business to the next person to whom the property is conveyed, and this disclosure shall be repeated on all deeds in the chain of title thereafter. If a plat of the property is prepared, the location of the site shall be shown on the plat, and a copy of the plat shall be supplied to the building inspection department before a certificate of occupancy is issued for the principal structure on the property. If no plat is prepared, a sketch or drawing shall be supplied to the building inspection department showing the approximate location of the burial site before a certificate of occupancy is issued.

(4) No inert construction waste shall be buried in a public right-of-way or in a natural or engineered surface water drainage area. Inert waste sites shall be allowed only in rear and side yards.

(5) Inert waste burial sites shall be no more than fifteen (15) feet deep.

(6) Proof of approval of all locations for inert waste burial by the Henry County Health Department, Department of Environmental Health shall be provided to the Henry County Building Inspection Department before any such site is utilized.

(7) Inert waste burial sites shall be allowed only in RA, R1, R2, office-institutional, commercial, and industrial zoning districts. The same are prohibited in all other zoning districts.

(8) Only one (1) inert waste burial site shall be allowed on each lot and shall be utilized only for construction waste generated on that lot, unless a common burial site for multiple lots is approved in advance by Henry County Department of Public Health and the Henry County Building Inspection Department.

(9) Inert waste may be burned only with a permit from the Henry County Fire Department, and only using an air curtain destructor.

(d) Henry County reserves the right at all times to regulate solid waste handling. Nothing in this article is intended to abridge Henry County's right to ownership and control of the waste stream. (Ord. No. 94-04, 9-20-94; Ord. No. 95-06, § 2, 6-6-95)

Sec. 3-5-110. Accumulation.

No owner or occupant shall allow the accumulation on his or her premises of solid waste material where such material creates or may create a health hazard to neighbors or other citizens, or is unsightly, or emits foul or obnoxious odors which constitute either a public or private nuisance. Such conduct shall constitute a separate violation of this article for each day the solid waste material remains on the premises and shall be punishable as set out in section 3-5-113.
(Ord. No. 94-04, 9-20-94)

Sec. 3-5-111. Transportation across county lines.

All licensees must keep accurate records of the amount of waste tonnage transported in and out of Henry County.
(Ord. No. 94-04, 9-20-94)

Sec. 3-5-112. Termination of licenses.

(a) A license may be revoked, suspended or canceled by mutual agreement between the county and licensee at any time. Licensees may surrender licenses by giving a sixty (60) day notice to the board of commissioners and furnishing proof all advance payments of customers have been used by providing a service or the unused portion of the prepaid service has been refunded.

(b) The board of commissioners shall notify a licensee of any violations of this article. Upon notification of the alleged violation, a licensee shall have four (4) calendar days to cure such condition of violation. If licensee fails to cure the violation within four (4) days, a hearing shall be held before the board of commissioners with the licensee being notified in writing as to the time and place of the hearing and the nature of the violation. The hearing shall be conducted within thirty (30) days.

(c) Licenses are nontransferable.
(Ord. No. 94-04, 9-20-94)

Sec. 3-5-113. Penalties.

(a) Any person, firm or corporation or an employee or agent of any firm or entity pleading guilty, nolo contendere or having after trial being found guilty of violating any provision of this ordinance may be fined up to one thousand dollars ($1,000.00) and/or sixty (60) days in jail per violation. Each day a violation continues shall be a separate offense. However, this section shall not preclude the county from seeking civil redress in a court of competent jurisdiction in addition [to] the criminal prosecution. It being the intent the county has both civil and criminal right of prosecution in this area.

(b) In the case of an improper waste disposal site, the owner, contractor, developer, builder or other person managing the property shall clean up the site and come into full compliance with this article. Henry County shall not be responsible for any costs of remediation. The offender may be fined one thousand dollars ($1,000.00) for each day a violation continues to exist, and business license may be revoked, or suspended, as deemed by the board of commissioners.
(Ord. No. 94-04, 9-20-94)

Sec. 3-5-114. Enforcement.

(a) The provisions of this article regarding collection and removal of solid waste shall be enforced by the board of commissioners. All such provisions regarding the collection and removal of solid waste may also be enforced by the Henry County Police Department or Sheriff's Department.

(b) Provisions regarding applications for, and termination of, licenses shall be enforced by the board of commissioners.

(c) Violations of any provisions of this ordinance shall be reported initially to the board of commissioners which office is now charged with administration, interpretation, and enforcement. Enforcement officers shall be authorized to issue citations and prosecute violations of this article.

(d) The board of commissioners shall designate and publicize a special telephone number to be called to report violations.
(Ord. No. 94-04, 9-20-94)

Sec. 3-5-115. Exceptions.

The board of commissioners may make exceptions to these rules, provided, the licensee makes written application showing the following:

(1) The method proposed utilizes a new experimental, cost effective or innovative technological concept or theory of solid waste storage, collection, transportation or disposal;

(2) The method proposed has been certified by the Henry County Board of Health and Georgia Environmental Protection Division of Department of Natural Resources as not to create a health hazard to the public;

(3) The method proposed is to be utilized by at least ten (10) customers; and

(4) Any exception granted does not violate the requirements of sections 3-5-104 or 3-5-107 of this article.

Any exception granted by the board of commissioners shall be for a one-year term and shall be nonrenewable. At the end of six (6) months of

operation of the excepted method, the licensee shall submit date to the board of commissioners sufficient enough to enable a determination of success of the method. If found to be acceptable to the board of commissioners, this article may be amended to allow such method without exception.
(Ord. No. 94-04, 9-20-94)

Sec. 3-5-116. Severability.

In the event any section, subsection, sentence, clause or phrase of this article is declared or adjudged invalid or unconstitutional, by a court of competent jurisdiction, such adjudication shall in no manner affect any other section, subsection, sentence, clause or phrase, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof.
(Ord. No. 94-04, 9-20-94)

Secs. 3-5-117—3-5-160. Reserved.

ARTICLE II. RESERVED

ARTICLE III. COUNTY LANDFILL

Sec. 3-5-161. Compliance.

A county landfill shall not accept materials unless the person bringing such materials have complied with all the regulations of the county pertaining to such materials.
(Res. No. 76-14, § 1(e), 12-7-76)

Sec. 3-5-162. Right of county to revoke privilege of use.

The use of the county landfill is a privilege and not a right. This privilege may be revoked by the board of commissioners without prior notice.
(Res. No. 76-14, § 4, 12-7-76)

Sec. 3-5-163. Limitations.

It shall be unlawful for any person, partnership, corporation or any other legal entity to dispose of any solid waste of any kind or nature which has an origin other than Henry County, Georgia.
(Ord. No. 92-02, 2-18-92)

Sec. 3-5-164. Vehicle registration; license and sticker.

Vehicles utilized by governments, governmental agencies, sanitation companies, individuals who use said vehicles for hire, charge or fee, or private enterprises depositing the contents of a vehicle into any county landfill, whether through ownership, lease, or otherwise, must first have their vehicles registered with the Henry County Business License Department. The owner of each vehicle shall specify the materials intended to be transported to the landfill. No vehicle shall be allowed to deposit its materials into any county landfill unless a license shall have been issued and a valid sticker shall have been attached to

the vehicle. Persons using their own vehicles for transportation of their own residential waste shall not be required to obtain a sticker or license.
(Res. No. 76-14, § 1(a), (d), 12-7-76; Ord. No. 84-12, 6-19-84; Ord. No. 86-19, 12-16-86; Ord. No. 87-13, 6-16-87)

Sec. 3-5-165. Registration of users.

No contract hauler or business shall place materials in a county landfill unless they have registered with the county and obtained a business license.
(Mo. of 3-17-81, § 2)

Sec. 3-5-166. Signing in at landfill office before use.

A contract hauler shall sign in at the landfill office before dumping solid wastes in the landfill.
(Mo. of 3-17-81, § 3)

Sec. 3-5-167. Hours for use.

The hours for utilization of a county landfill shall be as posted at site and it shall be unlawful for anyone to utilize these areas except during the hours so posted.
(Res. No. 76-14, § 1, 12-7-76; Mo. of 3-17-81, § 2)

Sec. 3-5-168. Materials totally prohibited.

(a) No person shall deposit any hazardous, toxic or nuclear waste in the county landfill.

(b) Tires may be deposited at the county landfill as follows:

(1) Tires will be deposited at a designated area of the landfill and shall be separated from any other material.

(2) Wheels shall be removed from all tires prior to depositing at the landfill.

(3) Tires larger than an 1100 series shall be cut into quarter sections prior to deposit in the landfill.

(Mo. of 3-17-81, §§ 4, 5; Ord. No. 88-08, 5-3-88; Ord. No. 89-11, 6-6-89; Ord. No. 92-05, 9-1-92)

State law reference—Georgia Hazardous Waste Management Act, Official Code of Georgia Annotated § 12-8-60.

Sec. 3-5-169. Disposal of dead animals.

Small dead animals (dogs and cats) may, in limited numbers, be disposed of in the daily working face of the landfill alongside other trash and garbage. Large dead animals may be accepted under certain and limited circumstances by the road superintendent and shall be disposed of by excavating a hole at the toe of the slope and immediately covering the animal with earth or other incoming waste material.
(Res. No. 76-14, § 1(f), 12-7-76; Ord. No. 84-12, 6-19-84)

Sec. 3-5-170. Fees.

Persons using a county landfill shall pay to the county such fees as are established by the board of commissioners.
(Mo. of 3-17-81, § 7)

Secs. 3-5-171—3-5-200. Reserved.

Subchapter 3

*Water, Sewers and Sewage Disposal**

ARTICLE I. IN GENERAL

Sec. 3-5-201. Water and sewer taps generally.

(a) *Transfers—Permitted.* Unissued water or sewer tap-ons to the water and sewage system of the county which have been fully prepaid for use on a given tract or parcel of land in Henry County may be transferred for use on another tract or parcel of land located in the same drainage basin in Henry County, subject to the availability of capacity in the sewage treatment plant and conserving that basin, provided that a petition is submitted stating the following facts:

(1) The type of tap to be transferred;

(2) The owners of the taps to be transferred;

*Cross references—Local constitutional amendments relating to water, sewers and sewage disposal, Ch. 1-5; tax for support of water and sewer system authorized, § 1-5-2; local acts relating to water, sewers and sewage disposal, Ch. 2-10; plumbing, § 3-9-116 et seq.

(3) The total number of taps owned by the transferors;

(4) The number of taps to be transferred;

(5) A legal description of the property that the taps are appurtenant to ("the transferor property");

(6) The legal description of the property to which the taps are to be transferred ("the transferee property");

(7) The names and addresses of all of the owners of the transferee property;

(8) If the taps are being transferred in conjunction with or in contemplation of the conveyance of the transferee property, all of the proposed purchasers of said property;

(9) That the transferor property and the transferee property are located in the same drainage basin; and

(10) That petitioners are all of the owners of any interest in the taps to be transferred and will indemnify and hold harmless the authority and the county against the claims of any person or persons asserting any claim of interest in and to said taps, including attorneys' fees and costs of defending such claims.

Such petition shall be sworn to by all of the proposed transferors and transferees of said taps.

(b) *Same—Filing of petition.* Petitions for transfer of said taps shall be filed with the authority ten (10) days prior to the next scheduled meeting of the authority. The authority will review the petition for transfer at its next meeting and will approve or disapprove the transfer.

(c) *Same—Approval.* If the authority approves the transfer, all legal documents for the transfer of the taps shall be prepared by the authority's attorney.

(d) *Interpretation.* Nothing contained herein shall require the authority to extend any sewer or water lines of the Henry County water and sewage system.

(e) *When transfer not permitted.* No water or sewer tap-on to the water and sewer system of Henry County which is issued for use on a given tract or parcel of land in Henry County shall be transferred to or used any other tract or parcel of land in a different drainage basin.

(f) *Resale to authority.* The owner of any unused water or sewer tap-on purchased from the authority may offer such tap-on for resale to the authority. The authority may repurchase said unused water or sewer tap-on from the owner thereof if the authority has a present or future anticipated need for tap-ons, and if the authority has sufficient funds to repurchase said tap-on. Nothing contained herein shall require the authority to repurchase any said tap-on.
(Ord. No. 83-24, §§ 1—4, 6-28-83; Res. No. 85-34, §§ 2—7, 12-10-85)

Sec. 3-5-202. Water quality control.

(a) *Declaration of policy.* Official Code of Georgia Annotated (O.C.G.A.) Section 12-5-27.1 provides that whenever a local governmental entity is required by the environmental protection division to reduce phosphorus in its wastewater being discharged into the waters of the state, such local government entity shall pass an ordinance mandating the retail sale of low phosphorous household laundry detergent as part of its phosphorus reduction process. It is hereby declared to be the public policy of the county to encourage the use of clean, phosphate-free household laundry detergents and to prohibit the sale of household laundry detergents which contain more than five-tenths (0.5) percent phosphorus by weight. The county finds that such use and sale will be a cost-effective way to reduce the amount of phosphorus in wastewater discharge so as to protect Georgia's rivers and lakes downstream and promote health, safety and welfare, prevent injury to human health, plant and animal life and property. It is vital to the health, well-being and welfare of present and future inhabitants of the county that these sources be protected against contamination and pollution.

(b) *Definitions.* The following definitions shall apply in the interpretation and enforcement of this section:

(1) *Household laundry detergent section:* Means a laundering cleaning compound in liquid,

bar, spray, tablet, flake, powder, or other form used for domestic clothes-cleaning purposes. The term "household laundry detergent" shall not mean:

a. A dishwashing compound, household cleaner, metal cleaner, degreasing compound, commercial cleaner, industrial cleaner, or other substance that is intended to be used for non-laundry cleaning purposes;

b. A detergent used in dairy, beverage or food processing cleaning equipment;

c. A phosphorous acid product, including a sanitizer, brightener, acid cleaner, or metal conditioner;

d. A detergent used in hospitals, veterinary hospitals or clinics, or health care facilities or in agricultural production;

e. A detergent used by industry for metal cleaning or conditioning;

f. A detergent manufactured, stored or distributed for use or sale outside of the state;

g. A detergent used in any laboratory, including a biological, laboratory, research facility, chemical laboratory and engineering laboratory; or

h. A detergent used in a commercial laundry that provides laundry services for hospital, health care facility, or veterinary hospital.

(2) *Phosphorus* means elemental phosphorus.

(3) *Person* means any person, firm, partnership or corporation.

(c) *Prohibition.* It shall be unlawful for any person to sell at the retail level a household laundry detergent which contains greater than five-tenths (0.5) percent phosphorus by weight and is intended to be used for domestic clothes-cleaning purposes.

(d) *Penalties for violation.* Any person who violates any provision of this section shall be subject to a fine not to exceed five hundred dollars ($500.00) and incarceration in the county detention facility for a period not to exceed sixty (60) days. Each sales transaction shall constitute a separate offense.

(e) *Additional legal remedies.* In addition to the penalty provided in subsection (d), the county may maintain an action or proceeding in any court of competent jurisdiction to compel compliance with or restrain any violation of this section.

(f) *Rights and liabilities.* Nothing in this section shall be construed to abridge, limit or otherwise impair the right to any person to damages or other relief on account of injuries to persons or property arising out of a violation of this ordinance and to maintain any action or other appropriate proceeding therefor.
(Ord. No. 89-20, 11-21-89)

Editor's note—Ordinance No. 89-20, enacted Nov. 21, 1989, amended the Code by adding thereto a new § 2-10-29 (1)—(8). For classification purposes, such provisions have been included herein as a new § 3-5-202, at the discretion of the editor. Subsections (7) and (8), pertaining to separability and effective date, were omitted.

Secs. 3-5-203—3-5-215. Reserved.

ARTICLE II. WATER SYSTEM*

Sec. 3-5-216. Definitions.

[For the purpose of this article, the following words and terms shall have the meanings respectively ascribed:]

Authority shall mean the members of the Henry County Water and Sewerage Authority and its agents and employees.

Consumer shall mean any person, corporation, partnership, joint venture or public body that uses, has use of, has use for, or seeks to use water furnished by the authority.

*Editor's note—Ordinance No. 86-10, enacted June 17, 1986, did not specifically amend this Code; hence, codification of Arts. I—XXII of such ordinance herein as superseding former Art. II was at the discretion of the editor. Former Art. II, which consisted of §§ 3-5-216—3-5-236, also pertained to water service and derived from Ord. No. 83-27, enacted Aug. 23, 1983, as amended by Ord. No. 84-18, enacted Nov. 6, 1984.

Cross references—Minimum size of water main, § 3-4-105 et seq.; stormwater runoff, § 3-6-61 et seq.

County shall mean the members of the board of commissioners of Henry County, and its agents and employees.

Developer shall mean any person, corporation, partnership, joint venture, public body or legal entity that is selling, offering for sale, dividing, subdividing or developing property for residential, commercial or industrial use.

Those definitions as set forth in the Code of Henry County, Chapter 3-9, Article VIII, (Plumbing Code) and those definitions as set forth in the most recent edition of Standard Plumbing Code, published by Southern Building Code Congress International are hereby incorporated as part of this article.
(Ord. No. 86-10, Art. I, 6-17-86; Ord. No. 87-05, 6-2-87; Ord. No. 98-09, § 1, 6-24-98)

Sec. 3-5-217. Access to consumer's premises by agents and employees of authority.

Duly authorized agents and employees of the authority shall have access at all hours to the premises of the consumer and developer for the purposes of installing and removing the property of the authority, inspecting the authority's facilities, reading and testing meters, repairing and maintaining the facilities of the authority.
(Ord. No. 86-10, Art. II, 3-11-86)

Sec. 3-5-218. Water service.

(a) *Application.* Any customer or developer desiring to be provided water services by the authority shall make an application for water services in person at the office of the authority located at the Administration Building, Phillips Drive, McDonough, Georgia.

(b) *Contract; fee.* If the water distribution system is adjacent to or directly across the road from the consumer's property and no water line extension is required, service will be provided upon the customer executing the water subscription contract and payment of the connection fees.

(c) *Placement on meter installation list.* Upon complying with the above-stated items, the customer will be placed upon the meter installation list. The connection and the meter will be installed by the authority as soon as practicable thereafter.
(Ord. No. 86-10, Art. III, 3-11-86)

Sec. 3-5-219. Water line extensions.

(a) *Generally.* Water lines may be extended along presently existing county roads which have a dedicated sixty-foot right-of-way or along presently existing county roads where easements acceptable to the authority for the installation and maintenance of the water line have been obtained at no expense to the authority.

(b) *Information required.* Any person, firm or corporation seeking to obtain service must submit to the authority the following:

(1) Such right-of-way deeds and/or easements that are required by the county and the authority;

(2) An executed line extension application provided by the authority;

(3) The required water line extension fees;

(4) The required connection fees; and

(5) An executed water subscription contract.

(c) *Application fee.* The customer will pay to the authority at the time of the filing of the application the sum of four dollars and eighty cents ($4.80) per linear foot of water line that is to be laid by the authority from its existing water line which has sufficient capacity to serve the customer to a point that is perpendicular to the center of the residential, commercial or industrial facility to be served by the water line.

(d) *Approval by authority.* Once the application has been completed, it will be submitted to the authority for its approval. If the application is approved by the authority, an estimated date of completion will be given to the customer; however, a date of completion cannot be guaranteed due to changes in work schedule, weather conditions, equipment breakdown, delays in delivery of materials, improvement of right-of-way or other unpredictable circumstances.

(e) *Residential subdivision developments.* If the water line extension is to serve a residential subdivision development, the applicant shall, in addition to the above, submit to the authority the following:

(1) An application for line extension.

(2) Three (3) copies of a plat or accurate drawing of the property to be served. The plat or drawing shall contain the following information:

a. Location of the closest existing water line of the authority which is of sufficient size to serve the property;

b. Location of the existing roads and proposed roads to serve the property;

c. Exact footage of water line that will have to be installed in order to serve the property;

d. Location of all water lines and appurtenances to be constructed in the area to be developed.

(3) The required water line extension fee.

(f) *Industrial and commercial development.* If the water line extension is to serve an industrial or commercial development, the applicant shall submit to the authority the following at the time of filing the application:

(1) Line extension application to serve industrial/commercial development.

(2) A letter from the county and municipal planning board stating that the property has been properly zoned for the proposed use.

(3) Three (3) copies of a plat or accurate drawing of the property to be served. The plat or drawing shall contain the following information:

a. Location of the closest existing water line of the authority which is of sufficient size to serve the property;

b. Location of the existing roads and proposed roads to serve the property;

c. Exact footage of water line that will have to be installed in order to serve the property;

d. Location of all water lines and appurtenances to be constructed in the area to be developed.

If units served will require fire lines and/or sprinkler systems to the structure, expenses for same shall be borne by the developer.

(g) *Line extensions within municipalities.*

(1) The authority will contract with municipalities located within the county for the construction of extension of water lines. The contract price will be the amount the authority is paying under its existing labor contract for water line extensions plus the cost of all materials if the same are purchased from the authority. The work will be performed by the authority's contractor at a time that is acceptable to the authority, the contractor and the city.

(2) The municipality may elect to purchase its own materials or may purchase the materials from the authority at their actual cost.

(3) The municipality shall be responsible for obtaining all construction permits, rights of way, road repairs, relocation of other utilities and required insurance coverage.

(h) *Water line services inside residential subdivisions, industrial sites and commercial sites.*

It shall be the developer's responsibility to construct the complete water system inside the subdivision. The developer shall:

(1) Submit the required application to the authority for its approval.

(2) Pay for all labor and materials in the construction of the water line inside the area to be developed, which cost shall include supply lines, fire hydrants, tees, gate valves, reducers and regulators, together with all meter service connection material, including corporation and curb stops, wyes, inserts and service lines to meters, and any other pertinent structure

that may be needed for proper construction of said lines and appurtenances thereto.

(3) Construct all water lines according to plans and specifications of the authority and have the same construction.

(4) In the event it becomes apparent to the authority that construction of the line will cost more than the estimated costs, the authority may terminate work until such time as adequate funds or additional letters of credit acceptable to the authority have been placed with the authority.

(5) An estimated date of commencement will be given to the consumer, but date of completion cannot be guaranteed because of the changes in work schedule, weather, ground conditions, equipment breakdown, delay in delivery of materials, and other unpredictable circumstances. The consumer may consult the authority's office to acquaint themselves with changes or reasons for delay in the work schedule.

(6) Upon completion of the construction but prior to commencement of water services by the authority, the consumer shall:

a. Execute an affidavit stating the actual cost of all labor and materials expended in the construction of all water lines and appurtenances thereto;

b. Execute a deed conveying the water line, appurtenances thereto, and a twenty-foot permanent easement to the county;

c. Submit three (3) copies of "as-built" plans of said water line and appurtenances thereto showing the exact location of the water lines and appurtenances thereto;

d. Execute an affidavit prescribed by the authority stating that the cost of all labor and material has been paid in full.

e. Pay the required connection fee set forth in section 3-5-221 hereof. However, the line extension connection fees of three hundred dollars ($300.00) and three hundred fifty dollars ($350.00) do not apply to this section.

(Ord. No. 86-10, Art. IV, 3-11-86; Ord. No. 87-05, 6-2-87; Ord. No. 92-09, 11-3-92)

Sec. 3-5-220. Water subscription contracts required.

Prior to commencement of water service by the authority each consumer must execute a water subscription contract with the authority.
(Ord. No. 86-10, Art V, 3-11-86)

Sec. 3-5-221. Charges for initial water service.*

(a) Each consumer subscribing for use of water services of the authority shall pay a nonrefundable connection fee as follows:

(1) *Size of meter:*	Fee
a. ¾-inch on existing water line, on line extension petition approved by the authority where the consumer did not execute the petition and make required contributions towards the construction of the line extension, or on the property that is developed by a developer...	$700.00
b. ¾-inch on line extension where the consumer executes a line extension petition and pays the contribution towards the cost of the line extension	300.00

*Editor's note—It should be noted that Ord. No. 92-13 adopted a fee schedule set out in App. A to the ordinance, which ordinance is on file in the offices of the county.

c. 1-inch on existing water line or on line extension petition approved by the authority where the consumer did not execute the petition and make required contributions towards the construction of the line extension.....	750.00
d. 1-inch on line extension where the consumer executes a line extension petition and pays the contribution towards the cost of the line extension	350.00

(2) *Relocations of water lines, meter boxes, fire hydrants and appurtenances to the water system of Henry County:* Any relocation of the above-stated items that are requested by the customer or required by the authority will be billed to the owner at the actual cost of the removal or relocation of each of said items.

(3) *Any meter larger than one inch:* Connection fee of seven hundred dollars ($700.00), plus authority's cost of the meter, labor, material and appurtenances thereto.

(4) *Duplexes, quadraplexes, apartments:* A duplex, quadruplex, or an apartment building shall have a meter installed for each unit and the prevailing tap-on fee shall be paid for each unit.

(5) *Professional buildings:* A professional building shall have a meter installed for each unit and the prevailing tap-on fee shall be paid for each unit.

(6) *Security deposits:* A fifty-dollar ($50.00) security deposit shall be collected for water from renters and mobile homes. A fifty-dollar ($50.00) deposit shall also be collected for sewer from renters and for mobile homes.

(b) Property owners shall be responsible for any unpaid water or water and sewer bills.
(Ord. No. 86-10, Art. VI, 3-11-86; Ord. No. 87-05, 6-2-87)

Sec. 3-5-222. Authority's responsibilities and liabilities.

(a) Upon meeting the requirements of section 3-5-218, the authority will run a water distribution line to the property of the consumer.

(b) The authority may install its meter at or near the property line or, at the authority's option, on the consumer's property within three (3) feet of the property line.

(c) The authority reserves the right to refuse service unless the consumer's lines or pipings are installed in such a manner as to prevent cross-connections or backflow.

(d) Under normal conditions the consumer will be notified of any anticipated interruptions of service by the authority.
(Ord. No. 86-10, Art. VII, 3-11-86)

Sec. 3-5-223. Consumer's responsibilities and liabilities.

(a) Water furnished by the authority shall be used for consumption by the consumer, members of his household and employees only. The consumer shall not sell water to any other person or permit any other person to use said water. The consumer shall not allow anyone else to connect onto the water system serving the consumer. Water shall not be used for irrigation, fire protection, nor other purposes, except when water is available in sufficient quantity without interfering with the regular domestic consumption in the area served. Disregard of this rule shall be sufficient cause for refusal and/or discontinuance of service.

(b) The consumer has the following additional responsibilities and duties:

(1) Where a meter or meter box is placed on the premises of a consumer, a suitable place shall be provided by the consumer therefor, which is unobstructed and accessible at all times to the meter reader.

(2) The consumer shall furnish and maintain a private cut-off valve on the consumer's side of the meter.

(3) The consumer's piping and apparatus shall be installed and maintained by the consumer at the consumer's expense so as to prevent backflow.

(4) In order to be received as a consumer and entitled to receive water from the authority's water system, all applicants must offer proof that any private wells located on their property are not physically connected to the lines of the authority's water system; and all applicants, by becoming consumers of the authority, covenant and agree that, so long as they continue to be consumers of the authority, they will not permit the connection of any private wells to the authority's water system.
(Ord. No. 886-10, Art. VIII, 3-11-86)

Sec. 3-5-224. Turning on or connections to authority's water by persons other than authority personnel.

Only authorized authority personnel can connect or tap on to the water distribution system. No person or consumer will be authorized to connect or tap-on to any water distribution system owned by the authority or on to any water lines carrying water owned by the authority. Violation of this provision of this article shall authorize the authority to immediately terminate water services without notice to the consumer.
(Ord. No. 86-10, Art. IX, 3-11-86)

Sec. 3-5-225. Rate schedules.

(a) All water and sewer rates for the consumers of the authority shall be set from time to time by the authority without the approval of the county. However, water rates will not increase without thirty (30) days' notice to the consumer. Notice will be sufficiently given to the consumer by a publication of the rate changes once a week for four (4) weeks in the official newspaper of Henry County prior to the rate increase.

(b) Effective March 1, 1993:

(1) The water rates for residential, industrial and commercial customers with a meter of one inch or less shall be as follows:

Gallons of Water Used	*Monthly Charge*
0—3,000	$9.00 (minimum monthly charge)
3,001 and above	2.50 (per thousand gallons)

(2) The minimum monthly charge for water meters in excess of one inch in diameter for residential, industrial and commercial customers shall be as follows:

Water Meter Size	*Fee*
1½ inch	$ 21.00
2 inch	75.00
3 inch	160.00
4 inch	200.00
6 inch	350.00
8 inch	425.00
(Above 8 inches)	(Set by the authority)

(3) The sewer rates for residential, industrial and commercial customers shall be as follows:

Gallons of Water Used	*Monthly Charge*
0—3,000	$9.00 (minimum monthly charge)
3,001 and above	2.50 (per thousand gallons)

(c) Effective March 1, 1993, the fire line monthly minimum rates for industrial and commercial customers shall be as follows:

Water Fire Line Size	*Rates*
4 inch	$ 8.00
6 inch	10.00
8 inch	15.00
10 inch	20.00
(Above 10 inches)	(Set by the authority)

(d) Municipal consumers of the water authority located in Henry County shall pay on a monthly basis one dollar and fifty-five cents ($1.55) per thousand gallons for water purchased by a municipality from the authority; however, said rate shall be phased in as follows:

March 1, 1993	$1.08 (per thousand gallons)
June 1, 1993	1.31 (per thousand gallons)
September 1, 1993	1.55 (per thousand gallons)

(e) Water meters shall be classified as either "active meters," "inactive meters," "cancelled meters," "line extension meters" or "subdivision meters." Said meters are further defined as follows:

(1) *Active meters* are defined as meters that are in use or that were purchased after August 1, 1983. All "active meters" will be charged on a monthly basis the rates set forth above. If an "active meter" is not used for a period of six (6) months after installation, or if the customer requests in writing that service be temporarily discontinued, then the meter shall be classified as an "inactive meter" and shall be treated as hereinafter provided. A customer can maintain an "active meter" status by paying a monthly minimum water bill provided for herein.

(2) *Inactive meters* are defined as meters that are installed, but have not been used by the

customer for a period of six (6) months or the customer has notified the authority in writing to temporarily terminate service. If a meter remains unused for a period of six (6) months, or the customer requests in writing that service be temporarily terminated, the authority will seal the meter and declare the meter an "inactive meter." If a customer desires to obtain water services after the meter has been declared inactive, the customer shall pay the authority a reconnection fee of one hundred fifty dollars ($150.00) together with any previous bills assessed against said meter prior to obtaining any additional service from the authority. Once the connection fee and any past due bills have been paid, the meter will be re-classified as an "active meter" as defined above.

(3) *Canceled meters* are defined as meters that are installed but are not used for a period of twelve (12) months, or the customer has notified the authority that the customer does not desire to obtain any further water service from the authority. If a meter is declared a "cancelled meter," the meter will be removed and the connection sealed. A customer desiring reconnection of a "cancelled meter" shall pay the tap-on fee that is in effect as of the date of the application.

(4) *Line extension meters* are defined as meters purchased to aid in line extensions, but the customer has not requested that the meter be installed. At the time of the purchase of the meter, the authority anticipated that the customer would connect on to the water system within a reasonable time. A number of "line extension meters" have been purchased, but the customer has not requested that the meter be installed. Due to the customer's failure to connect on to the line extension, pay the minimum monthly water bill, the authority cannot recoup the cost of the line as originally anticipated. Any customer holding a line extension meter who fails to connect on prior to January 1, 1985, shall be assessed an additional connection fee of one hundred fifty dollars ($150.00) at the time of connection. The customer may avoid the payment of the additional connection fee by paying the minimum monthly water bill until such time as the meter is connected, at which time the meter will be classified as an "active meter" as defined above.

(5) *Subdivision meters* are defined as meters that were purchased for installation in subdivisions in which the water lines were constructed and installed at no expense to the authority. Any "subdivision meters" that were purchased prior to August 1, 1983, that are not installed prior to January 1, 1985, shall be charged [for by] an additional connection fee of one hundred fifty dollars ($150.00). This charge is assessed because of the increased cost of operation and maintenance of the water system of Henry County. "Subdivision meters" that are installed but do not become "active meters" by January 1, 1984, will be classified as "inactive meters" and shall be governed as such.

(f) All customers who pay a connection fee to the authority after August 1, 1983, will be required to pay the minimum monthly charge as set forth above commencing ninety (90) days after the date of payment of the connection fee or on the next billing date after connection, whichever occurs first. The monthly minimum charge set forth above shall be paid whether the meter has been installed or not.
(Ord. No. 86-10, Art. X, 3-11-86; Ord. No. 93-01, 2-16-93)

Sec. 3-5-226. Meter readings.

The water meter serving the consumer's property shall be read on a monthly basis and official records of each reading thereof shall be kept for a period of one year.
(Ord. No. 86-10, Art. XI, 3-11-86)

Sec. 3-5-227. Billing and collections.

(a) The consumer shall pay promptly on a monthly basis all water registered by the meter serving said property at the rate or rates set by the authority from time to time, which shall in-

clude water used, water wasted, or leakage, except for water that may be traced by the authority to the authority's system.

(b) Said bill shall be paid within fifteen (15) days from the date of said bill. In the event that the bill [charges] assessed thereon are not paid within twenty (20) days from the date of said bill, the authority shall have the right to commence procedures to terminate the water service.

(c) If water service is discontinued for nonpayment of the bill, the authority will not resume water service to the consumer until the bill and all penalties have been paid in full and a twenty-five dollar ($25.00) nonrefundable reservice fee has been paid to the authority by the consumer.
(Ord. No. 86-10, Art. XII, 3-11-86)

Sec. 3-5-228. Complaints; adjustments.

(a) If the consumer believes his bill to be in error, he shall present his claim, in writing to the authority, at the office of the authority before the bill becomes delinquent. Such claim, if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service as heretofore provided. The consumer may pay such bill under protest and said payment shall not prejudice his claim.

(b) Settlement of claims and adjustments of bills are subject to the following additional provisions:

(1) Any consumer who fails to notify the authority in writing within thirty (30) days after the date of said bill of any irregularities or errors that may be in said bill shall waive any right or claim for correction or refund under said bill.

(2) Water meters will be tested at the request of the consumer. If the meter is found to be malfunctioning, no charge will be made. However, if the meter is found not to be malfunctioning, the consumer will be required to pay a fee of twenty-five dollars ($25.00). Said fee will be added to the next month's billing.

(3) If the seal of a meter is broken by any person other than the authority's representative, or if the meter fails to register correctly or is stopped for any cause, the consumer shall pay an amount which is the average of the three (3) previous months' bills.
(Ord. No. 86-10, Art. XIII, 3-11-86)

Sec. 3-5-229. Termination of water service for failure to pay bill.

(a) The authority shall be empowered to terminate water services for the failure of consumers to pay their water bills. The following procedure shall be followed prior to termination of water service:

(1) The following written notice shall be forwarded to the consumer and same shall appear on the current billing when said consumer has a previous balance:

"If there is a previous balance (on your account) and it is not paid within 10 days, you are hereby required to appear at a hearing to be held at the Water Authority office located in the Administration Building, Phillips Drive, McDonough, Georgia, 15 days from date of this bill (or next working day if this date is a holiday or weekend) at 9:30 a.m. to show cause why your service should not be terminated. You have 10 days from said hearing date to file for injunctive relief in Superior Court of Henry County; if not, service at this location will be terminated until account is paid in full."

(2) The hearing shall be set no earlier than ten (10) days from the date of the letter and not later than fifteen (15) days from the date of the letter.

(3) If the consumer and the clerk are unable to resolve any discrepancies that may appear in the bill, the consumer shall have ten (10) days from the date of the hearing in which to file for injunctive relief in the superior court of Henry County, Georgia. If no injunction is filed within said time, water service to the consumer shall be terminated.

(b) If the consumer fails to pay the bill and penalties prior to ten (10) days after the date of the hearing, then said water service shall be terminated.

(c) The clerk of the authority is hereby appointed and authorized to conduct in behalf of the authority the above-stated hearings.
(Ord. No. 86-10, Art. XIV, 3-11-86)

Sec. 3-5-230. Suspension of services.

(a) When water service is discontinued either by written notice from the consumer to the authority, or by acts of the authority, the authority shall apply the refundable deposits to the balance of the bill owed by the consumer and refund the difference, if any exists, to the consumer.

(b) The authority reserves the right to discontinue its service without notice for the following reasons:

(1) To prevent fraud or abuse;

(2) Consumer's willful disregard of authority's rules;

(3) Emergency repairs;

(4) Insufficiency of water supply due to circumstances beyond authority's control;

(5) Legal processes;

(6) Direction of public authorities;

(7) Strike, riot, fire, flood, unavoidable accident, actions of others, or acts of God.

(c) The authority reserves the right to terminate the services granted by the authority for any other reason other than those stated above by giving the subscriber ten (10) days' written notice of the date of termination, and further providing the subscriber with a right to hearing prior to termination of the service.
(Ord. No. 86-10, Art. XV, 3-11-86)

Sec. 3-5-231. Plans and specifications for construction of water lines.

The authority shall have the right to specify the requirements, plans and specifications for the construction of water lines in Henry County. All water lines constructed by any consumer, owner or developer shall be constructed according to the plans and specifications established by the authority for the construction of water lines in Henry County. No water line shall be covered without first being inspected and approved by the authority.
(Ord. No. 86-10, Art. XVI, 3-11-86)

Sec. 3-5-232. Cross-connection control and backflow prevention.

(a) *Installation of backflow prevention device required.* All consumers shall have in place a backflow prevention device of the type, design, and specifications set forth in paragraph (c) of this section. Purchase, installation and inspection of the backflow prevention device shall be at the expense of the property owner.

(b) *Designation as high, medium, or low risk consumer, monthly surcharge.*

(1) The authority is authorized to categorize and designate consumers as high, medium, or low risk consumers. Said designation shall be made by the backflow prevention program manager, based upon his/her evaluation of the consumer's property's use and potential for contamination of the public water supply.

(2) The authority is authorized to charge each high-risk consumer of the system an amount not to exceed two dollars ($2.00) monthly as a surcharge to maintain and administer the cross-connection and backflow prevention program.

(c) *Type of backflow prevention device required, approval of devices.*

(1) The backflow prevention device shall be of the following types and installed in the following manner:

a. Low and medium risk consumers: The low or medium risk consumer or property owner shall provide a double check valve (DCV) backflow prevention device in a size to match that of the required service meter.

1. Specifications. The DCV checks shall have replaceable seats, capture springs and the device assembly shall include a full-port ball valve on the inlet and

outlet sides, with a union or swivel coupling nut between the device and each valve. Unions or swivel nuts must be integral with the device or valves. Devices shall have three ball-valve test cocks in the vertical position fitted with brass or plastic threaded plugs. A fourth vertical test cock shall be provided on the upstream side of the inlet shut-off valve. All components of the assembly, including ball valve handles and assembly bolts, shall be equal in corrosion resistance to bronze or stainless steel in order to resist electrolysis. Access to both checking devices shall be by top and/or side entry for maintenance and repair of all interior parts. Valve handles, except T-type, shall turn up to close and in board (90 degrees) to open.

2. Installation. The DCV backflow prevention device shall not be buried in earth, but models with ready access to both checks may be installed in meter boxes, pits or vaults, provided ball valve test cocks seated with threaded plugs are used. All components of a DCV installed below ground should be resistant to electrolysis. A resilient seat shut-off valve should be near the inlet and outlet side of the device, and three approved test cocks provided on the device. Test cocks below ground shall be chlorinated before use.
3. Sample approved devices:
   Hersey Model # FDC/Unions
   Watts Model # U-007-QT

b. High risk consumers. The high risk consumer or property owner shall install a reduced pressure zone (RPZ) backflow prevention device.

1. Specifications. The RPZ shall be of a size to match that of the required service line or meter. The RPZ assembly shall consist of a pressure differential relief valve located between two (2) positive seating check valves. The relief valve shall function automatically by sensing the pressure differential across the first check valve and discharge the backflow to atmosphere should the check valve become damaged or fouled. The relief and check valves shall have replaceable seats, and the check valves provided with captured springs. A full-port ball valve in sizes through two (2) inches, and resilient-seat OS & Y gate valve in sizes over two (2) inches shall be on the inlet and outlet sides of the device, with a union, swivel coupling nut, or flanges between the device and each valve. Unions and swivel nuts must be integral with the device or valves. The device shall be provided with three ball valve test cocks and a fourth test cock shall be provided on the upstream side of the inlet shut-off valve. Sizes through two (2) inches shall have all test cocks in the vertical position. Test cocks on all assemblies shall be provided with brass or plastic threaded plugs, and relief valve vent-ports shall have suitable connections for an air gap. When a meter or other device with bronze strainer, integral or attached, is not immediately upstream of the backflow preventer, a bronze strainer shall be provided between the inlet shutoff valve and the RPZ on sizes through two (2) inches. All components of the assembly, including ball valve handles and assembly bolts shall be equal in corrosion resistance

to stainless steel. Access to both checking devices shall be by top and/or side entry for maintenance and repair.

2. Installation. The RPZ backflow prevention device shall not be buried in earth but shall be installed above ground in a structure that permits positive drainage, has freeze protection, and is located as close as practical to the outlet side of the meter. In lieu of above ground installation, the RPZ may be installed immediately inside the facility provided no intervening connections exist between the meter and the device. Where relief valve discharge could cause water damage, it shall be piped via an air gap at the relief valve vent-port to a floor drain.

3. Sample approved devices:

   Hersey Model Nos. FRP II-U; 6CM; 6CM-RPDA

   Watts Model Nos. U-009-QT; 909OSY; 909DDC.

(2) All backflow prevention devices shall be approved by the American National Standards Institute, the American Society of Sanitary Engineering, the American Water Works Association, the University of Southern California Foundation for Cross Connection Control and Hydraulic Research, or the Canadian Standards Association. All shut-off valves used with backflow prevention devices shall be resilient seated.

(d) *Time for compliance, authorization for installation services by the authority.*

(1) Upon application for new water service from the authority, a consumer shall be categorized as a low, medium, or high risk consumer and shall install the designated backflow prevention device required for that category prior to receipt of water services.

(2) Existing high risk consumers shall install the designated backflow prevention device within thirty (30) days of the adoption of this section.

(3) Existing low and medium risk consumers shall install the designated backflow prevention device within sixty (60) days of the adoption of this section.

(4) The authority is authorized to provide service for the installation of backflow prevention devices in compliance with the standards set out in paragraph (c) of this section. Installation shall be at the expense of the property owner.

(e) *Inspection of backflow prevention devices required, maintenance and submission of records by property owner.*

(1) All backflow prevention devices shall be maintained in proper working order. Reduced pressure zone (RPZ) devices shall be tested immediately after installation and not less than annually thereafter. Double check devices (DCV) in use by low or medium risk consumers shall be inspected and tested immediately after installation and at not less than five-year intervals following installation.

(2) The backflow prevention device shall be tested by a nationally recognized testing laboratory in accordance with the following standards:

   a. Double check valve device: ASSE standard 1015, and shall bear the ASSE seal.

   b. RPZ: ASSE standard 1015, and shall bear the ASSE seal.

   c. Synthetic (i.e. rubber or nylon) components within a backflow prevention device shall be replaced not less than every five (5) years.

(3) Each consumer and owner of property which receives water services from the authority shall maintain a written record

of the location, testing, and maintenance of each backflow prevention device on his/her property. Said records shall be provided to the authority upon written request by the backflow prevention program manager.

(4) High risk consumers shall submit backflow prevention device inspection and test reports annually to the backflow prevention program manager, or more frequently upon written request. Said report shall be submitted within fourteen (14) days of completion of the inspection or written request.

(5) The authority is authorized to suspend water service to the consumer's premises in the event backflow prevention device inspection and test reports are not provided as required.

(f) *Entry upon premises for purposes of inspection.* The authority shall be authorized to conduct inspections to determine compliance with this section at the discretion of the program manager. Agents and employees of the authority shall be authorized to enter the premises of the consumer without notice during daylight hours for the purpose of inspection and testing of the backflow prevention device.

(g) *Installation of thermal expansion device.* An auxiliary release valve, or expansion chamber, shall be installed where water is heated and stored in a consumer's water system, or a branch of the system, which has been closed by the installation of a backflow prevention device. Said auxiliary release valve or expansion chamber shall be installed to limit thermal expansion of the heated water to not more than eighty (80) psi static (no-flow) pressure at any fixture on the system.

(h) *Lawn sprinkler or irrigation systems.*

(1) Lawn sprinkler or other irrigation systems, when connected to the authority water system, shall include adequate provision for drainage and backflow prevention.

(2) Where chemicals, pesticides, fertilizer, or other additives are utilized with a sprinkler system, said system shall have an approved reduced pressure zone (RPZ) backflow prevention device.

(i) *Penalties for failure to comply with section.*

(1) In the event a backflow prevention device is found not to be in compliance with those standards set forth in paragraph (c) of this section, the property owner or consumer shall cause said device to be repaired or replaced so as to meet the standards set forth in paragraph (c) within five (5) days of written notice by the authority. In the event the backflow prevention device is not repaired or replaced within five (5) days after written notice by the authority, the authority is authorized to suspend water service to the consumer's premises without further notice until such time as the device is repaired or replaced such as to be in compliance with paragraph (c) of this section.

(2) Violation of this section by the consumer or the property owner may be punished by a maximum fine of five hundred dollars ($500.00) per occurrence.

All existing industrial and commercial customers of the Henry County Water and Sewerage Authority shall, within thirty (30) days of March 11, 1986, install at their own expense a backflow prevention valve approved by the Henry County Water and Sewerage Authority and all future industrial and commercial customers of the Henry County Water and Sewerage Authority shall be required to install at their own expense a backflow prevention valve approved by the Henry County Water and Sewerage Authority prior to the commencement of service.
(Ord. No. 86-10, Art. XVIII, 3-11-86; Ord. No. 98-09, § 2, 6-24-98)

Sec. 3-5-233. Allocation of water services.

The authority shall have the right from time to time, if necessary, to allocate water to the consumer under specific rules and regulations that may hereinafter be adopted by the authority.
(Ord. No. 86-10, Art. XVIII, 3-11-86)

Sec. 3-5-234. Amendments to article.

Since special circumstances frequently occur which require changes, amendments or modifications to this article, this article may be amended without notice upon the approval of said changes, amendments or modifications by the authority and the county.
(Ord. No. 86-10, Art. XIX, 3-11-86)

Sec. 3-5-235. Promulgation of rules and/or policies.

The authority is authorized to develop, implement, and administer such rules, regulations, and policies as are necessary for the construction, maintenance and operation of the water facilities of Henry County, including but not limited to achieving and maintaining compliance with the rules, regulations and policies of all federal or state agencies having jurisdiction over same.
(Ord. No. 86-10, Art. XX, 3-11-86; Ord. No. 98-09, § 3, 6-24-98)

Sec. 3-5-236. Enforcement, generally.

The authority shall enforce the terms of this article through the administrative procedures hereinbefore set out or through legal actions in a court of law.
(Ord. No. 86-10, Art. XXI, 3-11-86)

Sec. 3-5-237. Tampering with authority and county property prohibited; penalties.

(a) Any consumer, person, firm or corporation who, without the authorization of the authority:

(1) Connects onto a water line of the authority;

(2) Disconnects a water line from a water line of the authority;

(3) Connects onto a water meter of the authority;

(4) Disconnects a water meter of the authority;

(5) Moves, removes, changes, or alters the location of a water meter;

(6) Changes, alters, or damages any water meter or water line so as to prevent proper registration of water passing through said water meter or line;

(7) Obtains water;

(8) Prevents any other person from obtaining water;

(9) Obstructs or otherwise interferes with the reading or maintenance of any water meter;

(10) Obstructs or otherwise interferes with any water line, fire hydrant, pumping station or any appurtenances to water facilities of Henry County;

(11) Creates a hazardous or unsafe condition to the water facilities of Henry County;

shall be issued a citation and, if found guilty, shall be subject to a minimum fine of two hundred fifty dollars ($250.00) to a maximum fine of five hundred dollars ($500.00) and/or imprisonment in the county jail for a minimum of thirty (30) days to a maximum of sixty (60) days.

(b) The magistrate court of Henry County, Georgia, shall have jurisdiction to hear, try and dispose of citations that are issued for said violations.

(c) All consumers, persons, firms, or corporations who are charged with having violated this article shall be issued a citation by the Henry County Police Department, Henry County Sheriff's Department or a representative of the authority. Said citation shall require the appearance of the violator in the magistrate court of Henry County, Georgia, to answer said charges.
(Ord. No. 86-10, Art. XXII, 3-11-86; Ord. No. 87-05, 6-2-87)

Secs. 3-5-238—3-5-260. Reserved.

ARTICLE III. SEWERS AND SEWAGE DISPOSAL*

DIVISION 1. GENERALLY

Sec. 3-5-261. Definitions.

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

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty (20) degrees centigrade, expressed in milligrams per liter (mg/l) or as parts per million (ppm).

Board means the governing body of the Henry County water and sewerage authority unless otherwise indicated as the board of commissioners of Henry County, Georgia.

Board of commissioners of Henry County (also referred to as "county") means the board of commissioners of Henry County, Georgia, the county governing body, its members, agents or representatives pertaining to matters of this article.

Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Building sewer means the extension from the building drain to the public sewer or other place of disposal, also called "house connection."

County means Henry County, Georgia, or any of its departments.

Customer means any person, corporation, partnership, joint venture or public body that uses, has use of, has use for, or seeks to use the sewer system furnished by the authority.

Developer means any person, corporation, partnership, joint venture, public body or legal entity that is selling, offering for sale, dividing, subdividing or developing property for residential, commercial or industrial use.

Easement means an acquired legal right for the specific use of land owned by others including such meaning as given under all applicable federal and state rules, regulations and statutes, O.C.G.A. 44-9-1, as the same may, from time to time, be amended or replaced.

Flammable means any material which is easily ignited and burns with unusual rapidity.

Floatable oil is oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreat-

*Editor's note—Former Art. III, which pertained to sewers and sewage disposal, has been deleted as being superseded by Ord. No. 89-01, adopted Feb. 7, 1989. Inasmuch as Ord. No. 89-01 did not specifically amend this Code, the substantive provisions of such ordinance have been included herein as a new Art. III at the discretion of the editors. The deleted provisions (former Art. III) derived from Ord. No. 5-73, adopted Oct. 2, 1973.

ment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection and/or treatment system.

Garbage means the animal and vegetable waste resulting from the domestic and commercial handling, preparation, cooking and serving of foods.

Henry County water and sewerage authority (also referred to as "authority") means the Henry County water and sewerage authority of Henry County, Georgia, or its members, agents or representatives.

Industrial wastes means the wastewater or liquid waste, of whatever nature, arising out of any manufacturing, industrial processing, fabricating, treating, renovating, or other commercial trade or business operation as distinct from domestic or sanitary wastes.

Interceptor line, trunk line, or outfall line means the sewer line leading from owner/developer's property to the authority's existing sewer line, treatment plant or treatment plant site. Said lines normally collect sewage or could collect sewage from more than one (1) property owner and transport the sewage to the sewage treatment plant.

Manager means the general manager of the water and sewer systems of Henry County, appointed by the authority and authorized by the authority to fulfill the requirements of these rules and to be responsible for the operations of the water and sewer system.

May is permissive. (See "shall.")

Natural outlet shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

Nitrification means the conversion of nitrogeneous matter into nitrates.

Objectional means unacceptable, unsatisfactory, or displeasing to the physical senses.

Outfall line. (See "interceptor line, truck line," etc.)

Owner means any individual, firm, company, partnership, corporation, institution, trust, organization, executor or administrator owning property in Henry County.

Person means any individual, firm, company, partnership, institution, trust, organization, executor, administrator, activity, trustee, association, society, corporation, group or other legal entity.

pH means the reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7.0 and a hydrogen ion concentration of 10-7.

Phosphorous means the chemical element phosphorous and its several compounds. "Phosphorous removal" shall mean the removal of phosphorous and phosphorous compounds by biological or chemical treatment or a combination of both.

Pollution means dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial waste, municipal waste and agricultural waste discharged into the waters of this state.

Properly shredded garbage means the wastes from the preparation, cooking and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (27 centimeters) in any direction.

Public sewer means a sanitary sewer owned and/or maintained by Henry County water and sewerage authority, and does not include building sewers or sewer connections or municipal sewers not under the authority's jurisdiction.

Sanitary sewer means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions.

Sewage is the spent water of a community. The preferred term is "wastewater." (See "wastewater.")

Sewage collector means all sewer lines, pumping stations and appurtenances thereto that are located on or required to be constructed in order

to service the owner/developer's property with sewer service.

Sewer means a pipe or conduit that carries wastewater or drainage water.

Sewerage system means all facilities for collecting, pumping, treating, transporting and disposing of sewage, and all appurtenances thereto.

Shall means mandatory. (See "may.")

Slug means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentration or flows during normal operation and which adversely affects the collection system and/or performance of the wastewater treatment works.

Standard methods means the latest edition of the publication, Standard Methods for the Examination of Water and Wastewater, as published by the American Public Health Association, or such other equivalent testing methods as approved by the U.S. Environmental Protection Agency (EPA) or the Environmental Protection Division (EPD), Georgia Department of Natural Resources.

Suspended solids means total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in the most recent edition of Standard Methods for the Examination of Water and Wastewater and referred to as nonfilterable residue.

Total Kjeldahl nitrogen is the total of organic and ammonia nitrogen as defined in "Standard Methods."

Trunk line. (See "interceptor line, trunk line," etc.)

Unpolluted water is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

Unsanitary means unclean, unhealthy or harmful to public health.

Wastewater means the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions. (See also "sewage.")

Wastewater facilities means the structures, equipment and processes required to collect, carry away, and treat residential, commercial and industrial wastes and dispose of effluent.

Wastewater treatment works means an arrangement of devices and structures for treatment of wastewater, industrial wastes and sludge and such term shall also mean the sewerage disposal system and sewerage transportation system where applicable in construing the rules and regulations of the Henry County water and sewerage authority and its legal documents and contracts; sometimes used as synonomous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant."

Watercourse means a natural or artificial channel for the passage of water whether continuously or intermittently.
(Ord. No. 89-01, §§ 101—145, 2-7-89)

Sec. 3-5-262. Sanitary disposal of waste, garbage.

(a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within Henry County, or in any area under the jurisdiction of the county or authority, any human or animal excrement, garbage, or other objectionable waste.

(b) It shall be unlawful to discharge to any natural outlet within Henry County, or in any area under the jurisdiction of the county or authority, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.
(Ord. No. 89-01, §§ 201, 202, 2-7-89)

Sec. 3-5-263. Protection from damage.

(a) No person(s) shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance

or equipment which is a part of the sewerage system of the authority.

(b) Any person violating this provision of this article shall become liable to the authority for any loss, damage or expense incurred by the authority including, but not limited to, all costs of labor, material expenses, loss of income, attorneys' fees, expert witness fees, court costs and litigation costs, by reason of such violation and shall be punished as hereinafter provided.
(Ord. No. 89-01, §§ 601, 602, 2-7-89)

Sec. 3-5-264. Powers and authority of inspectors.

(a) The manager and other duly authorized employees of the authority shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharges to the public sewer systems in accordance with the provisions of this article.

(b) The manager or other duly authorized employees of the authority are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system.

(c) The manager and other duly authorized employees of the authority shall be permitted to enter all private properties through which the authority holds a duly executed easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repairing and maintenance of any portion of the wastewater facilities lying within said easement.
(Ord. No. 89-01, §§ 701—703, 2-7-89)

Sec. 3-5-265. Enforcement; penalties.

(a) *Service of notice.* Any person found to be violating any provision of this article shall be served by the county or authority with written notice stating the nature of the violation and setting forth the time and place for the hearing on the matter.

(b) *Penalty.* Any person who is found to have violated any provision of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined an amount as established by an appropriate court having jurisdiction over the matter in an amount not to exceed five hundred dollars ($500.00) and/or sixty (60) days' confinement in the common jail of Henry County and shall further pay as restitution to the authority any expense, loss or damage incurred by the authority for such violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(c) *Liability for damages.* Any person violating any of the provisions of this article shall also become liable to the authority or county for any expense, loss, or damage incurred by the authority or county by reason of such violation.

(d) *Trial.* All such violations shall be presented to and tried before the magistrate court of Henry County unless otherwise specifically required by state law to be tried in the superior court. The court shall determine the amount of the fine or sentence that may be appropriate in the matter. The court shall also determine the amount of restitution, expenses, loss, or damages that have been incurred by the authority as a result of the violation.

(e) *Fines payable to county.* All fines paid by the violator shall be made paid to the county.

(f) *Damages payable to county.* All funds determined by the court and collected for restitution or reimbursement of expense, loss or damage shall be paid to the authority.
(Ord. No. 89-01, §§ 1301—1306, 2-7-89)

Sec. 3-5-266. Amendments.

(a) The board of commissioners does hereby authorize the authority from time to time to amend sections 3-5-223, 3-5-224 and 3-5-225 upon giving public notice as required under terms of this article. In cases of emergencies or in cases in which the authority is required to adopt immediate rules or regulations to comply with federal, state or regulatory agencies rules, regulations and laws, this article may be amended by the authority upon the approval by the county without notice to the public.

(b) The Henry County water and sewerage authority reserves the right to amend this article.
(Ord. No. 89-01, §§ 1501, 1502, 2-7-89)

Secs. 3-5-267—3-5-270. Reserved.

DIVISION 2. BUILDING SEWERS

Sec. 3-5-271. Permit—Required.

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereto without first obtaining a written permit from the authority.
(Ord. No. 89-01, § 301, 2-7-89)

Sec. 3-7-272. Same—Classes; application; fees.

There shall be three (3) classes of building sewer permits:

(1) For residential service;

(2) For commercial service; and

(3) For service to establishments producing industrial wastes.

In all cases, the owner or his agent shall make application on a special form furnished by the authority. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent to the judgment of the authority. Before connection is made to the public sewer, all connection fees shall be paid as required by the authority. Such permit and connection fees shall be in addition to any building permits and other fees required by the county.
(Ord. No. 89-01, § 302, 2-7-89)

Sec. 3-5-273. Liability for costs and expenses; indemnification of county, authority.

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the county and the authority from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
(Ord. No. 89-01, § 303, 2-7-89)

Sec. 3-5-274. Separate building sewer for each building.

A separate and independent building sewer shall be provided for each building except as otherwise approved for and unusual circumstances, primarily involving existing buildings. A separate and independent building sewer and connection shall be provided for each residential, commercial and industrial business unit of multi-unit buildings except as otherwise approved.
(Ord. No. 89-01, § 304, 2-7-89)

Sec. 3-5-275. Old building sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the authority, to meet all requirements of this article.
(Ord. No. 89-01, § 305, 2-7-89)

Sec. 3-5-276. Pipe material.

The building sewer shall be vitrified clay sewer pipe with rubber seal joints or cast or ductile iron roll pipe with rubber seal joints. Heavy duty plastic pipe may also be used with the approval of the authority.
(Ord. No. 89-01, § 306, 2-7-89)

Sec. 3-5-277. Size and slope.

The size and slope of the building sewer shall be subject to the approval of the authority, but in no event shall the diameter be less than four (4) inches. The slope of such four-inch pipe shall not be less than one-eighth (⅛) inch per foot.
(Ord. No. 89-01, § 307, 2-7-89)

Sec. 3-5-278. Elevation, depth.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from front. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings.
(Ord. No. 89-01, § 308, 2-7-89)

Sec. 3-5-279. Low building drains.

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be

lifted by approved means and discharged to the building sewer.
(Ord. No. 89-01, § 309, 2-7-89)

Sec. 3-5-280. Joints and connections.

(a) All joints and connections shall be made gastight and watertight.

(b) Material for factory applied joints on sewer pipe shall be the latest approved standard, and be manufactured by the pipe manufacturer or approved equal. When jointing sewer pipe, the joint surfaces and pipe interior shall be wiped free of dirt, dust, gravel, or other foreign materials and connected in accordance with manufacturer's recommendations or as otherwise approved by the authority. Where vitrified clay pipe with factory applied couplings are used, it shall be connected by first brushing the mating surface with proper lubricant sealer as recommended by the pipe supplier. The spigot end shall then be centered on grade into the bell end of the last downstream clay pipe length and properly seated by application of a moderate force with a pry or lever device. The pipes shall be joined within five (5) minutes after the application of the lubricant sealer. Other jointing materials and methods may be used only by approval of the authority.

(c) Connection of a building sewer into the public sewer shall be made at the wye branch, if such branch is available at a suitable location. If the public sewer is twelve (12") inches in diameter or less, and a wye is not available, the authority shall, at the expense of the owner, install a wye branch in the public sewer at the location determined by the authority. Where the public sewer is greater than twelve (12) inches in diameter, and no approved wye branch is available, the authority shall, at the expense of the owner, cut a hole into the public sewer, with entry in the downstream direction at an angle of about forty-five (45) degrees, and install a forty-five-degree bend with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the authority.
(Ord. No. 89-01, §§ 311-313, 2-7-89)

Sec. 3-5-281. Excavations.

(a) *Generally.* All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the authority. Pipe laying and backfill shall be performed in a manner approved by the authority.

(b) *Barricades, lights; restoration of property.* All excavations for building sewer installation shall be properly guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed by the work shall be restored in a manner satisfactory to the county.

(c) *Permit; bond.* All persons installing sewer service connections for hire in Henry County shall, before cutting any street, sidewalk or public property, and before connecting any service line to the public sewer, obtain a permit from the county for the cutting of any streets, sidewalks or public property. Plumbers shall furnish to the county good and sufficient bond to hold the county and the authority harmless from liability arising from any excavation, cut-in or other work performed along or across any public right-of-way before a license is issued. Such bond shall be in a form approved by the county in an amount established, from time to time, by the county.
(Ord. No. 89-01, §§ 310, 315, 316, 2-7-89)

Sec. 3-5-282. Landowner responsible for ownership, maintenance.

All building sewers and connections to the authority's collector line shall be the responsibility and property of the landowner; neither the authority nor the county shall have ownership in the same nor responsibility for maintenance of the same.
(Ord. No. 89-01, § 317, 2-7-89)

Sec. 3-5-283. Plumbing.

All plumbing shall be in accordance with applicable county and state codes and requirements and shall be subject to inspection by the county.
(Ord. No. 89-01, § 318, 2-7-89)

Sec. 3-5-284. Inspections and approval.

(a) The applicant for the building sewer permit shall notify the authority when the building sewer

is ready for inspection and connection to the public sewer. Connections shall be made under the supervision of the authority.

(b) All building sewers and connections must be inspected and approved and all applicable fees/charges paid before wastewater can be discharged to an authority sewer.
(Ord. No. 89-01, §§ 314, 320, 2-7-89)

Sec. 3-5-285. Specifications and standards.

The authority may from time to time enact separate technical, construction and other rules and regulations for building sewers and connections to supplement or clarify the requirements of this article. Where technical and construction requirements are not otherwise covered in this article, appropriate specifications or standards of the American Society for Testing Materials (ASTM) or the Water Pollution Control Federation (WPCF) Manual of Practice No. 9 shall apply unless otherwise covered by supplementary rules and regulations of the authority.
(Ord. No. 89-01, § 319, 2-7-89)

Secs. 3-5-286—3-5-290. Reserved.

DIVISION 3. PUBLIC SANITARY SEWERAGE SYSTEM

Sec. 3-5-291. Jurisdiction.

The operation and maintenance of all public sanitary sewerage shall be the responsibility of the authority. All existing and future sanitary sewer lines laid in Henry County and all areas served by public sanitary sewer lines are within the applicable jurisdiction of this authority except those areas within the corporate limits of municipalities unless arranged by prior agreement or ordinance.
(Ord. No. 89-01, § 401, 2-7-89)

Sec. 3-5-292. Approval prior to discharge.

No person or government outside the limits of Henry County shall discharge or cause to be discharged any material into the sanitary sewer system of Henry County without prior approval of the authority.
(Ord. No. 89-01, § 402, 2-7-89)

Sec. 3-5-293. Construction plans and specifications.

Any person constructing sewerage systems shall submit plans and specifications to and obtain approval from the authority before construction is started. The authority may also establish design and construction requirements that must be met before issuing approval(s). Plans and specifications shall be prepared by a Georgia registered engineer and shall be subject to any necessary approvals by state and local agencies and public utilities prior to approval by the authority. The authority reserves the right to inspect construction during progress and upon completion, prior to acceptance. The authority may also review designs and inspect construction on behalf of the authority. Any easements and real estate associated with such sewerage systems (i.e. sewer line easements across private property and sewage pumping station property) shall be conveyed to the authority for ownership and/or usage in a legal manner acceptable to the authority.
(Ord. No. 89-01, § 403, 2-7-89)

Sec. 3-5-294. Final inspection.

Prior to any sewerage systems being placed in use, a final inspection of the system must be conducted by the authority. If such inspection shows any irregularities or failure to comply with approved plans and specifications, the contractor, landowner or developer shall make all corrections at their own expense.
(Ord. No. 89-01, § 404, 2-7-89)

Sec. 3-5-295. Conveyance of property to authority.

Prior to any sewerage systems being placed in use, the owner of the property shall convey to the authority the sewer lines and appurtenances required by the authority, free and clear of any encumbrance, together with an easement of sufficient width as required by the authority for the maintenance and repair of the sewer line or appurtenances thereto.
(Ord. No. 89-01, § 405, 2-7-89)

Sec. 3-5-296. Plats required.

The owner or developer shall have plats prepared at his own expense by a registered land

surveyor or registered engineer authorized to do business in the state. Such plats shall be in recordable form properly describing adequate easements upon which any public sewer system is to be located. The plats shall be delivered to the manager for his review.
(Ord. No. 89-01, § 406, 2-7-89)

Sec. 3-5-297. Responsibility of landowner for costs and expenses; indemnification of authority.

All costs and expenses for the construction of the sewerage system shall be borne by the property owner. The property owner shall indemnify the authority from any and all loss or damage including, but not limited to, attorneys' fees, court costs, expert witness fees, engineering fees and judgments that it incurs which may be directly or indirectly occasioned by the installation of the sewerage system.
(Ord. No. 89-01, § 407, 2-7-89)

Secs. 3-5-298—3-5-300. Reserved.

DIVISION 4. USE OF PUBLIC SEWERS

Sec. 3-5-301. Surface runoff.

No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, groundwater, roof runoff or subsurface drainage to any sewer. Connection directly or indirectly to roof downspouts, exterior foundation drains, area drains, or other sources of surface runoff is not permitted to a building drain or building sewer connected to a public sanitary sewer. Existing connections of such items to a building sewer shall be disconnected at no expense to the authority when the building sewer is connected to the public sewer system.
(Ord. No. 89-01, § 501, 2-7-89)

Sec. 3-5-302. Unpolluted industrial cooling or process water.

Unpolluted industrial cooling water or process water may be discharged, on approval of the authority, to a sanitary sewer, if the water otherwise meets the requirements and specifications of this article.
(Ord. No. 89-01, § 502, 2-7-89)

Sec. 3-5-303. Unauthorized connections, use, etc.

No unauthorized person shall uncover, make any connection with or open, use, alter or disturb any public sanitary sewer or appurtenance.
(Ord. No. 89-01, § 503, § 2-7-89)

Sec. 3-5-304. Prohibited discharges.

No person(s) shall discharge or cause to be discharged any of the following described waters, wastes, substances or materials to any public sewers:

(1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

(2) Any waters containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other substances, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.

(3) Any waters or wastes having a pH lower than 6.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and the personnel of the wastewater works or any waters or wastes having a pH to be in excess of 9.0.

(4) Solid or viscous substances in quantities of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders (size may not be greater than one-half (½) inch in any dimension).

(5) Wastes at a flow rate and/or pollutant discharge rate which is excessive over relatively short time periods so that there is a

treatment process upset and subsequent loss of treatment efficiency.

(6) Any other circumstances that from time to time may be listed by the authority.

(Ord. No. 89-01, § 504, 2-7-89)

Sec. 3-5-305. Limited discharges.

The following described substances, materials, waters or wastes shall be limited in discharges to public sanitary sewers to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have any adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The authority may set limitations lower than the limitations established in the regulations below if, in its opinion, such more severe limitations are necessary to meet the above objectives. In forming its opinion as to the acceptability, the authority will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials or construction of the sewer, the wastewater treatment process employed and wastewater discharge requirements, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, the toxicity of the pollutant, its persistence, degradability and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the authority are as follows:

(1) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (65 degrees centigrade).

(2) Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.

(3) Wastewater from industrial plants containing oils, fats or grease in excess of one hundred (100) milligrams per liter.

(4) Any garbage that has not been properly shredded (any dimension greater than one-half (½") inch). (See section 3-5-261, "garbage.") Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

(5) Any waters or wastes containing the following constituents at a concentration greater than the following fixed upper limits measured in parts per million by weight:

Constituent	*Limit*
Arsenic	1.0
Barium	5.0
Cadmium	0.4
Chromium	3.0
Cobalt	1.6
Copper	1.0
Cyanide	1.0
Lead	2.0
Mercury	1.0
Nickel	2.0
Silver	1.0
Zinc	3.0
Phenolics	0.2
Tin	2.5
Herbicides	0.0
Fungicides	0.0
Pesticides	0.0
Total Metals	8.0

Any waters or wastes containing similar objectionable or toxic substances to such a degree that any such material received in the composite wastewater at the treatment works exceeds the limits established by the authority or any limits established by federal statutes and regulations or state statutes and regulations. Where advanced treatment including nitrification is required, the authority may require less than certain aforementioned metals and toxic discharges if necessary for the authority to meet state/federal discharge permit requirements.

(6) Any waters or wastes containing more than 1.0 parts per million by weight (ppm or mg/1) of the following gases: hydrogen sulphide, sulphur dioxide or nitrous oxide, or

any other noxious or malodorous gas or substance capable of creating a public nuisance or hazard to life or preventing entrance into sewers for their maintenance, inspection and repair.

(7) Any high-level radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by Public Law 92-500, Section 301 (33 U.S.C. Sect. 1311), or amendments thereto, and the federal regulations promulgated thereunder or state regulations, or exceed limits established by the authority.

(8) Quantities of flow, concentrations or both which constitutes a "slug" as defined herein (section 3-5-261).

(9) Any waters or wastes having a five-day BOD in excess of three hundred (300) milligrams per liter (mg/l) by weight on a twenty-four-hour composite basis, except as otherwise permitted with a surcharge.

(10) Any waters or wastes having suspended solids contents in excess of three hundred (300) milligrams per liter (mg/1) by weight on a twenty-four-hour composite basis, except as otherwise permitted with a surcharge.

(11) Where nitrification treatment is required, any waters or wastes having total Kjeldahl nitrogen or ammonia (separately or in combination) in excess of thirty-five (35) milligrams per liter (mg/l) by weight on a twenty-four-hour composite basis, except as otherwise permitted with a surcharge.

(12) Where phosphorous removal is required at the treatment facility, any water or wastes having phosphorous or phosphorous compounds (as P) in excess of seven (7) milligrams per liter (mg/l) by weight on a twenty-four-hour composite basis except as otherwise permitted with a surcharge.

(13) Waters or wastes containing substances which are not amendable to treatment or reduction by the wastewater treatment process employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(14) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

(15) Water or wastes containing taste or odor producing contaminants in such quantities that after treatment of sewage these contaminants impart their tastes or odors to receiving waters to a detrimental degree.

(16) Water or wastes colored by dye or other such solutions to such a degree that the color is not sufficiently removed by treatment to cause problems or adverse effects to receiving water.

(17) Any contaminant which the authority or its designated agent deems harmful to the operation or efficiency of wastewater treatment plants, or to the health and welfare of the residents of Henry County.

(18) Ground paper products shall be prohibited from being discharged into the public sewer system, unless otherwise approved by the authority.

(19) Discharges of materials or substances which would cause the effluent quality from sewage treatment plants to violate state and federal standards.

(20) Any discharge at a temperature which will cause the temperature of the wastewater in the sewerage system to increase to one hundred twenty (120) degrees Fahrenheit, or above.

(21) Any other circumstances that from time to time may be listed by the authority.

(Ord. No. 89-01, § 505, 2-7-89)

Sec. 3-5-306. Discharge of limited or prohibited substances.

(a) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or pos-

sess the characteristics enumerated in sections 3-5-304 and 3-5-305 of this article, and which, in the judgment of the authority, may have a deleterious effect upon the wastewater facilities, processes, equipment or receiving waters, or which otherwise create a hazard of life or constitute a public nuisance, the authority may:

(1) Discontinue service and/or reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge to the public sewers;

(3) Require control over the quantities and rates of discharge; and/or

(4) Require payment to cover added costs of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of section 3-5-312 of this article.

(b) If the authority permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the authority, and of the Environmental Protection Division, Department of Natural Resources of the State of Georgia, and other regulatory agency or agencies, having jurisdiction. In the event that an owner or operator is not in compliance, the authority will grant a reasonable time period for the owner or operator to take corrective measures before service is discontinued. An owner or operator of any source to which the pretreatment standards are applicable shall comply with 40 C.F.R. 403, as the same may, from time to time, be amended or replaced.
(Ord. No. 89-01, § 506, 2-7-89)

Sec. 3-5-307. Industrial contributors.

(a) Any industrial "new source" (as defined in Public Law 92-500 Section 316 (33 U.S.C. Sect. 316) as the same may, from time to time, be amended or replaced) contributor to the publicly owned wastewater treatment works shall comply with the requirements of the above-cited statute and the regulations promulgated thereunder (40 C.F.R. 403 as the same may, from time to time, be amended or replaced) established federal standards of performance for new sources within the contributor's particular category.

(b) Any industrial source of pollutants shall comply with the effluent standards or prohibition of each designated pollutant or combination of pollutants as established by Public Law 92-500, Section 307 (33 U.S.C., Section 1317, as the same may, from time to time, be amended or replaced) and the regulations promulgated thereunder. Furthermore, any industrial source of pollutant shall comply with the pretreatment standards for introduction of pollutants into publicly owned treatment works as established by Public Law 92-500, Section 307 (33 U.S.C., Section 1317, as the same may, from time to time, be amended or replaced) and the regulations promulgated thereunder, for those pollutants which are designated by the federal regulations as being unsusceptible to treatment by such treatment works or which would interfere with the operation of such treatment works.

(c) Any industrial user or source which is required to comply with the standards of performance, effluent standards or pretreatment standards established by Public Law 92-500, Sections 306 and 307, or the federal regulations promulgated thereunder, shall further comply with the inspection, monitoring and entry requirements of Public Law 92-500, Section 308 (33 U.S.C., Section 1317) and the federal regulations promulgated thereunder.
(Ord. No. 89-01, §§ 507—509, 2-7-89)

Sec. 3-5-308. Grease, oil and sand interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the authority, they are necessary for the proper handling of liquid waste containing floatable grease in excessive amounts, as specified in section 3-5-305(c), or any flammable wastes, sand, any substance which becomes viscous or solidifies at a temperature above thirty-two (32) degrees Fahrenheit (0 degrees centigrade) or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the authority, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject

to review by the authority. Any removal and hauling of the collected materials not performed by the owner(s)'s personnel must be performed by currently licensed waste disposal firms.
(Ord. No. 89-01, § 510, 2-7-89)

Sec. 3-5-309. Pretreatment or flow-equalizing facilities.

Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense. The owner shall submit operation and laboratory data on a monthly basis to the authority. The authority or E.P.D. shall determine the proper procedures.
(Ord. No. 89-01, § 511, 2-7-89)

Sec. 3-5-310. Observation, sampling, etc., facilities.

When required by the authority, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the waste by the Authority. Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the authority. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
(89-01, § 512, 2-7-89)

Sec. 3-5-311. Standard methods for measurements tests, etc.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published at the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the authority.
(Ord. No. 89-01, § 513, 2-7-89)

Sec. 3-5-312. Special agreements.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the authority and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the authority for treatment. The authority may levy a surcharge for the treatment of such waste.
(Ord. No. 89-01, § 514, 2-7-89)

Sec. 3-5-313. Accidental spills.

In the event of an accidental spill or an unavoidable loss to the drains of any deleterious material or substances, the person concerned shall promptly inform the manager or the authority's designated agent, of the nature, quantity and time of occurrence of the spill. The person concerned shall take all possible actions to prevent a spill, and should a spill occur, shall take immediate steps to insure no reoccurrence of the spill. Where there exists an approved drain to the sanitary sewer in an area where there is the potential for a leak or spill of toxic, flammable material or harmful substance, an emergency block valve on the sanitary sewer downstream of the aforementioned drain shall be required.

Sec. 3-5-314. Variance procedure.

Any person, upon written application to the authority, who shows, in the case of the activity being conducted or operated, that compliance with a section of these rules should either be impossible or would constitute an undue hardship because of time limitations, may be granted a variance. If a variance is granted by the authority, it shall be only for such reasonable period of time as determined by the authority under the specified conditions set by the authority. In the event that the person to whom the variance is granted fails to comply with the specifications of the authority within the time set, the authority shall have the right to revoke the variance granted and terminate all service (water and sewer) to the customer until all requirements of the authority have been complied with. A variance shall not be granted under the provisions of this section where the person applying therefor is causing a nuisance or other injury to the public. Any variance granted under the provisions of this section shall not re-

lieve the person receiving the variance from any liability or penalties imposed by law for the commission or maintenance of a public nuisance.
(Ord. No. 89-01, 516, 2-7-89)

Sec. 3-5-315. Septic tank and portable toilet wastes.

No person(s) shall discharge or empty any contents of septic tanks and portable toilets into the wastewater system of the authority without obtaining a permit from the authority and paying charges established by the authority. The point(s) and manner(s) of discharging/emptying shall be as designated by the authority. Any person(s) discharging to the authority's system shall also comply with all licensing and other requirements established by the county or the county health department. The authority reserves the right to refuse this discharge privilege to any person not complying with all requirements and for those septic tank/portable toilet wastes not originating within Henry County.
(Ord. No. 89-01, § 517, 2-7-89)

Sec. 3-5-316. Violations.

(a) Should a customer (user) be found to be in violation of the restrictions on public sewer use as provided in this article, the manager or the authority may take appropriate action to terminate the customer's water and sewer service until such time as the violation is abated and payment is made to the authority for any damages caused thereby to the sewerage system.

(b) Should any person who is not a customer of the authority be found in violation of the restrictions on public sewer use as provided in this article, the manager may take appropriate action to have civil and/or criminal action taken against said person violating the terms of this article.
(Ord. No. 89-01, §§ 518, 519, 2-7-89)

Secs. 3-5-317—3-5-320. Reserved.

DIVISION 5. ADMINISTRATION AND ENFORCEMENT

Sec. 3-5-321. Procedures for termination of sewer service.

(a) The authority shall be empowered to terminate water and sewer services for the failure of customers to pay their sewer bills or to comply with the terms of this article and any amendments thereto. The following procedure shall be followed prior to termination of sewer service:

(1) The following written notice shall be forwarded to the customer and same shall appear on the current billing when said customer has a previous balance:

"If there is a previous balance (on your account) and it is not paid within 10 days, you are hereby required to appear at a hearing to be held at the Authority office located in the Authority Administration Building, 533 Ga. Hwy. 81/20, McDonough, Georgia, 15 days from date of this bill (or next working day if this date is a holiday or weekend) at 9:30 a.m. to show cause why your service should not be terminated. You have 10 days from said hearing date to file for injunctive relief in the Superior Court of Henry County; if not, service at this location will be terminated until account is paid in full."

(2) The hearing shall be set no earlier than ten (10) days from the date of the letter and not later than fifteen (15) days from the date of the letter.

(3) If the customer and the clerk are unable to resolve any discrepancies that may appear in the bill, the customer shall have ten (10) days from the date of the hearing in which to file for injunctive relief in the superior court of Henry County. If no injunction is filed within such time, sewer service to the customer shall be terminated.

(b) If the customer fails to pay the bill and penalties prior to ten (10) days after the date of the hearing, then such water and sewer services shall be terminated.

(c) The clerk of the authority is hereby appointed and authorized to conduct in behalf of the authority the above-stated hearings.
(Ord. No. 89-01, §§ 801—803, 2-7-89)

Sec. 3-5-322. Suspension of services.

(a) When sewer service is discontinued either by written notice from the customer to the authority, or by acts of the authority, the authority shall apply the refundable deposits to the balance of the water and sewer bill owed by the customer and refund the difference, if any exists, to the customer.

(b) The authority reserves the right to discontinue its service without notice for the following reasons:

(1) To prevent fraud or abuse.

(2) Customer's willful or negligent disregard of the terms of this article and any amendments thereto or any of the rules of the authority.

(3) Emergency repairs.

(4) Insufficiency of water supply due to circumstances beyond authority's control.

(5) Insufficiency of sewage treatment system.

(6) Legal processes.

(7) Direction of public authorities.

(8) Strike, riot, fire, flood, unavoidable accident, actions of others, or acts of God.

(c) The authority reserves the right to terminate the services granted by the authority for any other reason other than those stated above by giving the customer ten (10) days' written notice of the date of termination, and further providing the customer with a right to hearing prior to termination of the service.
(Ord. No. 89-01, §§ 901—903, 2-7-89)

Sec. 3-5-323. Fees and rates.

(a) *Sewerage districts.* The authority shall establish sewerage districts by watersheds or other boundaries as the authority may deem reasonable and financially appropriate. Treatment facilities fees and line usage fees, as hereinafter defined, may vary as to each sewerage district. The present sewerage districts are:

(1) Big Cotton Indian Creek District.

(2) Little Cotton Indian Creek District.

(3) Walnut Creek District.

(4) South River District.

(5) Tussahaw Creek District.

(6) Indian Creek District.

(7) Towaliga River District.

(8) Flint River District (a/k/a Bear Creek).

(b) *Treatment facility fees.* A treatment facility fee is collected to purchase capacity in the sewage treatment plant. Treatment facility fees are established from time to time by the authority for the drainage districts in which the sewage is processed. Such fees shall be paid at the time of connection onto the sewer system of the authority. The present treatment facility fees charged for the sewer districts are shown on the fee schedule attached to Ordinance No. 89-01.*

(c) *Line usage fee.* A line usage fee is collected by the authority to purchase capacity in the sewer outfall lines. The fees are established by the authority from time to time for the drainage district in which the sewer lines are located. The line usage fee being charged by the authority in each of its drainage districts is based upon the average daily usage as computed by the authority. The line usage fee must be paid by the owner/developer prior to starting construction of the sewer system within his project. The present treatment facility fees charged for the sewer districts are shown on the fee schedule, attached to Ordinance No. 89-01.*

(d) *Sewerage user fee.* A sewerage user fee is charged to the customer on a monthly basis for the sewage processed by the authority. The sewerage user fee is set by the authority from time to time. The authority will charge a minimum monthly charge to all sewer users. The present treatment facility fees charged for the sewer districts are

*Editor's note—It should be noted that Ord. No. 92-13 adopted a fee schedule set out in App. A to the ordinance, which ordinance is on file in the offices of the county.

shown on the fee schedule attached to Ordinance No. 89-01.*

(e) *Additional fees and surcharges.* In addition to the above stated fees, additional fees or surcharges may be collected by the authority from time to time.

(f) *Fee adjustments.* Each of the above-stated fees are set at the time of connection on to the sewerage system and based upon the present anticipated usage. The authority from time to time will determine whether or not the customer is using more capacity in the sewage treatment plant and the sewer lines than was originally purchased. If the authority determines that there is an increase in usage by the customer, the authority will assess additional treatment facility fees and line usage fees based on the fee rate that is in existence at the time of the determination by the authority. The customer shall notify the authority thirty (30) days prior to the commencement of any additions to the customer's present facilities to determine if sewage treatment facilities and sewage facilities are available and have adequate capacity to accommodate the anticipated additional usage.

(g) *Service deposits.* The authority may also require a service deposit prior to providing sewer service, either separately or in conjunction with a water meter deposit.

(h) *Payment default.* If the payment of the sewer fees or any surcharge assessed is allowed to go into default by the customer, the authority may take appropriate action to terminate the customer's water and sewer service until all sums due the authority, including penalties, are paid in full.

(i) *Responsibility of property owner.* The owner of the property shall be responsible for the payment of all fees and surcharges that are assessed for services rendered. The leasing of the property by the owner will not relieve the owner of the liability of payment of services (water or sewer) rendered to the property. If the owner fails to pay all fees and surcharges due the authority with thirty (30) days after date of notice, the clerk of the authority will be authorized to issue a fi.fa. upon the property said services were provided and to collect such funds by levy and sale.

(j) *Credit.* The credit hereinafter defined shall only apply to the sewer that has its origin on the property that is described on the plat of survey provided by the owner at the time of the approval by the authority of such sewer service to the property. If an owner is required by the authority to extend or construct a sewer trunk line and is designated as a sewer trunk line by the authority, then the owner/developer will be given a credit against the line usage fee for the amounts expended by the owner/developer for labor and materials in the extension and construction of the sewer trunk line. This credit can be used by the owner or his successor in title at any time for a period of five (5) years from the date that sewer service to the property is approved by the authority. Thereafter, the owner or his successor in title will not receive any credit on the line usage fee. The credit received will not exceed the amount that would have been charged for the line usage fee and the credit can not be carried over past the time set forth above, used on any other property, or applied to any other line usage fee, treatment facility fee, sewer usage fee or any other fees charged by the authority. If title to such property or any part thereof is transferred at any time after the date of approval by the authority for sewer service to said property, then such credit will be credited against the line usage fee as provided above until credit has been exhausted as provided above. The person paying for the trunk line extension can not retain such credit or prorate such credit. The credit will be used and credited by the authority to the user on a first-come, first-served basis as it applies to such property. Prior to the commencement of construction, the owner shall execute an agreement prepared by the authority establishing such credit and determining the use, time of use, waiver, and other matters.

(k) *Periodic review, adjustment of fees and charges.* The authority shall from time to time review the fees set forth above and adjust same as may be

*Editor's note—It should be noted that Ord. No. 92-13 adopted a fee schedule set out in App. A to the ordinance, which ordinance is on file in the offices of the county.

necessary to defray operational and maintenance costs and provide for financial capitalization including replacements and other system improvements. The authority shall have the right from time to time to increase or decrease any sewer fees or sewer rates charged by it without further approval of the board of commissioners. Prior to any increase in fees, the authority shall notify the public by advertising the new rates or fees to be charged to

the customers once a week for four (4) consecutive weeks in the official organ of Henry County.

(l) *Right to refuse services.* Except as otherwise negotiated and approved, the authority reserves the right to refuse sewer service to any person not using authority water.
(Ord. No. 89-01, §§ 1001—1012, 2-7-89)

Sec. 3-5-324. Procedures for obtaining sewer service to owners or developer's property.

(a) Any owner/developer desiring sewer service to his property shall deliver to the manager a plat of survey of the property to be sewered along with a letter setting forth the intended use or uses of the property. The manager shall review such documents and, with the assistance of the authority's engineer, determine the costs to be incurred to perform the necessary engineering studies and requirements of carrying the sewer from the owner/developer's property to the authority's nearest existing facility having sufficient capacity to process the sewage to be generated from such property. Once such costs have been determined, the manager shall notify owner/developer, and owner/developer shall deposit such funds with the authority. After the funds have been deposited with the authority and the authority's engineer has commenced with the sewerage feasibility study, the funds shall become nonrefundable. The results of the completed study shall be provided to the owner/developer.

(b) The owner/developer of the property will be required to construct, at his own expense, any and all sewer lines and sewerage facilities that are located on the owner/developer's property that are determined by the authority to be needed for the adequate sewering of said property or that are required to service the owner/developer's property.

(c) The owner/developer may, with prior authorization from the authority, employ its own contractor to construct the sewer lines from owner/developer's property to the authority's nearest facilities having capacity to process the sewage generated from such property. The sewer lines, appurtenances thereto, and other facilities required will be constructed according to the specifications of the authority and will be inspected by the authority prior to covering. If the authority allows the owner/developer to employ its own contractor, then the contractor shall deliver to the authority, prior to commencement of work, a certificate of insurance which will insure and protect the authority from all claims of damage to person or property occurring as a result of such construction.

(d) If the authority determines that it is in the best interest of the authority to enlarge the sewer lines and sewerage system facilities from the owner/developer's property line to the sewerage system facilities, the authority will pay the additional costs for the increased size of the sewer line and sewer facilities.

(e) The owner/developer shall make a good faith effort to obtain all easements required to install the sewer lines from owner/developer's property to authority's facility. In the event an owner/developer is unable to obtain the sewer easements required, the owner/developer shall notify the authority in writing. The authority will then determine the anticipated costs for condemning the easements required and notify the owner/developer in writing. Upon the owner/developer depositing with the authority the estimated costs, the authority will authorize its attorney to proceed with condemnation of the easement. If the costs as hereinafter defined exceed the amount estimated by the authority, the owner/developer shall pay to the authority the additional costs within ten (10) days from receipt of notification. Failure to pay such funds within such time will result in the authority placing a fi. fa. upon owner/developer's property. If estimated costs paid to the authority exceed the actual costs incurred, the excess funds will be returned to the person initially paying such funds within thirty (30) days after date of determination of actual costs involved. Costs referred to above shall include, but not be limited to, the amount paid by the authority for the easement or title to property, all attorneys' fees, expert witness fees, court costs, litigation expenses and any out-of-pocket funds expended by the authority.

(f) The authority will employ its own surveyor or engineer to survey the property upon which the easement or title to property is required to carry the sewer line from the owner/developer's

property to authority's existing facility. An estimated cost of such expense will be provided by the general manager to the owner/developer in writing, and the owner/developer shall deposit such funds with the authority. Upon receipt of the estimated costs, the authority will proceed to survey the property and have such easements prepared by the authority's attorney. If the costs as hereinafter defined exceed the amount estimated by the authority, owner/developer shall pay to the authority the additional costs within ten (10) days from receipt of notification. Failure to pay such funds within said time will result in the authority placing a fi.fa. upon the owner/developer's property. If estimated costs paid to the authority exceed the actual costs incurred, the excess funds will be returned to the person initially paying such funds within thirty (30) days after the date of determination of the actual costs involved. Costs referred to above shall include, but not be limited to, the amount paid by the authority for the easement or title to property, all attorneys' fees, expert witness fees, court costs, litigation expenses and any out-of-pocket funds expended by the authority.
(Ord. No. 89-01, §§ 1101—1106, 2-7-89)

Sec. 3-5-325. Industrial waste surcharges.

(a) If the authority authorizes any customer to discharge industrial wastes into the public sewers, such customer shall be charged and assessed a surcharge in addition to any sewer service charges, if these wastes have a concentration greater than the following concentrations, which represent a relatively high strength domestic-type wastewater:

(1) A five-day, twenty (20) degrees centigrade biochemical oxygen demand (BOD) of three hundred (300) milligrams per liter (mg/l), which is also referred to as parts per million (ppm).

(2) A suspended solids content of three hundred (300) mg/l.

(3) For wastewater discharging to a treatment plant where nitrification is required, a total Kjeldahl nitrogen (TKN) and/or ammonia (NH3-N) of twenty-five (25) mg/l (separately or in combination).

(4) For wastewater discharging to a treatment plant where phosphorous removal is required, phosphorous and phosphorous compounds (as P) of twenty-five (25) mg/l.

The above constituents shall be sampled and analyzed in accordance with "Standard Methods" or other analytical procedure approved by the U.S. Environmental Protection Agency or the regulatory agency of the State of Georgia having jurisdiction. The surcharge shall be based on an average of at least three (3) twenty-four-hour composite samples (or composited samples during the daily discharge); or based on an average of at least six (6) grab samples taken at different hours of operation over at least a three-day period. Where different processes are used or different products are manufactured, the highest strength discharge over a five-day period, as sampled above, shall be used as the basis of the surcharge. The amount of such surcharge, which may be charged and assessed against persons discharging industrial waste into the public sewers, shall reflect the cost incurred by the authority in handling the excess of the previously listed constituents. This surcharge shall include a proportionate share of the operational and maintenance costs and replacement costs on the portions of the plant and affected sewerage system and other incidental expenses (monitoring, testing and other).

(b) When any or all of the total suspended solids, BOD, phosphorous, TKN or ammonia of the wastewater accepted for admission to the authority's sewerage works exceeds the aforementioned values of these constituents, the excess concentration in any or all, as the case may be, shall be subject to a surcharge on the amount derived in accordance with the following formula:

> Amount of surcharge in dollars = (pounds of excess constituent) × (prorated facility replacement cost per excess pound + prorated operational, maintenance and incidental costs per excess pound).

Excess poundage shall be figured as follows:

> (Wastewater discharged in gallons × excess concentration in mg/l × 8.34 lbs./gallons) divided by 1,000,000

Example: 1,000,000 gallons of wastewater
200 mg/l excess BOD (500 mg/l - 300 mg/l)

Then:

$$\text{Excess poundage} = \frac{1{,}000{,}000 \times 200 \times 8.34}{1{,}000{,}000} = 166.8 \text{ pounds}$$

(c) The rates of surcharges shall be reviewed annually by the authority in order that the above factors may correctly represent current treatment costs, and may be modified at any time.

(d) Industrial waste surcharges provided for in this article shall be prepared and rendered with the regular water and sewerage bill. The manager or other duly authorized employee of the authority shall be permitted to enter upon any properties for the purpose of inspection, observation, measuring, sampling, and testing in accordance with the provisions of this article.

(e) The volume of flow used to compute industrial waste surcharges shall be based upon metered, estimated or prorated water consumption as shown in the records of meter reading maintained by the authority. In the event that a person discharging waste into the public sewerage system produces evidence to the manager that a significant portion of the total annual volume of water used for all purposes does not reach the public sewer system, an estimated percentage of total water consumption to be used in computing charges may be agreed between the manager and persons discharging industrial waste into the sewer.

(f) The industrial waste of each person, corporation or legal entity discharging same into the public sewerage system shall be subject to annual inspection and determination of character and concentration of said waste; such action may be made more often as may be deemed necessary by the authority. Samples shall be collected in such a manner as to be representative of the actual quality of the waste. The laboratory methods used in examination of such waste shall be those set forth in "Standard Methods."

(g) In the event that an analysis of waste, determined by the sampling and gauging of waste from a person or industry by the authority is disputed, a program of resampling and gauging, with subsequent chemical determinations, may be instituted as follows:

(1) The person or industrial user interested must submit a request for resampling and gauging of their waste to the manager by letter and bind themselves to bear the expenses incurred by the authority in the resampling and gauging the subsequent chemical determination of the waste.

(2) The chemist or engineer employed by the company or person responsible for the request submitted to the authority must confer with the authority's person in charge of gauging and sampling. They will establish the length of the rerun and the methods to be employed to determine the flow and to sample the flow.

(3) The chemist or engineer engaged by the person or industry may be present during the gauging and sampling operation and also in the laboratory during the determination of the analysis.

(4) The results of the analysis, determined from the quantity and quality of the flow, shall be considered by analysis of record and shall be used to establish current billing procedures.

(Ord. No. 89-01, §§ 1201—1207, 2-7-89)

Secs. 3-5-326—3-5-350. Reserved.

ARTICLE IV. RATES AND CHARGES

Sec. 3-5-351. Definitions.

The definitions in Article II of this subchapter shall apply to this article.

Sec. 3-5-352. Rate schedule.

(a) The rate schedule used for the authority is set from time to time. However, water rates will not increase without thirty (30) days notice to the consumer. Notice will be sufficiently given to the consumer by a publication of the rate changes for

once a week for four weeks in the official newspaper of the county prior to the rate increase.

(b) The water rate shall be as follows:

Gallons of Water Used	*Monthly Charge*
0—3,000, minimum	$7.85
3,000—10,000	2.35 (per 1000 gallons)
10,000—100,000	1.85 (per 1000 gallons)
100,000 and above	1.55 (per 1000 gallons)

(c) Municipal consumers of the authority located in the county shall pay on a monthly basis eighty-five cents ($0.85) per one thousand (1,000) gallons for water purchased by a municipality from the authority.

(d) Since sewer rates are based on the amount of water used, the sewer rate for consumers of the authority shall be as follows:

Gallons of Water Used	*Monthly Charge*
0—3,000, minimum	$7.85
3,000—10,000	2.35 (per 1000 gallons)
10,000—100,000	1.85 (per 1000 gallons)
100,000 and above	1.55 (per 1000 gallons)

(e) Water meters shall be classified as either "active meters," "inactive meters," "cancelled meters," "line extension meters" or "subdivision meters." Said meters are further defined as follows:

(1) *Active meters* are defined as meters that are in use or that were purchased after August 1, 1983. All active meters will be charged on a monthly basis the rates set forth above. If an active meter is not used for a period of six (6) months after installation, or if the customer requests in writing that service be temporarily discontinued, then the meter shall be classified as an "inactive meter" and shall be treated as hereinafter provided. A customer can maintain an active meter status by paying a monthly minimum water bill provided for herein.

(2) *Inactive meters* are defined as meters that are installed, but have not been used by the customer for a period of six (6) months, or the customer has notified the authority in writing to temporarily terminate service. If a meter remains unused for a period of six (6) months, or the customer requests in writing that service be temporarily terminated, the authority will seal the meter and declare the meter an inactive meter. If a customer desires to obtain water services after the meter has been declared inactive, the customer shall pay the authority a reconnection fee of one hundred fifty dollars ($150.00), together with any previous bills assessed against said meter prior to obtaining any additional service from the authority. Once the connection fee and any past due bills have been paid, the meter will be re-classified as an "active meter" as defined above.

(3) *Cancelled meters* are defined as meters that are installed but are not used for a period of twelve (12) months, or the customer has notified the authority that the customer does not desire to obtain any further water service from the authority. If a meter is declared a cancelled meter, the meter will be removed and the connection sealed. A customer desiring reconnection of a cancelled meter shall pay the tap-on fee that is in effect as of the date of the application.

(4) *Line extension meters* are defined as meters purchased to aid in line extensions, but the customer has not requested that the meter be installed. At the time of the purchase of the meter, the authority anticipated that the customer would connect onto the water system within a reasonable time. A number of line extension meters have been purchased, but the customer has not requested that the meter be installed. Due to the customer's failure to connect onto the line extension, pay the minimum monthly water bill, the authority cannot recoup the cost of the line as originally anticipated. Any customer holding a line extension meter who fails to connect on prior to January 1, 1985, shall be assessed an additional connection fee of one hundred fifty dollars ($150.00) at the time of connection. The customer may avoid the payment of the additional connection fee by paying the minimum monthly water bill until such time as the meter is connected, at which time the meter

will be classified as an "active meter" as defined above.

(5) *Subdivision meters* are defined as meters that were purchased for installation in subdivisions in which the water lines were constructed and installed at no expense to the authority. Any subdivision meters that were purchased prior to August 1, 1983, that are not installed prior to January 1, 1985, shall be charged an additional connection fee of one hundred fifty dollars ($150.00). This charge is assessed because of the increased cost of operation and maintenance of the water system of Henry County. Subdivision meters that are installed but do not become "active meters" by January 1, 1984, will be classified as "inactive meters" and shall be governed as such.

(f) All customers who pay a connection fee to the authority after August 1, 1983, will be required to pay a minimum monthly payment as set forth above commencing ninety (90) days after the date of payment of the connection fee or on the next billing date after connection, whichever occurs first. The monthly minimum charge set forth above shall be paid whether the meter has been installed or not.
(Ord. No. 83-27, Art. IX, 8-23-83; Ord. No. 84-13, 8-21-84)

Sec. 3-5-353. Meter readings.

The water meter serving the consumer's property shall be read on a monthly basis and official records of each reading thereof shall be kept for a period of one year.
(Ord. No. 83-27, Art. X, 8-23-83)

Sec. 3-5-354. Billing and collections.

(a) The consumer shall pay promptly on a monthly basis all water registered by the meter serving said property at the rate or rates set by the authority from time to time, which shall include water used, water wasted, or leakage, except for water that may be traced by the authority to the authority's system.

(b) Said bill shall be paid within fifteen (15) days from the date of said bill. In the event that said bill is not paid within fifteen (15) days from date thereof, ten (10) percent of the unpaid balance on a monthly basis will be assessed as a penalty. In the event that the bill and any penalties assessed thereon are not paid within twenty (20) days from the date of said bill, the authority shall have the right to commence procedures to terminate the water service.

(c) If water service is discontinued for nonpayment of bill, the authority will not resume water service to the consumer until the bill and all penalties have been paid in full and a twenty-five dollar ($25.00) nonrefundable reservice fee has been paid to the authority by the consumer.
(Ord. No. 83-27, Art. XI, §§ 1—3, 8-23-83)

Sec. 3-5-355. Complaints and adjustments.

(a) If the consumer believes his bill to be in error, he shall present his claim, in writing to the authority, at the office of the authority before the bill becomes delinquent. Such claim, if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service as heretofore provided. The consumer may pay such bill under protest and said payment shall not prejudice his claim.

(b) Settlement of claims and adjustments of bills are subject to the following additional provisions:

(1) Any consumer who fails to notify the authority in writing within thirty (30) days after the date of said bill of any irregularities or errors that may be in said bill shall waive any right or claim for correction or refund under said bill.

(2) Water meters will be tested at the request of the consumer. If the meter is found to be malfunctioning, no charge will be made. However, if the meter is found not to be malfunctioning, consumer will be required to pay a fee of twenty-five dollars ($25.00). Said fee will be added to the next months billing.

(3) If the seal of a meter is broken by any person other than the authority's representative, or

if the meter fails to register correctly or is stopped for any cause, the consumer shall pay an amount which is the average of the three (3) previous months bills.
(Ord. No. 83-27, Art. XII, 8-23-83)

Secs. 3-5-356—3-5-375. Reserved.

ARTICLE V. TOWALIGA WATERSHED PROTECTION DISTRICT*

Sec. 3-5-376. Intent.

The intent and purpose of this article is to create a zoning district to be known as The Towaliga Watershed Protection District, which such area has a unique environmental importance to the county. This article is intended to maintain the current high water quality of the surface water (rivers, creeks, streams and springs) and underground water of the Towaliga River Basin and to preserve and ensure the same continuing high water quality of said basin for the future. The zoning for this district is intended to provide for certain permitted uses as hereinafter provided and to protect the underground and surface water of said basin from polluting effects of more intense development and from encroachments of those uses that are not compatible with a protected watershed.
(Ord. No. 83-23, § I, 7-5-83)

Sec. 3-5-377. Definitions, etc.

The following definitions and rules of construction shall apply to this article:

(1) The Towaliga Watershed Protection District shall hereinafter be designated as T.W.P.D.

(2) The T.W.P.D. shall hereinafter be described and designated as all that parcel of tract of land that lies in the 2nd, 3rd, 6th and 7th Districts of Henry County, Georgia, as designated by the shaded area shown in Exhibit "A" attached to Ordinance No. 83-23 and made a part hereof.

(3) Any set back measurements hereinafter stated shall be measured from the outer edge of any river, creek, stream, spring or body of water that is located within T.W.P.D., or the outer property line of any property owned, operated, managed or maintained by the county or the Henry County Water and Sewerage Authority as a water source, whichever is greater.

(4) The words "surface water" as herein used shall mean and include any river, creek, stream, spring or body of water located within T.W.P.D.

(5) The words "underground water" as herein used shall mean and include any water located underground in the T.W.P.D.

(6) The word "toxic" as herein used shall mean any chemical or substance that has been defined as toxic by the Environmental Protection Agency of the United States (E.P.A.), environmental protection department of the state (E.P.D.), or the department of agriculture of the state (A.D.).
(Ord. No. 83-23, § II, 7-5-83)

Sec. 3-5-378. Preexisting conditions.

All parcels of land within the T.W.P.D. that do not conform or come within the permitted uses or the minimum standards provided by this article shall be governed by Section 3-7-159 Chapter 3-7 of this Code.
(Ord. No. 83-23, § III, 7-5-83)

*Cross reference—Towaliga Watershed Protection zoning district, § 3-7-159.

Sec. 3-5-379. Zoning and building permits.

(a) This section must be complied with prior to obtaining rezoning or building permit within the T.W.P.D.

(b) Should the owner of a lot, parcel or tract of land; included in the T.W.P.D. propose to divide any portion of his property that lies within the T.W.P.D., the owner or his authorized agent shall submit a plat or drawing to scale showing the exact location of any surface water that is located on or within two hundred fifty (250) feet of the property to be zoned or permit to be issued upon. (Ord. No. 83-23, § IV, 7-5-83)

Sec. 3-5-380. Permitted uses.

The following uses of the property located within T.W.P.D. are permitted provided they meet all the requirements stated in this article and Chapter 3-7 of this Code:

(1) Single-family dwellings.

(2) Multi-family dwellings that are served by public sewerage.

(3) Row crops and pasture.

(4) Commercial agriculture so long as the commercial agricultural activity and any other activity associated therewith complies with Georgia Pesticide Act of 1976, Georgia Pesticide Use and Application Act of 1976, and O.C.G.A.2-1-4.

(5) Non-commercial agriculture, poultry, horse and livestock raising as an accessory use to a single-family dwelling for the principal benefit of the occupants thereof.

(6) Riding stables and academies.

(7) Sale of products and commodities raising on the premises only.

(8) Accessory buildings.

(9) Home occupations.

(10) Public, private or parochial, elementary and high schools and publicly owned and operated community structures, lands and athletic fields.

(11) Public utility structures.

(12) Privately operated day nurseries, preschools and kindergartens.

(13) Churches and other places of worship and accessory facilities.

(14) Public and private golf courses and accessory facilities.

(15) Fishing clubs and fishing lakes, swimming pools, hunting and hunting clubs, gun clubs, golf driving ranges and similar recreational uses.

(16) Lakes and impoundments built to soil conservation service specifications.

(17) Authorized commercial activities that are not hereinafter prohibited.

(18) Authorized industrial activities that are not hereinafter prohibited.

(Ord. No. 83-23, § V, 7-5-83)

Sec. 3-5-381. Prohibited uses.

The following are prohibited uses in the T.W.P.D.

(1) No sewage treatment facility shall be constructed in the T.W.P.D. unless prior approval is granted by Henry County Water and Sewerage Authority and E.P.D.

(2) No commercial business which uses, sells, stores or maintains any toxic chemicals, toxic wastes or toxic products.

(3) No agricultural business which uses, sells, stores or maintains any toxic chemicals, toxic wastes or toxic products.

(4) No agricultural activity that does not strictly comply with Georgia Pesticide Act of 1976, Georgia Pesticide Use and Application Act of 1976, and Georgia O.C.G.A.2-1-4.

(5) No industry, business or facility which uses, makes or creates as a product or byproduct any toxic wastes, heavy materials, grease, animal fat or organic loading.

(6) No dumping, discharging, releasing, spraying, distributing of any toxic or other harmful products onto the land, into the atmosphere or in a stream or body of water located in the area above described.

(Ord. No. 83-23, § VI, 7-5-83)

Sec. 3-5-382. Land below reservoirs, dams, etc.

(a) This section shall apply to land lying in the T.W.P.D. that is located below any existing water reservoir, dam or any planned water reservoir or dam.

(b) No buildings or accessory buildings shall be constructed any lower than the maximum flood elevation for a distance of one mile downstream from said reservoir dam.
(Ord. No. 83-23, § VII, 7-5-83)

Sec. 3-5-383. Restricted use of certain land.

(a) Any property lying adjacent or within one thousand (1,000) feet to any property owned, managed, maintained or operated by the county or the Henry County Water and Sewerage Authority as an existing water reservoir within the T.W.P.D. or any property that is designated by the county or the Henry County Water and Sewerage Authority as a reservoir within the T.W.P.D. shall have in addition to the restrictive uses hereinafter set out the following restrictions:

(1) *Permitted Residential Uses:*

a. Minimum lot size: three (3) acres.

b. Minimum Setback Lines for Buildings or Structures: two hundred fifty (250) feet.

c. Minimum Setback Lines for Nitrification Field Lines: two hundred fifty (250) feet.

(2) *Permitted Agricultural Uses:*

a. Minimum Setback Lines for Building or Structures: Two hundred fifty (250) feet.

b. Minimum Setback Lines for Nitrification Field Lines: Two hundred fifty (250) feet.

c. Minimum Setback Lines for Cultivation: Two hundred fifty (250) feet.

(3) *Commercial:* No commercial structures or uses of any nature.

(4) *Industrial:* No industrial structures or uses of any nature.

(b) The following restrictions and limitations shall apply to all other properties that are not located in specified areas set forth in subsection above:

(1) *Permitted Residential Use:*

a. Single-Family Dwellings—Minimum Lot Size: One and one-quarter (1¼) acres (unless served by public sewerage).

b. Multi-family dwellings which are served by public sewerage.

c. Minimum Setback lines for Building or Structure for Single and Multi-Family Dwellings: One hundred (100) feet.

d. Minimum Setback lines for Nitrification Field Line for Single Family Dwelling: One hundred (100) feet.

(2) *Permitted Agricultural Use:*

a. Minimum Setback Lines for Building or Structure: One hundred (100) feet.

b. Minimum Setback Lines for Nitrification Field Line: One hundred (100) feet.

(3) *Permitted Commercial Use:*

a. Minimum Lot Size: One and one-quarter (1¼) acres.

b. Minimum Setback Lines for Structure, Accessory Building or Parking Lot: Two hundred (200) feet.

c. Minimum Setback lines for Nitrification Field Lines: Two hundred (200) feet.

(4) *Permitted Industrial Use:*

a. Minimum Lot Size: Five (5) acres.

b. Minimum Setback Lines for Structure, Accessory Building or Parking Lot: Two hundred (200) feet.

c. Minimum Setback Lines for Nitrification Field Lines: Two hundred (200) feet.

(Ord. No. 83-23, § VIII, 7-5-83)

Sec. 3-5-384. Variances.

Variances may be made by the board of commissioners or by any municipal governing authority located in the T.W.P.D. as to lot sizes, uses and activities, provided that sewage generated by the facility located on said property is serviced by an approved public sewage facility. However, variances cannot be made as to any residential, com-

mercial, agricultural or industrial facilities which uses, makes or creates as a product or byproduct any toxic substance or wastes.
(Ord. No. 83-23, § IX, 7-5-83)

Secs. 3-5-385—3-5-450. Reserved.

Subchapter 4

*Utilities**

ARTICLE I. IN GENERAL

Sec. 3-5-451. Relocation of utility lines, pipes, mains, etc.

(a) *Application for permit; bond.* Before any utility does any work to construct, install, maintain, remove or relocate pipes, mains, conduits, cables, wires, poles, towers, traffic and other signals, and other equipment, facilities, or appliances in, on, along, over or under the public roads of the county, the utility shall make an application in writing to the licensing department of Henry County and shall specifically describe the nature, extent, and location of the portion of the utility effected and shall specifically describe the type of work to be done and shall attach to the application a detailed engineer's drawing providing specifications for work to be done. The applicant shall also furnish the projected dates for the work to be started and finished and an estimated cost of the work. The applicant shall also furnish an indemnity bond or other acceptable security in an amount to be set by the licensing department to pay any damages to any part of the county road system or to any member of the public caused by work of the utility performed under authority of the permit issued.

(b) *Fee.* The fee for the permit application shall be fifty dollars ($50.00).

(c) *Notice to remove.* When the governing authority of the county shall reasonably determine that any pipe, main, conduit, cable, wire, pole, tower, or other signal and equipment, facilities, or appliances of any utility, in, on, along, over, or under the public roads of the county should be removed or relocated, because it has become an obstruction or interference with the use and operation of a county road or will become an obstruction or interference with the use and safe operation of a county road, which the governing authority has undertaken to improve or intends to improve, a written notice shall be directed to the utility company, giving at least sixty (60) days' notice in which to make such change as is necessary for the removal or relocation as may be necessary. The removal or relocation shall be at the expense of the utility company. If the utility does not thereafter begin removal within a reasonable time sufficient to allow for engineering and other procedures reasonably necessary to the removal and relocation of the utility facility, the governing authority may give the utility a final notice directing that such removal shall commence not later than ten (10) days from the receipt of such final notice. If such utility does not, within ten (10) days from receipt of such final notice, begin to remove or relocate the facility, or, having so begun removal or relocation, thereafter fails to complete the removal or relocation within a reasonable time, the governing authority may direct that its department remove or relocate the same with its own employees or by employing or contracting for the necessary engineering, labor, tools, equipment, supervision, or other necessary services or materials and whatever else is necessary to accomplish the removal or relocation; and the expenses thereof shall be charged to said utility. Such expense shall be certified to the county attorney, who shall have the authority to proceed with suit against the utility for same if payment or arrangements to make payment are not made within sixty (60) days.
(Ord. No. 85-20, 11-19-85)

Cross references—Cable television franchise, § 3-3-101 et seq.; roads and bridges, § 3-5-1 et seq.; water, sewers and sewage disposal, § 3-5-201 et seq.

Secs. 3-5-452—3-5-490. Reserved.

*Cross reference—Utilities in subdivisions, § 3-8-35.

ARTICLE II. STREET LIGHT DISTRICTS*

Sec. 3-5-490. Definitions.

For the purposes of this section, the following words shall have the designated meanings assigned to them:

(1) *Application for street light district.* A form approved by and presented to the county for the creation of a street light district which shall contain the following information:

a. Plans and specifications indicating the proposed system meets county standards;
b. A map designating the geographical area to be served; and
c. A list, including addresses, of the property owners to be served.

(2) *County.* The Henry County Board of Commissioners and/or its authorized designee for the purpose of administering the intent of this article.

(3) *Existing residential area.* A residential subdivision or geographical area which may be identified by metes and bounds containing one or more residential neighborhoods that has been established for more than one year.

(4) *Liens.* The method by which the county establishes an interest in and to the real estate and/or owner thereof for the purposes of collecting funds sufficient to operate the street light district.

(5) *New residential development.* A new residential subdivision which has been approved by the board of commissioners of Henry County, but, construction and development has not yet commenced.

(6) *Public hearing.* A hearing conducted by the board of commissioners of Henry County to determine whether or not to approve an application to establish a street light district.

(7) *Rates.* The estimated expense for operation and maintenance of the street lighting system as established by the county. The rate may include the amortized expense in initial construction of the system and/or actual expense for power and maintenance thereof.

(8) *Standards.* Lighting standards approved by the American Standard Practice for Roadway Lighting as sponsored by the Illuminating Engineering Society and approved by the American Standards Association on July 11, 1973, as may be amended.

(9) *Street light district.* A geographical area within which street lights are installed for the purpose of public safety.

(Ord. No. 94-01, 1-18-94)

Sec. 3-5-491. Procedure.

Individuals owning real property in an existing residential area in unincorporated Henry County desiring to illuminate the streets and roads in the area in which they live or own property may apply to the county to establish a street light district. The application must be supported by a petition signed by not less than ten (10) property owners representing more than fifty-one (51) percent of the property owners in the district which is sought to be established. Provided, however, less than ten (10) property owners may make such application if they represent one hundred (100) percent of the property owners in the sought to be established street light district.
(Ord. No. 94-01, 1-18-94)

Sec. 3-5-492. Hearing.

Upon application being made, the county shall conduct an investigation as to the feasibility of establishing a street light district. A report of the investigation shall be forwarded to the Henry County Board of Commissioners and the matter of the application shall be placed on the next convenient agenda for a public hearing at a regularly scheduled meeting.
(Ord. No. 94-01, 1-18-94)

Sec. 3-5-493. New residential development.

Developers of new residential subdivisions shall make application to the county to install street

*Editor's note—Ordinance No. 94-01, adopted January 18, 1994, added provisions designated as a new Ch. 3-5, Subpt. 4, Art. VI. For purposes of conforming article numbering, such provisions have been redesignated as a new Ch. 3-5, Subpt. 4, Art. II at the discretion of the editor.

lights with underground wiring. It shall be the responsibility of the developer to coordinate the installation of the street lights with the appropriate utility and the county consistent with the standards contained in this article.
(Ord. No. 94-01, 1-18-94)

Sec. 3-5-494. Assessments.

Each property owner shall be assessed a rate based on the total cost of annual lighting charge within the district divided by the number of properties within the district. Unit cost of street lighting charges shall be based on fees provided by electric utility companies for both overhead and underground installation.
(Ord. No. 94-01, 1-18-94)

Sec. 3-5-495. Charges and imposition of liens.

The rates or charges for street light service shall constitute assessments on the property so served. Those assessments shall be added to tax bills at the end of each year and shall constitute a lien upon the property. Said lien shall have the same priority as tax assessments and an execution may issue for the purposes of enforcing the lien including foreclosure and/or judicial sale.
(Ord. No. 94-01, 1-18-94)

Sec. 3-5-496. Compliance with standards.

The construction and installation of any light system for a street light district shall comply strictly with those standards defined above.
(Ord. No. 94-01, 1-18-94)

Sec. 3-5-497. Administration.

The director of the department of community development shall be and is hereby authorized to promulgate rules and regulations to effectively carry out the intent and purpose of this article.
(Ord. No. 94-01, 1-18-94)

Sec. 3-5-498. Certain acts prohibited.

(a) No person shall erect, construct or install street light fixtures or equipment upon which the illumination thereof falls upon public rights-of-way unless proper application has been made to the county. This shall include security lights of all kinds and nature.

(b) No person shall erect, construct or install street light fixtures or equipment in such a manner to insure that the lateral light distribution which causes a glare in such a manner as to inhibit the users of the rights-of-way from safely traversing and using the rights-of-way.
(Ord. No. 94-01, 1-18-94)

SUBDIVISIONS

ARTICLE I. PURPOSE, AUTHORITY AND JURISDICTION

Sec. 3-8-1. Purpose and scope.

These regulations are to provide for the orderly growth and development of Henry County including unincorporated areas and the Cities of Stockbridge, Hampton, and Locust Grove and in accordance with the Henry County/Cities Joint Comprehensive Development Plan (adopted August 3, 1993) and, the Henry County Zoning Ordinance. The primary purposes of the subdivision ordinance are:

(1) To provide for safe and efficient traffic circulation by development of a coordinated street system in relation to major streets, adjoining subdivisions, and public facilities;

(2) To achieve individual lots of reasonable utility and livability;

(3) To provide for the acceptance of land for public rights-of-way;

(4) To provide for the installation and construction of utilities, streets, stormwater management facilities, and other public improvements essential to service land being subdivided;

(5) To assure that public improvements will be constructed according to safe and durable standards;

(6) To enable the dedication or reservation of land for public schools, parks, and other public purposes;

(7) To assure that development will occur within an environmentally compatible setting and free of flood hazards;

(8) To provide for the subdivision of larger tracts into smaller parcels of land; and

(9) To establish the procedure for submittal, approval, and recording of subdivision plats within Henry County.

(Ord. No. 98-12, 5-19-98)

Sec. 3-8-2. Authority.

This chapter is adopted by the Henry County Board of Commissioners and the cities of Stockbridge, Hampton, and Locust Grove pursuant to authority granted by the constitution and laws of the State of Georgia.
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-3. Jurisdiction.

These regulations shall govern the development of land within unincorporated areas of Henry County; and, to the extent the same is adopted by them, within the Cities of Hampton, Locust Grove, and Stockbridge, Georgia. The Henry County Community Development Director shall have the final decision on subdivision plats within these jurisdictions.
(Ord. No. 98-12, 5-19-98)

Secs. 3-8-4—3-8-20. Reserved.

ARTICLE II. INTERPRETATION

Sec. 3-8-21. Minimum requirements.

The provisions contained in this chapter shall be considered as minimum requirements. When this chapter imposes greater restrictions than are imposed by other provisions of law or ordinance, this chapter shall prevail.
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-22. Definitions.

Certain terms and words are defined for the purpose of this chapter. Words used in the present tense shall include the future. The word "shall" is mandatory, and the word "may" is permissive.

As-built plans: Detailed construction plans showing completed improvements as constructed.

Boulevard: A street developed with two (2) one-way pavements separated by a landscaped median.

Cluster residential development project. A residential development which provides for the grouping of attached and detached residential dwellings on lots that may be smaller than allowed in a zoning district, for the purpose of preserving open space and natural terrain features, and economy

in providing public facilities and services. On certain cluster home residential developments, fire-resistant materials may be required.

Commercial/office subdivision: A subdivision developed with streets and other improvements intended to serve lots for commercial and office development.

Comprehensive development plan: The Henry County/Cities Joint Comprehensive Development Plan for Henry County indicates the location and extent of future land uses, development plan, public facilities, transportation, and the county's and cities long range development policies.

County standards specifications and drawings: The Henry County Construction Standards Manual and related drawings for public improvements, as prepared and periodically revised by the community development department, the building department, the Henry County Water and Sewer Authority, and the Henry County Department of Transportation.

Covenant: An agreement or restriction placed on lots by a subdivider.

Cul-de-sac: A dead-end local street opened at one end and closed at the other by a permanent, circular turnaround.

Dead-end street: A local street open at one end and closed at the other. Dead-end streets may have a cul-de-sac at the closed end, a "T" or "Y" turnaround, or dead-end for future extension to adjacent properties.

Dedication plat: A plat required for the dedication to the county of rights-of-way for streets, public easements for sewer or water facilities, and other public improvements outside of a subdivision plat or planned development project.

Development Permit: A permit issued by the building department for construction of subdivision improvements and other development, including soil erosion and sedimentation control, rough clearing and grading, street and drainage construction, and storm water management.

Easement: A right granted by a property owner to the general public, a public utility, Henry County, or a private individual or corporation for the use of a portion of the owner's land for a specific purpose, or use as a means of access to other property. Easements shall be designated "public" or "private" depending upon the nature of the usage.

Engineer: A licensed professional engineer in the State of Georgia and registered through the state board of professional engineers who is competent in the field of civil design.

Flood Hazard Area: The area threatened by periodic flooding as determined by data and maps provided by the Federal Emergency Management Administration, U.S. Department of Housing and Urban Development, U.S. Soil Conservation Service, U.S. Army Corps of Engineers, or hydrological studies utilizing generally accepted engineering practices. Flood hazard areas shall include all lands underneath a permanent body of water, e.g., a lake, pond, river, and stream, and all land within the limits of a flood having a 100-year return frequency or greater. Regulations for flood hazard areas are contained in the Henry County Flood Damage Prevention Ordinance, chapter 3-11.

Henry County Board of Commissioners: The elected governing body for Henry County, Georgia.

Henry County Building Department: The department responsible for administration and enforcement of the building codes and related construction codes, business licenses and issuance of development permits, soil erosion and sedimentation control, and construction inspections under direction of the director of building inspections and permits.

Henry County Community Development Department: The department responsible for administration of the comprehensive development plan, the zoning ordinance, subdivision ordinance, flood hazard prevention ordinance, stormwater management chapter, watershed protection ordinance, landscape ordinance, and long-range development planning, under the direction of the community development director.

Henry County Department of Transportation: The department responsible for maintenance and

conservation of county roads, bridges, and storm water management and drainage facilities. Referred to as the "county DOT" in this chapter.

Henry County Engineer: A civil engineer with responsibility for oversight of conservation and maintenance of roads, bridges, and related drainage systems within Henry County.

Henry County Health Department: The department responsible for enforcement of county health regulations including the issuance of permits for on-site sewage disposal systems and wells.

Henry County Manager. The chief administrator for Henry County. The county manager is appointed by the Henry County Board of Commissioners.

Henry County Water and Sewerage Authority (HCWSA): The authority is responsible for design, development, maintenance, finance, and construction inspection of sewer and water facilities within most portions of Henry County. Referred to as the "water and sewerage authority" or the "HCWSA" in this chapter.

Henry County-Municipal Planning Commission: Appointed by the Henry County Board of Commissioners and Cities of Stockbridge, Hampton, and Locust Grove to review and make recommendations on zoning, subdivision, and long-range development plans. Referred to as the "planning commission" in this chapter.

Improvements: Physical changes to the land which are necessary to create useable lots including (but not limited to) grading and paving streets, sewer and water facilities, hydrants, sidewalks, monuments, changes to existing utilities, and stormwater drainage and detention systems.

Improvements, construction plans: Detailed construction plans prepared by a professional engineer, surveyor, or landscape architect registered in the State of Georgia, for streets, including typical cross sections and grade profiles and elevations, layout and elevations of water and sanitary sewer facilities, along with drainage and stormwater management facilities, and soil erosion control.

Industrial subdivision: A subdivision developed with streets and other improvements intended to serve lots for industrial development, also known as planned industrial district or industrial park.

Landscape architect: A licensed, professional landscape architect in the State of Georgia who is competent in the field of civil design.

Lot: A lot of record, or any combination of lots of record, held in single ownership, or in common ownership by more than one (1), which has both lot area requirements established by this chapter and the zoning district in which a given tract of land is located.

Lot Corner: A lot having frontage on two (2) or more public streets at their intersection.

Lot divisions: The division of a tract or parcel of land into no more than two (2) lots. Lots must have minimum of thirty (30) feet on a county road, and comply with the Henry County Zoning Ordinance, Chapter 3-7.

Lot of record: A lot which is part of a subdivision recorded in the office of the Henry County Clerk of Superior Court, or a parcel described by metes and bounds, the description of which has been so recorded.

Lot, Through: A lot, other than a corner lot, having frontage on more than one (1) street; or a corner lot having frontage on three (3) or more streets.

Lot width: The distance between side lot lines, measured along the front yard building setback line as established by the Henry County Zoning Ordinance, Chapter 3-7.

Marginal Access Street: A local residential street paralleling and adjacent to a major arterial which provides access to abutting properties and protection from through traffic.

Pavement width: The cross section width of a paved road measured from edges of pavement.

Perennial stream: Any stream which flows throughout the entire year, as shown as a solid blue line on a United States Geological Survey (USGS) 7-minute Topographic Series Maps (1:24,000).

Planned development (PD): Development intended to encourage both residential and nonresidential land uses according to a master development plan, with related covenants and restrictions. Developments within a PD project may have flexibility in the application of development standards when approved according to a master development plan, and to promote the conservation of natural resources, more efficient use of land, and, efficiency in the extension of streets and utilities.

Plat: A map representing a subdivider's plan for the subdivision of land submitted to Henry County or municipal authorities for approval.

(1) Preliminary plat: A plan showing the detailed design and layout of the subdivision in conformance with this chapter, and includes improvements construction plans, for all public improvements.

(2) Final plat: A plat of a subdivision, or unit and phase of its development, with legal description of all lots, easements, and rights-of-way sufficient to reproduce the plat in the field, and which meets the requirements of the Georgia Plat Act No. 1291 of April 3, 1978. The final plat is intended for legal recording of lots, rights-of-way, easements, and restrictive covenants.

Public open space: Land dedicated or reserved for use by the general public. It includes parks, recreation facilities, school sites, community or public building sites and similar spaces for public use.

Public utility: Firms, corporations, or local governments authorities providing gas, electricity, communications service, and similar essential services.

Road, county: Any road, paved or unpaved, which is maintained by Henry County.

Road, private: A road which is not maintained by Henry County. Private roads are under the ownership of private entities and maintained by individual property owners.

Sewer, lateral: Sanitary sewer collection lines within a subdivision or development that transports effluent to larger trunk sewers for sewage treatment.

Sewer, trunk: Main sanitary sewer lines which collect sewage from lateral sewer lines for transportation either directly to sewage treatment plants or to larger interceptor sewers entering a treatment plant.

Sight distance; intersection sight distance:* Sight distance for intersections with minor/major arterials use intersection sight distance measured from a driver's-eye height of three and five-tenths (3.5) feet to an object height of four and twenty-five hundredths (4.25) feet.

Speed. (MPH)**	0—30	40	50	55
Intersection sight distance (stopping distance in feet)	375	580	840	990

Sight distance; stopping distance relative to street design:* The unobstructed vision on a horizontal plane along a street centerline from a driver-eye height of three and five tenths (3.5) feet and an object height of six (6) inches. The minimum stopping sight distance for any street shall not be less than two hundred (200) feet.

Minimum centerline sight distances relative to design speed posted on streets are:

Speed. (MPH)*	0—30	40	50	55
Centerline sight distance (stopping distance in feet)	200	275	400	475

**The minimum stopping distance for streets shall not be less than 200 feet*

**Data taken from 1990 AASHTO Guide, *A Policy on Geometric Design of Highways and Streets*

Soil erosion and sedimentation control plan: A plan for temporary and permanent facilities to control soil erosion and sedimentation from subdivision construction sites and commercial and industrial development sites, as required by the Henry County Soil Erosion and Sedimentation Control Ordinance, chapter 3-6, and the rules and regulations of the Georgia Department of Natural Resources Environmental Protection Division.

Streets: A street includes the land between the right-of-way lines, whether improved or unimproved, and may be comprised of pavement, shoul-

ders, curb and gutter, sidewalks, drainage ditches and structures within the street right-of-way lines. Streets are classified as follows:

(1) Expressway: The expressway system includes high volume limited access thoroughfares through the county and region beyond. These include I-75, U.S. 19/41, and I-675.

(2) Major arterial: An arterial street which is designed or intended for moderate to high levels of traffic flow within the county and region beyond and is designated in the Henry County/Cities Joint Comprehensive Development Plan, and also includes the state and national highway system in the county.

(3) Minor arterial: An arterial street similar in function to a major arterial but which is intended to provide moderate levels of traffic flow and greater access to abutting properties. Minor arterials serve as traffic feeders to major arterials and for cross-county and regional travel.

(4) Collector street: A street which carries traffic from local streets to minor and major arterial streets, and may include the principal entrance of a development.

(5) Local street: A street designed to provide access to adjoining properties within a subdivision or other development.

(6) Stub street: A dead-end street at adjoining property lines intended for future extension to serve the development of adjoining areas.

Stub-out service: Sanitary sewer connection facilities within the street right-of-way provided from lateral sewer line to the private property line for connection to building sewer lines. The design and location of these services are regulated by municipal ordinances, or, Henry County Water and Sewer Authority ordinances.

Subdivision: The division of a parcel or tract of land for the purpose of creating sites for development, the rearrangement of existing lot lines, or transfer of ownership. Notwithstanding the foregoing, a division of a parcel or tract of land shall not be considered a "subdivision" if no new streets or roads are created or no new utility improvements are required or no new sanitary sewer or approval of a septic tank is required.

Subdivision re-plat: A plat submitted for changes in the arrangement of existing lots, rights-of-way, or improvements in an existing approved and recorded subdivision.

Surveyor: A registered land surveyor in the State of Georgia registered by the state board of licensing.

Townhouse residential development project: A residential development project which includes attached residential dwellings sharing common walls with fire rating according to the Life Safety Code, and which are planned for individual ownership of the dwelling units and land thereunder.

Utilities: Gas, electrical, and communications facilities installed by a public utility company, or local government authorities.

Wetlands: Areas defined as wetlands by federal law and regulations.

Zoning ordinance: The official zoning ordinance and zoning map as adopted by the Henry County Board of Commissioners and local municipal governing authorities.
(Ord. No. 98-12, 5-19-98)

Secs. 3-8-23—3-8-30. Reserved.

ARTICLE III. PROCEDURE

Sec. 3-8-31. Generally.

Within the territorial limits of this chapter, no person shall subdivide or rearrange a lot line of any lot or parcel of land, grade and install streets and utilities, or make other improvements to the land without complying with the provisions of this chapter. No final subdivision plat shall be recorded by the Henry County Clerk of Superior Court unless the same has been approved as provided herein. No building permits shall be issued and no public improvements or services shall be authorized or installed in any unapproved subdivision. The review and approval pro-

cess of a subdivision shall include a pre-application conference and preliminary plan, improvements construction plans, soil erosion and sedimentation control plan, and a final plat. "As-built" construction plans for public improvements are required to be submitted with the subdivider's final plat.
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-32. Pre-application conference and preliminary plan.

(a) *Purpose of conference.* The subdivider shall consult with the community development director for advice and assistance prior to preparation of the preliminary plat and application for approval. This will enable the subdivider to become familiar with the approval process, required documents, inspections, the comprehensive development plan, subdivision improvements standards adopted by the board of commissioners, water and sewerage authority, the health department, and development factors which may impact the immediate area near the subdivision. For subdivisions which require access onto a state highway, the subdivider is required to consult with the district engineer for the Georgia Department of Transportation (GDOT). The subdivider shall consult with the county DOT for access onto county maintained roads, and for improvements to existing roads.

(b) *Presentation of preliminary plan review.* The subdivider shall be prepared to present a preliminary plan at or following the pre-application conference. The preliminary plan shall be a general design of the proposed subdivision including boundaries of the proposed subdivision, topographic contours, layout of lots and streets, size and dimensions of the property and proposed lots [including lot area], open space and other planned improvements.

Following the pre-application conference the community development department shall review the preliminary plan and transmit [to] the subdivider within seven (7) working days a written response, providing the following information:

(1) Conformance to standards in the zoning ordinance.

(2) Conformance of the proposed subdivision to the comprehensive plan and any other plans and development policies of the county.

(3) Any recommendations or reports from the building department, county DOT, water and sewer authority or health department, or other county departments.

(4) Any additional information relative to the subdivision approval process or development standards.

(5) Recommendations to improve the development and design of the subdivision.

(Ord. No. 98-12, 5-19-98)

Sec. 3-8-33. Zoning compliance.

The community development director shall determine that the proposed subdivision meets the requirements of the Henry County Zoning Ordinance and the property is in the correct zoning district. Following written notification by the director that the proposed subdivision preliminary plan complies with the zoning ordinance and the requirements of this chapter, and recommendations for improving the development, the subdivider may proceed with preparing a preliminary subdivision plat as provided in section 3-8-34 of this chapter.

(1) If the property is not in the correct zoning district for the proposed subdivision development, the subdivider shall submit an application for rezoning according to the procedures of the Henry County Zoning Ordinance. A preliminary plan for the proposed subdivision shall be submitted with the rezoning application for review and recommendation by the Henry County-Municipal Planning Commission, and for a decision by the Henry County Board of Commissioners, or municipal authorities.

Following a decision on the rezoning request by the board of commissioners, the subdivider may proceed with preparing a preliminary plat as provided in section 3-8-34.

(2) The subdivider may submit a preliminary plat with a rezoning request. The commu-

nity development director may approve the preliminary plat only after a decision on the rezoning request is granted by the board of commissioners or local municipal authorities.

(Ord. No. 98-12, 5-19-98)

Sec. 3-8-34. Preliminary plat, filing and review procedures.

(a) The subdivider shall file with the building department nine (9) copies of the preliminary subdivision plat and construction improvements plans and two (2) copies of a storm water management plan. The building department shall review the preliminary plat with various county departments, including the health department, which shall approve the method of sewage treatment; the water and sewerage authority; community development department; county DOT; fire department; and any other county departments and municipal organizations which will be affected by the subdivision. The community development department shall notify the school district about the proposed subdivision. The plan review process shall determine compliance with the regulations of this chapter and the zoning ordinance and make any changes necessary to improve the subdivision. Subdivider shall submit one (1) separate set of construction plans to the water and sewerage authority for preliminary review.

(b) If the preliminary plat is determined to be deficient by the county or the water and sewerage authority, it shall be returned to the subdivider for changes and corrections.

(c) If the preliminary plat is approved with modifications, the conditions shall be indicated on the plat. A copy of the plat with changes indicated shall be returned to the subdivider who shall have the revisions made by the engineer, surveyor, or landscape architect who prepared the plat before the final plat is submitted for approval.

(d) Following review and approval of the preliminary plat by the community development department, water and sewerage authority, fire and emergency services department, and the county engineer, the building department shall review and approve the soil erosion and sedimentation control plan prior to issuance of a development permit to begin construction in accordance with the requirements of article VI, Subdivision construction inspection, of this chapter.

(Ord. No. 98-12, 5-19-98)

Sec. 3-8-35. Reserved.

Sec. 3-8-36. Preliminary plat—Required information.

The preliminary plat shall meet the minimum standards of design and requirements for the construction of public improvements as provided in article VI, Improvements standards, of this chapter, and shall have the following information:

(1) *Description:*

a. Proposed name of subdivision, including unit, phase, and lines separating phases and/or units.

b. Names, addresses, and telephone numbers of subdivider, engineer, landscape architect, and surveyor.

c. Graphic scale, north arrow, and date: the north point shall be identified as magnetic, true, or grid north.

d. Location map showing the relationship of the subdivision site to the surrounding area, including directions and distances to readily identifiable landmarks in the surrounding area.

e. Acreage to be subdivided.

f. Proposed number of lots.

g. Proposed density in dwellings per acre [gross].

h. Total lineal feet of proposed roads (per phase and total).

i. Zoning district of the property, including all setback provisions, as well as any special conditions of zoning imposed by the board of commissioners or municipal authority (i.e., lot sizes, number of lots, minimum house size).

(2) *Existing conditions:*

a. Topographic contours and vertical intervals of not more than two (2) feet when a new street is involved in a subdivision including outline of wooded areas, vegetation, and surface drainage.

b. Topographic data shall be based on field survey or aerial survey.

c. Soil conditions according to U.S. Soil Conservation Service Classifications Manual.

d. Deed record names and addresses of adjoining property owners or subdivisions, along with zoning of the adjacent parcels.

e. In case of a re-subdivision, a copy of existing plat with proposed re-subdivision imposed thereon.

f. Location of streams, lakes, wetlands, and land subject to a 100-year flood hazard, including contour elevations. State if elevations are taken from a surveyed stream on a FEMA map or if the elevations are from an independent study (HEC-2, QUICK-2, etc.). Wetland areas shall be field located.

g. Notation that live streams and/or wetlands lie (do not lie) within this subdivision, or unit and phase. Provide a copy of wetlands delineation report from a registered soil scientist in the State of Georgia.

h. State whether or not a project is in a 100-year floodplain; whether or not wetlands exist on the site; or, if the area lies within portions of the limited development area or the water quality critical area of either the Towaliga, Tussahaw, or Shoal Creek Watershed Protection District.

i. Location of existing and platted property lines, location, width, and names of all platted roads, railroads, utility rights-of-way, public areas, existing buildings or structures.

j. Existing sewers, water mains, drains, culverts or other underground facilities within the tract or within the right-of-way of boundary roads with sizes, grades, and invert elevations from field surveys or other sources. All sizes and data on all utilities shall be provided.

k. Existing drainage patterns. The boundaries of the pre-developed drainage basins shall be shown on a map. The map shall include the number of acres in each basin, the pre-developed runoff coefficient, and the time of concentration.

(3) *Proposed conditions:*

a. Layout and names of proposed roads, alleys, public walkways/bikeways (i.e., sidewalks, trails, paths, bicycle facilities), with width of pavement and rights-of-way.

b. Layout of all lots, including building setback lines and lot dimensions, including lot area. Lots with detention ponds must meet minimum zoning area requirements outside the area of the detention pond. Show all existing and proposed easements. Show drainage easements for storm drainage pipes which cross individual lots.

c. Flood elevations on any lots within a 100-year flood hazard area. In addition, the foundation elevation that is a minimum of one (1) foot above the established 100-year flood elevation shall be shown. This data may be shown either on the lot layout or in tabular form.

d. Construction plans of streets including typical cross section and grade profiles. Show percent of each grade and length of each vertical curve. The minimum centerline stopping sight distance for interior streets is two hundred (200) feet. Improvements construction plan of sanitary

sewers with grades, service, pipe size, and points of discharge and connection to other trunk or lateral sewers.

e. Show the centerline stopping distance for all points of access onto county roads. Show posted speed limit of existing county roads.

f. Construction plans of storm drainage systems with pipe sizes, length, grade, location of outlets, runoff and velocity calculations, etc. All storm drainage systems carrying off-site runoff shall be designed for the 100-year storm event. All storm pipe within the county right-of-way shall be asphalt coated corrugated metal pipe.

g. Improvements construction plan of water supply system with pipe sizes and location of hydrants, valves, and all appurtenances.

h. Draft of proposed deed restrictions to be imposed.

i. Easements for drainage and future sanitary sewers along all side and rear lot lines.

j. Proposed soil erosion and sedimentation control.

k. Final contours: In some cases, the street profiles will suffice in showing the amount of cut and fill; however, in many cases, final contours need to be shown on the plans.

l. Stormwater Management. A hydrologic study should be included and the necessary outlet control structures should be shown on the plan. No increase in runoff or velocity will be permitted. Attach engineer's certification that the improvements will not adversely impact downstream property (Henry County Stormwater Management Ordinance, Chapter 3-6, Article IV).

m. Proposed drainage patterns. The boundaries of the post-developed drainage basins shall be shown on a map. The map shall include the number of acres in each basin, the post-developed runoff coefficient, and the time of concentration (Henry County Stormwater Management Ordinance, chapter 3-6, article IV).

n. Show a five-foot high fence on all detention ponds with a 100-year ponding elevation over four (4) feet. A ten-foot wide gate to be located by the Henry County Development Inspector (Henry County Stormwater Management Ordinance, chapter 3-6, article IV).

o. Detail drawings. Any structural practice used should be explained and illustrated with detail drawings. Must, at a minimum, meet Henry County Standards.

p. Show the following notes on all plans:

1. A twenty-foot storm sewer and sanitary sewer easement exists along each property line and along each lot line, centered on lot lines, for future drainage and sanitary sewer lines.
2. All storm drains shall be extended a minimum of thirty (30) feet behind any future residence or building.
3. Grade stakes shall be set on all streets prior to any street grading. An as-built subgrade centerline profile shall be submitted and approved by county prior to the installation of curb and gutter or waterlines.
4. An as-built detention pond detail and revised hydro study shall be submitted to the county prior to the final approval of the Henry County Building Department.
5. All undisturbed buffers shall be field located; staked and flagged or marked with "tenzar"

(or similar type fencing); and shall be submitted to the county for approval prior to grading.

(Ord. No. 98-12, 5-19-98)

Sec. 3-8-37. Final plat—Filing and review procedures.

(a) Once the proposed improvements are substantially in place, and the developer has received approval from the appropriate Henry County Development Inspector, the subdivider shall submit to the community development director four (4) copies of the final plat for review and comment. The final plat shall conform substantially to the preliminary plat as approved, and it may include only that portion of the preliminary plat which has been developed and is to be recorded, provided that it complies with all requirements of this chapter.

(b) The subdivider shall submit with the final plat soil data which shall have been prepared by a qualified soil scientist approved by the board of health. The soil data may include test results for all the lots for which final plat approval is requested. Soil studying tests results shall be reviewed and certified by the Henry County Health Department for on-site sewage disposal systems.

(c) When the final plat has been approved by the community development director, the subdivider shall supply one (1) original drawing of the final plat on mylar or sepia in black ink, as well as twenty (20) copies (blue lines) of the final plat prepared by a licensed professional engineer or landscape architect or surveyor, minimum size 8½ inches × 11 inches, maximum size 17 inches × 22 inches. In addition, all other necessary documentation for recording must be submitted at this time. Both the community development director and the chairman of the Henry County Board of Commissioners, or mayor, if the property lies within a municipal authority, will approve the final plat with a signature.

Once the final plat is recorded by community development at the Clerk of the Superior Court of Henry County; the mylar and three (3) copies will be returned to the subdivider for filing, with [and] one (1) copy each shall be provided to the Henry County Building Department; Henry County Engineer; Henry County Water and Sewerage Authority; Henry County Health Department; Henry County Department of Transportation; Henry County Sign Shop; Henry County Tax Assessor's Office; Henry County Board of Education; Henry County Emergency-911 Services; Henry County Police Department; Henry County Fire Department; Henry County GIS; Henry County Voters Registration; the postmaster general; the utilities protection center; and other county departments. The remainder of the copies shall be retained by the Henry County Community Development Department.

(d) The procedure for consideration of a final plat for approval by the community development director shall consist of either of the following steps:

Completion of public improvements.

After completion of the physical development of the subdivision, the developer shall contact the community development department for a checklist specifying the procedure in obtaining the various approvals from county departments which will release the subdivision for final plat consideration.

As part of this process, the subdivider shall submit a final plat and as-built drawings, along with a two-year maintenance bond or letter of credit. Letters of credit from banks having local (Atlanta area) offices are preferred. Other bonds or letters of credit shall be subject to approval by the community development director, who shall be authorized to reject a bond or letter of credit if he reasonably determines the obligor or surety is unreliable or there would be practical difficulties in enforcing the obligation of the bond or letter of credit for other reasons. The bond or letter of credit shall name the board of commissioners or municipal authorities through the community development department as obligee. For residential subdivisions, the amount of the bond or letter of credit shall be equal of twelve dollars ($12.00) per lineal foot of street for developments with sidewalks and ten dollars ($10.00) per lineal foot of street for those projects without sidewalks. For commercial and industrial subdivisions, the amount of the bond or letter of credit shall be seventeen dollars ($17.00) per lineal foot of street footage for

developments with sidewalks and fifteen dollars ($15.00) per lineal street footage for projects without sidewalks. The maintenance bond or letter of credit shall remain in effect for two (2) years from the date of final plat approval. During the two-year period, it shall be the subdivider's responsibility to repair any defects that occur in the streets, sidewalks, drainage systems, and storm water detention systems.

[Multiple phase development.]

For developments with multiple phases of construction, the community development director may require that portions of a previously approved phase be placed under an extended maintenance bond or letter of credit if the previously approved phase is used as access for construction traffic for the development of future phases. The duration of such an extended maintenance bond or letter of credit shall not exceed two (2) years from the date of approval of the final plat for the final phase of the development.

A maintenance bond or letter of credit shall be released at the end of the two-year period. Ninety (90) days prior to expiration, a final inspection by the building department of all subdivision improvements is performed to determine the need for any repairs. If repairs are necessary, the community development department or building department will notify the subdivider in writing.

If the subdivider fails to take the necessary action to make repairs within thirty (30) days of notification by the county, then the community development director or building department director will authorize the surety or bank issuing the bond or letter of credit to release to the county all or any amount of the funds needed to make repairs. Upon release of the funds, the county DOT will take action to ensure that the necessary repairs to streets, sidewalks, drainage, or storm water detention facilities are completed.

The community development director or building department director may require the maintenance bond or letter of credit to be extended to ensure the completion of repairs started but not completed by the subdivider for a period not to exceed one hundred eighty (180) days.
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-38. Same—Acceptance of public improvements.

The final plat and acceptance of public improvements will be presented to the community development director only after the following items have been submitted and completed.

(1) Application for final plat approval.

(2) Final plat prepared for recording drawn to the requirements of this chapter.

(3) Copies of all materials test results for base and asphalt paving provided to the Henry County Building Department.

(4) Verification by the Henry County Building Department that all required inspections have been made and approved and the improvements to the subdivision, including street construction, sidewalks, drainage systems, right-of-way seeding, are in compliance with approved plans, all underground utilities have been installed; and street and traffic signs installed by the county DOT.

(5) Verification from the building department that the soil erosion and sedimentation control for the subdivision is in compliance with the approved soil erosion and sedimentation control plan.

(6) Verification by the water and sewerage authority that all requirements have been met, including submission of required documents and inspections.

(7) Two-year maintenance bond or letter of credit. *Letters of credit from banks having local (Atlanta area) offices are preferred.*

(8) A bond or letter of credit for water and sewer system improvements submitted to and approved by the water and sewerage authority. *Letters of credit from banks having local (Atlanta area) offices are preferred.*

(9) As-built drawings of all water and sewerage facilities submitted to and approved by the water and sewerage authority.

(10) Soils study provided to the health department (for developments not using a sanitary sewer system).

(11) As-built drawings of streets, sidewalks, storm drainage systems, and storm water detention. The minimum required as-built information to be submitted with the final plat application includes the following:

a. The existing center line profile of all newly constructed streets.

b. The size, material, length, slope, invert elevations, and accurate location of all storm drain pipes (this information can be shown on the plan view).

c. The top and invert elevations of all drainage structures.

d. An as-built topographical survey of all detention basins and details of existing outlet structures. Calculations showing volumes and outflow rates.

The as-built drawing(s) shall be prepared by a registered professional engineer, surveyor, or landscape architect at a minimum scale of one hundred (100) feet to the inch.
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-39. Reserved.

Sec. 3-8-40. Same—Processing fee.

Prior to the approval of the final plat by the community development director, the subdivider shall pay a fee to the community development department. The amount of the processing fee shall be established by the Henry County Board of Commissioners.
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-41. Same—Required information.

The final plat shall be prepared by a registered professional engineer, surveyor, or landscape architect, at a scale of one hundred (100) feet or less to the inch and shall provide the following information:

(1) Name of the subdivision, including unit and/or phase of development (if applicable).

(2) North point, scale, and date.

(3) Names and addresses of the owners of record of the property to be subdivided.

(4) Subdivider name, address, and phone number(s).

(5) Name, addresses, phone number(s), and registration seal of the engineer, surveyor, or landscape architect who prepared the final plat.

(6) Certification by surveyor that all monuments exist and their sizes, locations, and materials are correctly shown on the plat.

(7) Legal description of the property including reference to land lot and district lines; street right-of-way lines; easements and other rights-of-way; property lines of lots and other sites with accurate dimensions to nearest one-hundredth (0.01) of a foot; bearings and angles on all lines; radii, arcs, and central angles of all curves with readings to the nearest minute.

(8) Blocks designated by letter and lots by numerical order.

(9) Current zoning, including setbacks and any special conditions placed on the rezoning of the property, or, stipulated in deed restrictions or restrictive covenants (i.e., minimum house size, type of construction).

(10) The layout of the subdivision, including the following information:

a. All street right-of-way boundaries, street names, addresses, tax identification numbers, bearings, angles of intersection, and right-of-way and easement widths.

b. The lengths of all arcs, including radii, points of curvature, tangent bearings, and the length and bearing of the long cord of every arc.

c. Drainage, sanitary sewer, and utility easements along all side and rear lot lines and watercourses as required in section 3-8-108.

d. Detention pond maintenance and access easement to be shown, minimum twenty (20) feet to a public right-of-way.

e. Location of all storm drains including pipe sizes.

f. Any buffer areas required in the zoning ordinance, including statements whether or not the buffer areas are to be landscaped, undisturbed, fenced, or a combination-type buffer.

g. All lot lines measured to hundredths (0.01) of a foot. The bearings shall be indicated for all lot lines to the nearest second. The error of closure should not be less than one (1) foot in ten thousand (10,000) feet.

h. Individual lot sizes measured in square feet. This figure may be placed on the lot or in a table with addresses and tax parcel identification numbers. All lots with detention ponds must meet the minimum zoning area requirements outside the area of the detention pond.

(11) The outline of all property to be dedicated or reserved for public use, or to be reserved for common use of all property owners in the subdivision with the purpose of the dedication or reservation indicated. This shall include cemeteries or grave sites as stated in section 3-8-114 of this chapter.

(12) Location of sidewalks and pedestrian and/or bicycle ways.

(13) Location and elevation of any one hundred year flood hazard area, including the foundation elevation which is one (1) foot above the established 100-year flood elevation for each lot located within the flood hazard area. This flood hazard area shall include both studied and unstudied streams, including drainage ways as designated on the preliminary plat by both the Henry County Community Development Department and the Henry County Building Department.

(14) Notation that live streams and/or wetlands lie (do not lie) within this subdivision, or unit and phase. If wetlands do lie within this subdivision, or unit and phase, the plat must include the following notation: "Wetlands shown on this plat are under the jurisdiction of the U.S. Army Corps of Engineers. Lot owners may be subject to penalty by law for disturbance to these wetland areas without proper authorization."

(15) The following notation: "This plat is hereby approved for recording _____, Chairman, Henry County Board of Commissioners, Date _____."

a. Within city limits, the notation shall be changed to reference the mayor, and date.

(16) The following notation: Approved for recording:

_____, Director

Henry County Community Development

Henry County-Municipal Planning Commission

Approved by: _____Date: _____

(17) Notation that Henry County (or respective municipal authority) assumes no responsibility for the overflow or erosion of natural or artificial drains beyond the extent of the street right-of-way, nor for the extension of culverts beyond the points shown on this plat and as required by the Henry County Subdivision Ordinance [this chapter].

(18) Notation that all storm drains shall be extended a minimum of thirty (30) feet behind any future residence or building.

In addition, the following must be submitted along with the subdivision final plat:

a. As-built construction improvements plans for sanitary sewers with grade, pipe sizes and points of discharge, as required by the water and sewerage authority.

b. As-built construction improvements plans for storm drainage system with grade, pipe sizes and location of out-

lets and other drainage structures, street profiles and storm water management facilities.

c. As-built construction improvements plans for water distribution systems with pipe sizes and locations of hydrants and valves, as required by water and sewerage authority.

d. Protective covenants or deed restrictions, if any, attached in form for recording.

e. Soil study for each lot prepared by a qualified, state-registered soil scientist.

(Ord. No. 98-12, 5-19-98)

Sec. 3-8-42. Planned development projects—Purpose.

Planned development (PD) regulations in the zoning ordinance and this chapter are intended to allow projects that include residential, commercial, and industrial land uses and related public facilities within the scope of a master development plan.

The PD is intended to encourage creative and resourceful land planning and to assure the preservation of recreation and open space land. Review and approval of the development plan by the planning and zoning board, board of commissioners, or municipal authorities shall follow the procedure of the Henry County Zoning Ordinance.

(Ord. No. 98-12, 5-19-98)

Sec. 3-8-43. Same—Procedure for project approval.

The procedure for planned development (PD) project approval shall be as provided in the Henry County Zoning Ordinance following zoning and development plan approval as required by the zoning ordinance, and preliminary plat as required for subdivision according to section 3-8-34. The preliminary plat submittal shall include improvements construction plans, soil erosion and sedimentation control plan.

A final plat shall be submitted and approved according to the procedures of section 3-8-37. The PD preliminary and final plats may be approved in phases provided they comply solely with the overall development plan for the project. Where streets, sidewalks, rights-of-ways, and other improvements are dedicated to the county or municipal authority, a two-year maintenance bond or letter of credit shall be required according to section 3-8-37.

(Ord. No. 98-12, 5-19-98)

Sec. 3-8-44. Same—Required information.

The information required for a planned development (PD) shall be as required by the zoning ordinance and section 3-8-36 of this chapter, Preliminary plat, required information, and section 3-8-41, Final plat—Required information, for subdivision. In addition the following information shall be required:

(1) Restrictive covenants for the PD and various sub areas of the development. The restrictions shall specify the ownership of open space and recreation facilities and their method and responsibility for maintenance.

(2) Rules and regulations for any condominium arrangements and provisions for the continuance of the homeowner's association.

(3) Typical building elevations and floor plans for any multiple family apartment townhouse, condominium, and cluster housing dwelling units.

(4) Landscaping plans.

(Ord. No. 98-12, 5-19-98)

Sec. 3-8-45. Same—Development standards.

The community development director may approve a development plan, including preliminary and final plats for the planned development (PD) which departs from the standard street and lot arrangement requirements in article IV of this chapter and the zoning ordinance, if the departure from these standards can be made without altering the purpose and intent of these regulations and which will fulfill the objective of a comprehensively planned development that will provide maximum preservation of open spaces,

natural features, and livability for the occupants of the development, and economy in providing public services.
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-46. Townhouse residential development projects—Where permitted.

Townhouse residential development projects are permitted in multiple-family residential districts or as part of a planned development (PD). Townhouse residential projects include attached residential dwelling units sharing common walls which are planned for individual ownership of the unit and land thereunder. The development may include ownership of certain common elements including open spaces, parking areas and internal streets, pedestrian ways, and recreational facilities. Public sewer and water facilities are required.
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-47. Same—Procedure for project approval.

The procedure for a townhouse residential development project (TRDP) shall be the same as required for approval of a subdivision including submittal of a preliminary plan, preliminary plat and improvements construction plans, soil erosion and sedimentation control plan, and a final plat. Where streets and rights-of-way or other improvements are to be dedicated to the county or municipal authority, a two-year maintenance bond or letter of credit shall be required.
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-48. Same—Required information.

The information required for a TRDP shall be the same as required in section 3-8-36, Preliminary plat—Required information, and section 3-8-41, Final Plat—Required information. In addition, the following information shall be required:

(1) Building elevation plans showing typical building design.

(2) Typical floor plans of individual dwelling units.

(3) Landscaping plans.

(4) The location of sidewalks and pedestrian ways.

(5) Restrictive covenants for the TRDP shall be submitted. The restrictions shall specify the ownership of open space and recreation facilities and their method and responsibility for maintenance.

(6) Rules and regulations for the condominium arrangements, and provisions for the continuance of the homeowner's association.

(Ord. No. 98-12, 5-19-98)

Sec. 3-8-49. Same—Development standards.

The planning and zoning board may approve a site plan for the TRDP comprehensive development, including a preliminary and final plat which departs from the standard street and lot arrangement requirements in article IV of this chapter and the zoning ordinance if the departure can be made without altering the purpose and intent of these regulations and which will fulfill the objective of a comprehensively planned development that will provide maximum preservation of open spaces, natural features, and livability for the occupants of the development.
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-50. Cluster residential development projects—Purpose; where permitted.

Cluster residential development projects (CRDP) provides for the grouping of attached and detached residential dwellings on lots that may be smaller than allowed in a zoning district, for the purpose of providing permanent common use of open space land, preservation of natural terrain features, and economy in the provision of public facilities and services. A cluster subdivision may be allowed as part of a PD project or where permitted in the zoning ordinance. Water and sanitary sewer are required.
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-51. Same—Procedure for project approval.

The procedure for a CRDP shall be the same as required for approval of a subdivision as provided

in section 3-8-34, including submittal of a preliminary plan, preliminary plat and improvements construction plans, soil erosion and sedimentation control plan and a final plat. Where streets and rights-of-way or other improvements are to be dedicated to the county or municipal authority, a two (2) year maintenance bond or letter of credit shall be required as stated in section 3-8-37.
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-52. Same—Required information.

The information required for CRDP shall be the same as required in section 3-8-36, Preliminary plat, required information, and section 3-8-41, Final plat—Required information. In addition, the following information shall be required:

(1) Building elevation plans showing typical building design.

(2) Typical floor plans of individual dwelling units.

(3) Landscaping plans.

(4) The location of sidewalks and pedestrian ways.

(5) Restrictive covenants for the CRDP shall be submitted. The restrictions shall specify the ownership of open space and recreation facilities and their method and responsibility for maintenance.

(6) Rules and regulations for condominium arrangements, and provisions for the continuance of the homeowner's association.

(Ord. No. 98-12, 5-19-98)

Sec. 3-8-53. Same—Development standards.

The planning and zoning board or municipal authorities may approve a site plan for the CRDP comprehensive development, including a preliminary and final plat which departs from the standard street and lot arrangement requirements in article IV of this chapter and the zoning ordinance if the departure can be made without altering the purpose and intent of these regulations, and which will fulfill the objective of a comprehensively planned development that will provide maximum preservation of open spaces, natural features, and livability for the occupants of the development.
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-54. Lot divisions—Generally.

Lot divisions are the dividing of individual tracts of land into two (2) or more separate lots without creating a subdivision as defined herein. All lot divisions shall conform to the requirements of the Henry County Zoning Ordinance. The community development director shall have the authority to approve lot divisions. No building permit shall be issued for a tract of land created as the result of a lot division without the approval of the community development director.
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-55. Same—Required information.

The plat shall be prepared by a registered engineer, surveyor, or landscape architect, and shall provide the following information:

(1) North arrow, scale, and date.

(2) Names and addresses of the owners of record of the property to be subdivided.

(3) Subdivider name and address.

(4) Name, address, and registration seal of the surveyor who prepared the final plat.

(5) Certification by engineer, surveyor, or landscape architect that all monuments exist and their size, locations, and materials are correctly shown on the plat.

(6) Legal description of the property, including reference to land lot district lines; street right-of-way lines; easements and other rights-of-way; property lines of lots and other sites with accurate dimensions to nearest one-hundredth (0.01) of a foot; bearings and angles on all lines: radii, arcs, and central angles of all curves with readings to the nearest second.

(7) Blocks designated by letter and lots by numerical order.

(8) The layout of the lot division including the following information:

a. All street right-of-way boundaries, street names, addresses, tax parcel identification numbers, bearings, angles of intersection, and right-of-way easement widths.

b. The lengths of all arcs, including radii, points of curvature, tangent bearings, and the length and bearing of the long cord of every arc.

c. Drainage and sanitary sewer, and utility easements along all side and rear lot lines and watercourses, as required in article IV, Improvements Standards.

d. All lot lines measured to nearest one hundredth (0.01) of a foot. The bearings shall be indicated for all lot lines to the nearest second. The error of closure should not be less than one (1) foot in ten thousand (10,000) feet.

e. Individual lot sizes measured in square feet. This figure may be placed on the lot or in a table with addresses and tax parcel identification numbers.

(9) Current zoning, including the required setback lines by the zoning ordinance and any other setback lines established by public authority or stipulated in the deed restrictions.

(10) Protective covenants or deed restrictions, if any, shall be placed directly on the final plat or attached in form for recording.

(11) Soil survey prepared by a qualified, state-registered soil scientist and certified for approval by the health department.

(12) Location and elevation of any 100-year flood hazard area, including the minimum foundation elevation for each lot affected by the 100-year flood hazard.

(13) Statement on the existence of wetlands or live streams on the site.

(Ord. No. 98-12, 5-19-98)

Sec. 3-8-56. Dedication plats—Generally.

A plat is required for the dedication to the county or a municipal authority of right-of-way and public improvements such as roads or sewer or water lines, outside of an area to be subdivided or developed, and which will provide access or service to development, or which will serve future development in an area or sites for public facilities as described in article V, section 3-8-131 of this chapter. The review of a dedication plat may include approval of a preliminary plat, construction improvement plans, a final plat, and as-built construction plans. The approval process for dedication plats shall be the same as for a final subdivision plat. A two (2) year maintenance bond or letter of credit shall be required for all public improvements as required for final plats (see section 3-8-37).
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-57. Same—Required information.

The plat shall be prepared by a registered professional engineer, surveyor, or landscape architect at a scale of one hundred (100) feet or less to the inch and shall provide the following information:

(1) An accurate legal description of the property to be dedicated, including reference land lot lines.

(2) The names and addresses of the owners of record of the property, the subdivider, and the engineer or surveyor who prepared the plat. The registration seal of the engineer, surveyor, or landscape architect shall be on the plat.

(3) North arrow, scale, and date.

(4) The locations, widths, and names of any platted streets and easements adjacent to the property.

(5) The locations, size, and grades of any existing sewers, water mains, culverts, and other underground structures adjacent to the property.

(6) Contour elevations at two-foot intervals.

(7) The layout, names, and right-of-way widths of all streets, easements, or tracts of land to be dedicated.

(8) The location and sizes of all proposed catch basins, culverts, and other drainage structures.

(9) All plat boundary lines measured to the nearest one hundredth (0.01) of a foot, and bearings and angles based on an accurate field survey.

(10) The location of all permanent reference monuments as specified in article IV, section 3-8-109 of this chapter.

(11) The layout of the proposed improvements, including the following information when applicable:

a. Street right-of-way boundaries, names, bearings, angles of intersections, and widths.

b. Easement boundaries, bearings, and widths for improvements to be dedicated.

(12) The 100-year flood elevation taken from either a FEMA flood insurance map or from an individual study as directed by the building department (i.e., HEC-2, QUICK-2).

(Ord. No. 98-12, 5-19-98)

Secs. 3-8-58—3-8-70. Reserved.

ARTICLE IV. IMPROVEMENTS STANDARDS

Sec. 3-8-71. Street layout and design.

The location, arrangement, extent, width, and grade of all streets shall conform to the Henry County/Cities Joint Comprehensive Development Plan, and shall be considered in relation to existing and planned streets, topographical conditions, public safety and convenience, and proposed use of land to be served by the streets. The layout of a subdivision shall conform to the requirements of the zoning ordinance and design principles described in this chapter.
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-72. Conformity to major street plan.

(a) The location of all streets and roads shall conform with Henry County/Cities Joint Comprehensive Development Plan Transportation Element. Provision must be made in developments for the construction of streets at locations shown in the plan.

(b) Whenever a tract to be subdivided includes any part of a major arterial, minor arterial, or collector street designated on the joint comprehensive development plan, such part of said street shall be installed by the subdivider in the location and at the full width indicated by the functional classification for right-of-way (section 3-8-77) and pavement widths (section 3-8-80) indicated in this chapter.
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-73. Relation to adjoining street system.

Where appropriate to the subdivision design, proposed streets shall be continuous and in alignment with existing, planned or platted streets with which they are to connect.

(1) Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions for the coordination of the layout of the subdivision with existing and future development of adjacent tracts.

(2) Whenever there exists adjoining the tract to be subdivided a dedicated or platted half-width street or alley, the other half-width shall be platted.

(Ord. No. 98-12, 5-19-98)

Sec. 3-8-74. Subdivision streets on state highways.

Whenever a proposed subdivision has streets which will enter on a state highway maintained and controlled by the Georgia Department of Transportation (GDOT), the preliminary plat shall be submitted by the developer to the GDOT District Engineer for approval.
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-75. Restrictions of access.

When a tract fronts on a state highway, major arterial, or minor arterial street, the subdivider may be required to have all residential lots to be provided with frontage only upon a collector or local street.
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-76. Access from a single street entrance.

The design of street access to subdivisions shall comply with all applicable laws and regulations relating to street and intersection design and shall be consistent with accepted engineering standards and practices.
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-77. Street right-of-way widths.

The minimum width of street right-of-way, measured from lot line to lot line, shall not be less than as follows:

(1) Major arterial one hundred (100) feet.

(2) Minor arterial eighty (80) feet.

(3) Collector street eighty (80) feet.

(4) Local street fifty (50) feet with curbs.

(5) Cul-de-sac fifty-five-foot radius turnaround, residential local streets with curbing.

(6) "T" or "Y" turnaround same as required street right-of-way.

(7) Mid-block pedestrian way ten (10) feet.

(Ord. No. 98-12, 5-19-98)

Note—The need for additional right-of-way for certain conditions may be determined by the Henry County Department of Transportation.

Sec. 3-8-78. Additional width on existing streets.

Subdivisions that adjoin existing streets shall dedicate additional right-of-way if needed to meet the minimum street right-of-way requirements in section 3-8-77.
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-79. Half streets.

Half streets shall be prohibited except where essential to the reasonable development of the subdivision.

Where it is determined to be practical to require the dedication of the additional half when adjoining property is subdivided, the other half of the street shall be platted to create a full width right-of-way serving the adjoining tracts of land.
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-80. Pavement widths.

The minimum pavement for streets required to be installed at the subdivider's expense are shown below. The county's participation in cost for pavement in excess of the minimum width required, if determined to be necessary by the county engineer may be negotiated on a case-by-case basis with the board of commissioners.

Functional Class	*With Curbs**	*Without Curbs*
(1) Major arterial **	52 feet	48 feet
(2) Minor arterial	28 feet	24 feet
(3) Collector		
(4) Local street (residential)	26 feet	
(5) Local street (industrial)	30 feet	
(6) Local street (commercial)	28 feet	
(7) Alleys		16 feet
(8) Cul-de-sac:		
a. Residential	80 feet diameter	80 feet diameter
b. Commercial/ Industrial	110 foot diameter	curb required

* *Width from back of curbs.*

***For four-lane highway; if two lane, 28 feet with curbs and 24 feet without curbs*
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-81. Speed limits.

The posted speed limit on all local streets within a subdivision shall be twenty-five (25)

miles per hour. The speed limit for all other street classifications shall be determined by the Henry County Department of Transportation.
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-82. Curbs.

Curbs shall be required in all residential subdivisions. Curbs shall be required for streets in commercial and industrial subdivisions. Curbs in all subdivisions shall be L-back curbs twenty-four (24) inches long, six (6) inches thick, and an eighteen-inch gutter. All curbs shall be constructed of Portland cement concrete. Curbs shall be designed to provide handicapped access at street intersections, wherever sidewalks are constructed.
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-83. Street grades and elevations.

Grades on major and minor arterials shall not exceed five (5) percent and grades on local residential streets shall not exceed twelve (12) percent.
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-84. Horizontal curves.

The radius of horizontal curves on local residential streets within s subdivision shall be no less than one hundred fifty (150) feet. The horizontal radius for collector and arterial streets or any streets with a design speed of more than twenty-five (25) miles per hour shall comply with ASHTO standards.
(Ord. No. 98-12, 5-19-98; Ord. No. 98-16, § 1, 5-19-98)

Sec. 3-8-85. Vertical curves.

All changes in grade shall be connected by vertical curves which are as long as conditions permit and under no circumstances should they be shorter than established minimums prescribed by approved highway design methods.
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-86. Centerline sight distance.

Minimum street centerline sight distances shall be designed relative to the designed speed of the street and should be measured above the street centerline using a driver-eye height of three and five-tenths (3.5) feet and an object height of six (6) inches. The minimum stopping sight distance for any street shall not be less than two hundred (200) feet.

Minimum centerline site distances relative to design speed posted on streets are:*

*Speed. (MPH)**	*0—30*	*40*	*50*	*55*
Centerline sight distance (stopping distance in feet)	200	275	400	475

*The minimum stopping distance for streets shall not be less than two hundred (200) feet.

Sight distance for intersections with minor/major arterials use intersection sight distance measured from a driver's-eye height of three and five-tenths (3.5) feet to an object height of four and twenty-five-hundredths (4.25) feet.

*Speed. (MPH)**	*0—30*	*40*	*50*	*55*
Centerline sight distance (stopping distance in feet)	375	580	840	990

**Data taken from 1990 AASHTO Guide, A Policy on Geometric Design of Highways and Streets*
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-87. Intersection geometrics.

Street intersections shall be as nearly at right angles as possible. In residential subdivisions no intersection shall be at an angle of less than eighty (80) degrees nor more than one hundred (100) degrees.

(1) Street intersections in commercial and industrial subdivisions shall be at an angle of not less than ninety (90) degrees.

(2) The minimum curb radius at street intersections shall not be less than twenty (20) feet in residential subdivisions. A minimum twenty-five-foot radius shall be required at intersections with existing collector and arterial roads maintained by Henry County or municipal authorities.

(3) The minimum curb radius of street intersections for industrial and commercial subdivisions shall be fifty (50) feet.

(4) Pedestrian ramps shall be designed for all intersections in accordance with standard drawings for subdivisions and residential developments designed to include sidewalks and shall meet the minimum standards in regards to the Americans with Disabilities Act (ADA). The curb shall be de-pressed to accommodate future installations at the same time as the street.

(Ord. No. 98-12, 5-19-98)

Sec. 3-8-88. Street intersection offset.

Street intersections shall have a minimum centerline offset of at least one hundred twenty-five (125) feet.

(Ord. No. 98-12, 5-19-98)

Sec. 3-8-89. Tangents on reverse curves.

A tangent of at least one hundred (100) feet long shall be introduced between reverse curves on major and minor arterial streets, or on any street where the posted speed limit will be thirty-five (35) miles per hour or greater.

(Ord. No. 98-12, 5-19-98)

Sec. 3-8-90. Dead end streets.

Local streets designed to have one end permanently closed and not connected with any existing street, proposed future street, or not intended to extend to the property line of an adjacent tract, shall be no longer than seven (7) times the lot width provided by the zoning ordinance, unless necessary due to the topographic or other physical conditions of the property.

(1) *Permanent dead-end streets.* Permanent dead-end streets shall be joined by a cul-de-sac with a paved turnaround having an outside diameter of eighty (80) feet (40-foot radius) and a right-of-way of at least one hundred ten (110) feet diameter. Dead-end streets designed to be permanent and that exceed more than eight hundred (800) feet in length may be required to have a cul-de-sac turn around midway between the entrance intersection and the end of the street to provide maneuvering for emergency vehicles, when the dead-end street is the only street in a subdivision.

(2) *Temporary dead-end streets.* Stub streets which are intended to provide access for future development within a tract of land or adjacent tracts shall be required to have a temporary turnaround area having a diameter of at least eighty (80) feet, consisting of six (6) inches of graded aggregate base.

For subdivisions with a temporary turnaround, it shall be required of the subdivider to provide a bond or letter of credit equal to the cost of permanent cul-de-sac construction, in accordance with the standards of section 3-8-80, for a period of two (2) years. Failure of the subdivider to extend the street or to construct a permanent cul-de-sac shall result in the county using the bond or letter of credit funds to complete the cul-de-sac construction.

(Ord. No. 98-12, 5-19-98)

Sec. 3-8-91. Private streets.

There shall be no private streets platted in any subdivision. Every lot in subdivided property shall be served from and shall have frontage onto a street dedicated to either the county or to a municipal authority.

(Ord. No. 98-12, 5-19-98)

Sec. 3-8-92. Alleys.

Alleys may be provided at the rear of lots in residential, commercial, and industrial subdivisions when approved by the community development director.

(Ord. No. 98-12, 5-19-98)

Sec. 3-8-93. General construction requirements.

(a) Every subdivision developer shall be required to follow the requirements of the soil erosion and sedimentation control ordinance of Henry County, to grade and improve streets, alleys, and rights-of-way, to install curbs or ditches when required and to install street name signs in accordance with county specifications. Every sub-

divider shall be required to comply with the subdivision inspection procedures in section 3-8-152, Inspection Procedures.

(b) All street design and construction and related material shall be in strict accordance with Georgia Department of Transportation "Standard Specifications, Construction of Roads and Bridges", 1993 Edition, and all revisions thereto and the requirements of sections 3-8-94 and 3-8-95. Where circumstances dictate variations from the standard specifications, the governing body may vary the requirements, provided the design of materials accepted are in all ways commensurate with good practice.

(c) All materials, equipment, labor and other matters related to street construction shall be provided by the developer. The following is a summary of the improvements required:

(1) Grading. All streets, roads, and alleys shall be graded to their full width right-of-way by the subdivider so that the pavements and sidewalks, when installed in the future, can be constructed on the same level plane. The preparation of the right-of-way before grading is started and the construction of cuts and fills shall be accomplished according to the specifications of the county (see sections 3-8-94 and 3-8-95).

(2) Three (3) copies of an as-built subgrade centerline profile shall be submitted to the Henry County Building Department. The profile shall include both proposed and as-built centerline elevations at every even station. No curb and gutter or waterlines shall be installed prior to subgrade approval.

(3) Storm drainage. An adequate drainage system, including necessary curb, pipes, culverts, headwalls, intersectional drains, drop inlets, bridges, swale ditches, and detention areas, shall be provided for the proper drainage of all surface water and prepared by a registered professional engineer or landscape architect.

(4) Roadway surfacing. After preparation of the subgrade the roadbed shall have base material and paving applied according to county specifications (see sections 3-8-94 and 3-8-95).

(Ord. No. 98-12, 5-19-98)

Sec. 3-8-94. Construction requirements for residential subdivisions streets.

(a) The design and construction requirements for residential subdivisions shall comply with the minimum standards shown in Table 3-1.

(b) The grading, base and pavement for residential street construction shall be as follows:

(1) *Grading.* All streets shall be graded to the elevations shown on the approved construction plans.

a. Clearing and grubbing. After the development permit has been issued by the Henry County Building Department, a pre-construction conference has been held, the development inspector duly notified, and all required silt and erosion control measures installed and approved, the contractor may begin clearing and grubbing the project. All trees, stumps, logs, roots, grass, weeds, poles, and other objectionable matter shall be cleared and grubbed from within the construction limits of the project. A thirty-foot undisturbed buffer shall be maintained on all property lines prior to submission of construction improvements plans. No rubbish or other material resulting from the clearing and grubbing of the roadway may be buried within the construction limits of the roadway or detention ponds. If burning is permitted, all burn pits must be located outside of the roadway construction limits.

b. Excavation. All grading operations shall be planned and executed by the contractor in such a manner as to provide suitable subgrade material in the top twelve (12) inches of the roadway. In areas where the mate-

rial in place is not suitable for subgrades, these areas shall be undercut a minimum of twelve (12) inches and back filled with suitable material. All rock and boulders in the roadbed shall be excavated to a depth of at least twelve (12) inches below the subgrade and the space back filled to the correct grade with suitable material. Any stones, broken rock, or boulders resulting from the grading of the roadway may not be placed in any roadway fill area except when approved by the development inspector and then under his supervision. During the construction of the roadway on a day to day basis, the roadbed edges shall be kept lower than the center and the grading shall be done so that the surfaces of the excavated areas and fill will be kept reasonably smooth and well drained. Adequate surface ditches shall be cut at the tops of cut slopes, extending to each end of the cuts in order to carry the water from the side hill. Side ditches or gutters emptying from cuts to fill areas shall be turned outward so as to prevent erosion of the fill slopes.

c. Placement of fill. Fill construction shall not begin until all clearing and grubbing of the fill area has been completed. All depressions in the ground shall be filled level with the adjacent surface using suitable material and compacted to the approximate density of the surrounding soil before placement of the fill is begun. The entire area upon which fill is to be placed shall be plowed, scarified, and finely broken up to a depth of a minimum of six (6) inches. Before the placement of fill material is begun, all loosened soil shall be compacted the approximate density of the underlying soil. Where a depth of fill and surfacing is three (3) feet or less, the original ground shall be compacted a minimum twelve (12) inches deep to at least ninety-five (95) percent of the maximum laboratory dry density as determined from representative samples of the material being compacted. In areas where layers of organic or other unstable materials exists, the existing ground shall be excavated, for the full width of the fill area, to an underlying stable material. The subgrade thus created shall then be compacted to the approximate density of the underlying material. All fill material shall be deposited and spread in uniform horizontal layers, not more than six (6) inches thick, for the full width of the fill area, and these layers shall be kept uniform by the use of graders, bulldozers or other approved equipment. Each layer shall be compacted within the range of optimum moisture content necessary to achieve the compaction required. Material containing too much water shall be dried to the correct moisture content. If the material is too dry, water shall be added and uniformly mixed with the soil before it is compacted. Fills shall be compacted to at least ninety-five (95) percent of the maximum dry density to within the top twelve (12) inches of the fill. The top twelve (12) inches of the fill shall be compacted to at least one hundred (100) percent of the maximum dry density. The entire roadbed shall be scarified and compacted with a sheep's foot or other approved rollers. While the work is in progress, contractor shall maintain the surface in a manner so that the excavation, fills, subgrade, base course, and ditches always present a smooth and even surface.

The contractor shall have available on the job at all times at least one motor patrol grader with

adequate power to blade and maintain the roadbed. Suitable scarifiers shall also be available for use whenever necessary.

d. Final finishing of roadway. After all excavation has been completed and all fills have been placed, the entire road bed surface shall be finally shaped with a grading machine supplemented with hand work whenever required, to secure a smooth surface and uniform cross-section. Slopes of cuts and fills shall also be carefully shaped to the true section specified. When final shaping is finished, the road surface shall conform accurately to the line, grade and cross section shown of plans, and no roots, sod, grass, stones, or other unsuitable material shall remain in the top twelve (12) inches of the finished road bed. All ditches and drains shall be opened to effectively drain the roadway.

(2) *Placement of curb and gutter.* After sanitary sewer and water lines have been installed, all storm drainage in place, and the final finishing of the roadway has been approved by the development inspector, the installation of the concrete curb and gutter may begin. All concrete curb and gutter shall be in accordance with Henry County Construction Standard No. 3.7.1. Any curb and gutter which does not conform to a true section, texture, line and grade shall be removed and replaced as directed by the development inspector.

(3) *Subgrade.* Before placing any pavement base the entire surface of the subgrade shall be plowed, harrowed, and mixed to a depth of at least six (6) inches. If a subgrade stabilization material is required it shall be incorporated into the subgrade at this time. After the material has been thoroughly mixed the subgrade shall be brought into a proper line and grade and compacted to one hundred (100) percent of maximum dry density just prior to placing the base material. The centerline profile shall conform to the established elevations with an acceptable tolerance of one-half (½) inch. The acceptance crown tolerance shall be one-half (½) inch.

(4) *Base construction.* The Henry County Development Inspector shall be notified twenty-four (24) hours prior to the placing of any base material. After the inspector is satisfied all the equipment necessary for the proper construction of road base is on the project and the subgrade has been brought to the proper line, grade and crown, and compacted to the required density he may authorize the placing of the base material. After the base material has been placed and compacted to the required density the inspector will check the completed base course. All areas found to be deficient shall be marked and corrected before any asphalt pavement is placed. Areas where the crown is found to exceed that which is specified or the exposed edge of the concrete gutter is less than the minimum depth required, shall be reshaped and rolled to obtain the required cross-section. After the compacted material has been approved, cores shall be taken as directed by the development inspector to determine the thickness of the constructed base course. Areas found to be deficient in thickness shall be corrected as directed by the development inspector. A copy of all delivery tickets for the graded aggregate base material shall be furnished prior to placing any asphaltic concrete paving material. A shortage in the base material used shall require that the asphaltic concrete surface course thickness be increased. All work and materials shall be in accordance with the pertinent *Graded Aggregate Construction* sections of the Georgia Department of Transportation "Standard Specifications . . . ", latest edition.

In lieu of constructing the previously mentioned paving section, a soil cement base may be used. The soil cement base shall be a minimum of five (5) inches in thickness; while the thickness of the surface

course shall remain at two (2) inches. All soil cement construction shall be in accordance with the "soil cement construction" sections of the Georgia Department of Transportation "Standard Specifications . . . ", latest edition. The preparation of the soil cement base shall be done under the supervision of a professional engineer registered in the State of Georgia. A letter stamped by the engineer attesting to the construction of the soil cement base shall be submitted to Henry County. Core tests of the surface course must also be submitted to Henry County for approval.

(5) *Paving.* After the road base has been accepted by the development inspector and upon his approval the contractor shall begin the construction of the asphaltic concrete pavement. All asphaltic concrete material and construction shall be in accordance with the "hot mix asphaltic concrete construction" sections of the Georgia Department of Transportation "Standard Specifications . . . ", latest edition. After the material has been placed and rolled to the satisfaction of the inspector, he shall check the cross section of the finished pavement. Any area found to be deficient shall be marked and a record of deficiencies made by the development inspector.

If, in the opinion of the development inspector, the extent of deficiencies will impair the performance of the pavement, he shall direct that an overlay of a minimum thickness of one (1) inch be placed before the roadway is opened to traffic. A copy of the delivery tickets for the asphaltic concrete material used shall be furnished to the development inspector at the time of completion of the work. If the delivery tickets indicate a shortage in the material used from the quantity estimated the development inspector may require a minimum one-inch overlay of the streets.

Upon acceptance of the surface course by the development inspector, the developer shall have core tests made as directed by Henry County, to verify the thickness of the street base and asphalt pavement. If these indicate a deficiency in thickness of the street base and asphalt pavement an overlay shall be required when the following deficiencies occur.

a. When the number of cores deficient in thickness within the allowable one-quarter (¼) of an inch tolerance exceeds thirty-five (35) percent of the total cores taken on one (1) street.

b. When two (2) or more consecutive tests show a deficiency of more than one-quarter (¼) of an inch allowable tolerance. When a core shows a deficiency in excess of the allowable tolerance additional cores will be taken to delineate the area of the deficient thickness.

c. Any required overlay shall extend a minimum of one hundred fifty (150) feet beyond the outer limits of the deficient area for the full width of the street. Smooth, neat joints shall be saw cut normal to the roadway for full depth of asphalt pavement, removing the original pavement for a minimum of ten (10) feet at each end of the overlay. The thickness of the overlay shall be determined by the depth of the deficient area and shall not be less than one (1) inch in compacted thickness. The type of material used in the overlay shall be specified by the county.

(6) *Shoulder and drainage improvements.* After the paving has been inspected and approved, the pavement edges or behind the curb and gutter shall be back filled and compacted and the ditches and back slopes properly graded, shaped, seeded and mulched. An eighty (80) percent stand of grass must be obtained. All swales and ditches excavated below required depth shall be back filled and compacted to ninety-five (95) [percent] of maximum dry density.

TABLE 3-1

RESIDENTIAL SUBDIVISION STREET DEVELOPMENT STANDARDS

Construction Standards	*Specifications*
1. Surface topping (plant mix)	Two (2) inch "E" or "F" asphalt topping, 220 pounds per square yard
2. Primer	0.15 gallons primer per square yard "MC" or "RC"
3. Curbs/Shoulder and Ditch Construction	Twenty-four (24) inch × six (6) inch concrete "L" back curb; eighteen (18) inch gutter; six (6) inches high; six (6) inch curb width
4. Base construction	Six (6) inch base (graded aggregate); one hundred (100) percent compaction
5. Street surface width	Twenty-two (22) feet pavement width with curb and gutter; twenty-six (26) feet back of curb to back of curb
6. Street base width	Twenty-two (22) feet with curb and gutter
7. Street grade	Twelve (12) percent maximum on local streets; Eight (8) percent maximum on collector and minor arterial streets; Five (5) percent maximum on major streets; Two (2) percent maximum grade at intersections one hundred (100) feet from curb line.
8. Turnaround area	Forty (40) feet radius cul-de-sac pavement (80 feet diameter)
9. Intersections	Twenty (20) feet pavement radius at intersection within subdivision.
	Twenty-five (25) feet pavement radius required where intersecting existing county or state roads.
10. Right-of-way	Fifty (50) feet right-of-way minimum for local streets (additional right-of-way and/or slope easements may be required for cut and fill areas). One hundred ten (110) feet diameter right-of-way for cul-de-sac.
11. Fill areas and back slopes	2:1 maximum slope allowed
12. Storm sewers and cross drains	GDOT materials specifications; coated metal pipe required; pipe location and size will be approved by Henry County Building Department.
13. Grassed areas	Shall comply with the Henry County Soil Erosion and Sedimentation Control Ordinance.
14. Core Testing	Core samples will be taken as directed (at developer's expense) to determine thickness of base and pavement.

Construction Standards	*Specifications*
15. Maintenance bond	Two-year maintenance bond or letter of credit on all improvements within public right-of-way (streets, sidewalks, sanitary and storm sewer, catch basins, cross drains) and storm water detention facilities. *On phased developments, certain sections may require a renewed bond if used for construction access on newer phases (see section 3-8-37).*

(Ord. No. 98-12, 5-19-98)

Sec. 3-8-95. Construction requirements for industrial and commercial subdivision streets and arterial roads.

(a) The design and construction requirements for subdivision developments for industrial, commercial, or office use and streets which are to be county arterial roads shall comply with the minimum standards shown on Table 3-2, *Industrial and Commercial Subdivision Streets and Arterial Roads* and shall be required to have concrete curb and gutter along each side in accordance with Henry County Construction Standard No. 3.7.1.

(b) All grading, subgrade, base and pavement for industrial commercial and arterial street construction shall be in accordance with section 3-8-94 and Table 3-2.

TABLE 3-2 INDUSTRIAL, COMMERCIAL/OFFICE SUBDIVISIONS & ARTERIAL ROADS

Construction Standards	*Industrial Subdivisions*	*Commercial / Office Subdivisions*
1. Surface topping plant mix	One & one-half (1½) inch "E" or "F" asphalt topping, 165 pounds per square yard.	Two (2) inch "E" or "F" asphalt topping, 220 pounds per square yard.
2. Binder	Three (3) inch binder 330 pounds per square yard.	None
3. Prime Coat		0.15 gallons primer per square yard.
4. Curbs/shoulder and ditch construction (curb and gutter required for commercial/industrial subdivision streets)	Twenty-four (24) inch × six (6) inch concrete "L" back curb; eighteen (18) inch gutter; six (6) inch high; six (6) inch curb width. Ditch & shoulder improvements; five (5) feet wide grassed shoulders with three-fourths (¾) inch per foot slope; two-to-one (2:1) maximum drainage ditch slope and two-foot minimum depth from outer edge of shoulder.	Twenty-four (24) inch × six (6) inch concrete "L" back curb; eighteen (18) inch gutter; six (6) inch high; six (6) inch curb width. Ditch & shoulder improvements; five (5) feet wide grassed shoulders with three-fourths (¾) inch per foot slope; two-to-one (2:1) maximum drainage ditch slope and two-foot minimum depth from outer edge of shoulder.

Construction Standards	*Industrial Subdivisions*	*Commercial/ Office Subdivisions*
5. Base construction	Eight (8) inch base graded aggregate. One hundred (100) percent compaction.	Eight (8) inch base graded aggregate. One-hundred (100) percent compaction.
6. Street surface width	Thirty (30) feet width with curb & gutter; back of curb.	Twenty-eight (28) feet width with curb & gutter; back of curb.
7. Street base width	Twenty-six (26) feet.	Twenty-four (24) feet.
8. Street grade	Eight (8) percent maximum on collector & minor arterial streets; five (5) percent maximum on major streets; two (2) percent maximum grade at intersections; one hundred (100) feet from curb line.	Eight (8) percent maximum on collector & minor arterial streets; five (5) percent maximum on major streets; two (2) percent maximum grade at intersections; one hundred (100) feet from curb line.
9. Turnaround area	Fifty-five (55) feet radius cul-de-sac pavement; one hundred ten (110) feet diameter.	Fifty-five (55) feet radius cul-de-sac pavement; one hundred ten (110) feet diameter.
10. Intersections	Fifty (50) feet pavement radius at intersections; fifty (50) feet straight section from curved streets required.	Fifty (50) feet turning radius at intersections; fifty (50) feet straight section from curved streets required.
11. Driveway entrances	GDOT specifications.	GDOT specifications.
12. Right-of-way	Fifty (50) feet right-of-way minimum; additional right-of-way or slope easement may be required for cut & fill areas; one-hundred forty (140) feet diameter right-of-way for cul-de-sac.	Fifty (50) feet right-of-way minimum; additional right-of-way or slope easement may be required for cut & fill areas.
13. Fill areas & back slopes	Two-to-one (2:1) maximum slope allowed.	Two-to-one (2:1) maximum slope allowed.
14. Storm sewers & cross drains	GDOT materials specifications: coated metal pipe required, pipe location & size be approved by Henry County.	GDOT materials specifications: coated metal pipe required, pipe location & size to be approved by Henry County.
15. Grassed areas	Shall comply with the Henry County Soil Erosion & Sedimentation Control Ordinance.	Shall comply with the Henry County Soil Erosion & Sedimentation Control Ordinance.
16. Core testing	Core samples will be taken as directed to determine thickness of base & pavement (at developer's expense).	Core samples will be taken as directed to determine thickness of base & pavement (at developer's expense).

Construction Standards	*Industrial Subdivisions*	*Commercial/ Office Subdivisions*
17. Maintenance bond or letter of credit	Two-(2) year maintenance bond or letter of credit on all improvements within public right-of-way (streets, sidewalks, sanitary & storm sewer, catch basins, cross drains) & stormwater detention facilities. *On phased developments, certain sections may require a renewed bond or letter of credit if used for construction access on newer phases (see section 3-8-37).*	Two-year maintenance bond or letter of credit on all improvements within public right-of-way (streets, sidewalks, sanitary and storm sewer, catch basins, cross drains) & stormwater detention facilities. *On phased developments, certain sections may require a renewed bond or letter of credit if used for construction access on newer phases (see section 3-8-37).*

(Ord. No. 98-12, 5-19-98)

Sec. 3-8-96. Improvement to existing streets and rights-of-way.

Every subdivision shall have frontage on a paved county road. The existing roads upon which the subdivision has frontage and access shall be widened, resurfaced, or paved to county specifications (sections 3-8-94 and 3-8-95) for the full length of the frontage of the subdivision if found necessary due to the existing road being deficient relative to county specifications.

(1) *Existing unpaved road.* Any unpaved road upon which a subdivision has frontage and access shall be paved and widened, according to the functional class of the road (section 3-8-79, Street pavement widths) along the frontage of the subdivision to the nearest intersection with a paved county road. The minimum right-of-way required according to section 3-8-77 shall be dedicated along the entire frontage of the subdivision.

(2) *Existing paved road.* Any existing paved county road upon which a subdivision has frontage and access and which is deficient relative to county specifications (sections 3-8-94 and 3-8-95) shall be resurfaced and widened as determined by the county DOT director for the entire frontage of the subdivision. The minimum right-of-way required according to section 3-8-77 shall be dedicated along the entire frontage of the subdivision.

(Ord. No. 98-12, 5-19-98)

Sec. 3-8-97. Subdivision access control.

Any subdivision which has an entrance onto a state highway, major arterial, minor arterial, or collector county road shall provide lanes for deceleration, ingress, and egress in accordance with Henry County Construction Standards.
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-98. Marginal access streets.

Where a subdivision abuts or includes a major arterial street, marginal access streets may be required to be parallel to and on each side of the major arterial right-of-way, at a distance suitable for the use of the intervening lands for landscaped buffer areas. This design is intended to provide protection for residential properties from local residential traffic. See section 3-8-107 for alternative design treatment of lots abutting major arterial streets.
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-99. Street names.

Proposed streets which are obviously in alignment with other already existing and named streets, shall bear the names of the streets with which they are in alignment. The names of proposed streets shall not duplicate existing street names, irrespective of the use of the word street, avenue, boulevard, drive, place, court, etc., in the naming of the street.

All proposed street names for new roads or roads within commercial, industrial or residential subdivisions must be approved by community development during the preliminary plat review process or prior to recording of the road and its right-of-way deed. Any request to change the name of an existing road must be approved by community development, with the board of commissioners having final approval of the change.
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-100. Street signs.

The Henry County DOT shall determine the need and location of street signs within a subdivision. The location of the street signs shall be determined during the review of the preliminary plat. The County's standard steel street posts or wooden 4-inch × 4-inch posts with horizontal reflectorized street name plates with four-inch letters shall be furnished and installed by county DOT.

(1) The cost of street signs and their installation shall be paid by the subdivider at a fee determined by the county DOT. All funds collected by Henry County for these signs shall be deposited into the Henry County General Fund Account.

(2) The required fee shall be paid by the subdivider when submittal of a final plat is made to the Henry County Community Development Department.

(Ord. No. 98-12, 5-19-98)

Sec. 3-8-101. Traffic signs.

The county DOT shall determine the need and location of traffic signs within a subdivision during the review of the preliminary plat. Traffic signs shall be furnished and installed by the county DOT pursuant to the conditions in section 3-8-100.
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-102. House numbers.

House numbers for subdivision lots shall be assigned by the Henry County Tax Assessors Department prior to the approval of the final plat.
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-103. Subdivision point of entry signs.

Signs which are erected on the ground to identify the name and entrance of a residential, commercial or industrial subdivision shall be permitted, provided they are not located and constructed in a manner which creates a traffic hazard. The size and construction of point of entry signs shall comply with the zoning ordinance.
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-104. Street surface drainage specifications.

The size, length, and location of all surface drainage pipe or structures shall be shown on all preliminary plats. All storm drain pipes or culverts carrying storm water from the street and adjacent property or through lots in the subdivision shall be extended to at least thirty (30) feet behind the rear of the structure to be located on the lot. Storm water shall be released into a channel or swale without causing scouring, erosion, or resulting in sedimentation of the receiving channel. The outlet channel shall include structural and vegetative measures to assure non-erosive velocities of storm water.

(1) Installations, back filling, and compaction around drainage pipes shall be in accordance with GDOT specifications. All pipes shall have a minimum cover of eighteen (18) inches from the bottom of the road base, and head walls or inlet basins constructed at the ends of the pipes.

(2) All cross drain pipes within public rights-of-way for the purpose of providing storm drainage shall be coated metal pipe, concrete, or other material approved by the county. Ninety-five (95) percent compaction shall be required around all pipes.

(3) The design of drainage structures shall be based on recognized hydrological formulae.

(4) Piped collection systems for public streets (catch basins, inlets, cross drains, longitudinal piping), shall be designed for the 50-year storm.

(5) Road culverts, which carry live streams, and off site drainage, shall be designed for the 100-year storm.

(Ord. No. 98-12, 5-19-98)

Sec. 3-8-105. Storm drainage detention structures on site.

The county may require on-site storm drainage and detention facilities for any subdivision, planned development, or commercial or industrial development project. The rate of run-off from any development shall not exceed the rate that existed prior to the development. On-site detention facilities shall be constructed for a 100-year storm, and may include permanent retention basins, underground storage of storm water, roof system retention, rip-rap around drainage structures, parking lot design for controlled release of storm water, or other structures approved by the building department. Plans for storm water detention facilities shall be accompanied with storm water runoff calculations base on recognized formulas, and shall conform to the requirements of the Henry County Storm Water Management Ordinance.

(Ord. No. 98-12, 5-19-98)

Sec. 3-8-106. Blocks.

(a) *Layout.* Subdivision blocks shall have sufficient width, to provide for two (2) tiers of lots of appropriate depth and length. The length, widths, and shapes of block shall be determined with regard to:

(1) Zoning requirements for lot sizes and dimensions;

(2) Provision of adequate building sites suitable to special needs of the type of use contemplated.

(3) Convenient access, circulation, control and safety of street traffic; and

(d) Topographic condition.

(b) *Length.* Blocks shall be not less than five hundred (500) feet nor more than twelve hundred (1,200) feet in length, except where topographic or other conditions of the site make such dimensions impractical.

(c) *Mid-block pedestrian easements.* For blocks over eight hundred (800) feet in length, the Planning and Zoning Board may require one (1) or more public crosswalks of not less than ten (10) feet wide near the center and entirely across the full width of the block, when necessary for access to schools, playgrounds, shopping centers, transportation and other community facilities.

(4) *Width.* Blocks shall be wide enough to allow two (2) tiers of lots with adequate depth relative to the width of lots, except where fronting on a major or minor arterial road, or prevented by topographic conditions, or by the size and shape of the property.

(Ord. No. 98-12, 5-19-98)

Sec. 3-8-107. Lots.

Generally, the size, shape, width, depth, orientation, and minimum building setbacks, including the front, side and rear yard lines of lots shall be in accordance with the zoning ordinance.

(1) *Side lot lines.* Insofar as practical, side lot lines shall be at right angles to straight lines or radial to curved street right-of way lines. Side lot lines shall be in line with cross drain pipes under streets where they are located.

(2) *Frontage on public street.* Each lot in a subdivision shall front upon a public street or road which is not less than fifty (50) feet in right-of-way width. Each lot must have at least thirty (30) feet of frontage at the property line.

(3) *Lots on cul-de-sac.* Any lot which has frontage on a cul-de-sac turnaround shall have at least thirty (30) feet of frontage at the front property lines, shall have a minimum lot front yard building line setback required by the zoning ordinance and the side yard requirements.

(4) *Corner lots.* Corner lots for residential use shall have an extra width of at least fifteen (15) feet more than required by the zoning ordinance for interior lots in a block in order to permit the appropriate

building setback from and orientation of both streets upon which the lot has frontage.

(5) *Through lots.* Through lots or double frontage lots shall be prohibited except where essential to provide separation of residential development from major traffic arterials or to overcome specific disadvantages of topography and orientation of the property to be subdivided. Where necessary, a bermed, landscaped planting easement of at least fifteen (15) feet in width and four (4) to six (6) feet in height shall be provided across the frontage along the major traffic artery for which there can be no ingress or egress for the affected lots.

(6) *Flag lots.* Flag lots shall be prohibited in subdivisions unless topographic conditions, or the shape and orientation of the property to be subdivided make the inclusion of some flag lots necessary. Flag lots must provide a minimum frontage requirements as stated in the zoning ordinance and are not intended to provide access to other properties so as to circumvent the street and right-of-way requirements of the zoning ordinance. Flag lots are intended only to provide use of the rear portion of the extremely deep tracts of land for residential purposes.

(7) *Large tracts or parcels.* When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further subdivisions.

(8) *Minimum lot size and public facilities.* The subdivider shall connect with public sewer and water facilities to each lot in the development, where required by the zoning ordinance regulations for the zoning district in which it is located. Where a public sewer is not available, an alternate method on site sewage disposal may be used when meeting all applicable public health regulations and the zoning ordinance regulations.

(Ord. No. 98-12, 5-19-98)

Sec. 3-8-108. Easements and widths.

(a) All lots within a subdivision shall provide easements for stormwater drainage and detention systems for future sanitary sewer installations, and, for gas, electric, and telephone utilities.

(b) Rear lot line easements. Easements along all rear lot lines shall be a minimum of twenty (20) feet wide. Ten (10) feet shall be provided on the final plat from each adjoining lot. Wider easements may be required by the water and sewerage authority depending on the size, location, and depth of proposed or existing sewers.

(c) Side lot easements. Easements along side lot lines shall be a minimum of twenty feet (20) wide, ten (10) feet along each adjoining lot. Wider easements may be required by the water and sewerage authority depending on the size and depth of proposed or existing sewers.

(d) Easements along streams and drainage ways. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water drainage easement and sanitary sewer easement or drainage easement or drainage right-of-way along each side of the watercourse for the purpose of widening, deepening, relocating, improving, or protecting such easement. The easement, an undisturbed buffer, shall not be less than twenty-five (25) feet wide. A wider easement may be required for large streams and drainage ways and for future sanitary sewer installations.

(e) Minimum lot area and easements. Proposed subdivision lots which are traversed by utility easements for gas electric, telephone, and, water and sewer utilities shall contain the minimum buildable area defined by the zoning district, exclusive or outside of areas occupied by these easements.

(f) Stormwater detention facility easements. All stormwater detention facilities shall be accessible from a public street by a minimum twenty (20) feet wide easement and there shall be an easement for the detention facility including a minimum of twenty (20) feet around the outside perimeter of the facility.

(Ord. No. 98-12, 5-19-98)

Sec. 3-8-109. Permanent reference monuments.

Materials, size and location:

(1) Concrete cylinders or rectangular prisms not less than four (4) inches in diameter or square and forty-two (42) inches in length shall be set at the extreme corners of subdivisions.

(2) Steel pins not less than one-half (½) inch in diameter and thirty (30) inches long, with a survey marker cap showing the land surveyors registration number shall be set at the following locations:

a. All points where street lines intersect the boundary lines.

b. All angle points and points of curve on each street.

c. All lot corners.

(3) Resetting monuments. Any monuments disturbed by construction or grading shall be reset.

(Ord. No. 98-12, 5-19-98)

Sec. 3-8-110. Water distribution systems.

(a) Generally. Water mains properly connected with the county water supply system or with an alternate supply system approved by the county health department shall be constructed in such a manner so as to adequately serve all lots shown on the subdivision plat for both residential use and fire protection. All materials, labor, equipment, and other items related to construction of the water distribution system shall be provided in accordance with policies and specifications of the Henry County Water and Sewerage Authority.

(b) Extension within subdivisions. The subdivider shall be responsible for the material and labor cost of extending the water systems within the subdivision as directed and inspected by the water and sewerage authority:

(1) The extensions of water mains within the subdivision shall be designed to provide adequate hydraulic capacity for future extensions to the surrounding area and must be connected to existing surrounding water mains to accomplish desirable hydraulic looping.

(2) Dead-end mains within a subdivision shall be avoided where practical, as determined by the water and sewer authority. Water mains in dead-end streets shall have a fire hydrant installed at the end of the line on a common lot corner as per the HCWSA's standard detail.

(c) Minimum pipe diameter. Typically, the minimum water main pipe diameter within a subdivision shall be eight (8) inches. The need for smaller or larger-sized mains shall be determined by the Henry County Water and Sewerage Authority, to assure adequate water supply and fire protection to the subdivision, and to assure adequate water flow for future development in the area.

(d) All service lines shall be installed by the developer's contractor according to the HCWSA's standard detail.

(e) Valves. Valves shall be installed to effect a minimum cut-off of mains in cases of emergency shutdown as determined by the water and sewerage authority.

(f) Fire hydrants. Fire hydrants will be installed so that all residential property within a subdivision will be less than three hundred (300) feet from a fire hydrant, with a minimum spacing of five-hundred twenty-five (525) feet between hydrants.

(g) County design of water mains. The water and sewerage authority shall approve the design of water mains, and all materials, fittings, and accessories for public water systems in a subdivisions.

(h) Materials. Pipe materials shall conform to water and sewerage authority specifications.

(i) Location and depth of water mains. All water mains shall be located at least four (4) feet below finished grade and shall be eight (8) feet in back of the curb line or seven (7) feet from edge of pavement and within the public street right-of-way.

(j) Fire flow requirements:

(1) The minimum fire flow and residual pressure for single family detached houses or duplexes shall be seven hundred fifty (750) gallons per minute (g.p.m.) at twenty (20) pounds per square inch (p.s.i.) residual pressure as required by the state fire marshal.

(2) The minimum fire flow for all other types of development shall be determined on a case-by-case basis by the water and sewerage authority.

(k) Hydrostatic testing. Hydrostatic testing of water mains and hydrants in a subdivision shall be authorized by the water and sewerage authority. Leakage testing shall be two (2) hours at one and one half (1½) times the system operating pressure.
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-111. Sanitary sewer system.

(a) *Generally.* When the subdivision is located within the service area of a public sewerage system, sanitary sewers shall be installed to serve all lots with connection to the public system. Where sanitary sewer service is not feasible or available, all lots with connection to the public system shall be developed with a private on-site sewage disposal system approved by the Henry County Health Department as provided in section 3-8-107, minimum lot size and public facilities.

(b) *Minimum sewer pipe diameter.* All sewer lines within a subdivision shall be at least eight (8) inches in diameter. Larger diameter lines may be required by the HCWSA where necessary to provide adequate capacity for anticipated development in the immediate area of the subdivision, or to serve the requirements of certain uses within industrial or commercial office subdivision, or within a planned development project.

(c) *Sanitary sewer collection system.* Lateral sanitary sewer lines within a subdivision shall include a minimum of four-inch diameter sewer service connection installed for each lot. The service connection shall be extended to the right-of-way and clearly marked with the clean out extended four (4) feet above finished grade and capped until the lot is developed.

(d) *Construction drawings.* Construction drawings for the sewer system within a subdivision shall be submitted to the water and sewerage authority for approval. All construction shall be done in accordance with design specifications of the water and sewerage authority.

(1) Construction drawings shall be certified by a professional engineer registered in the State of Georgia.

(2) If the proposed subdivision is within a municipality, construction drawings shall be submitted to the city engineer or public works department for approval.

(e) *Design.* The proposed sewer system shall be designed by a professional engineer registered in the State of Georgia. The following regulations:

(1) Sewer pipe shall be PVC or ductile iron pipe as per standards and specifications of the water and sewerage authority.

(2) The minimum sewer pipe size shall be eight (8) inches for mains and minimum four (4) inches for stub outs.

(3) Ductile iron pipe shall be used as follows:

a. Where the sewer line crosses drainage structures or open streams;

b. For the influent joint of pipe at all drop manholes;

c. For outfall sewers at depths less than four (4) feet; and greater than sixteen (16) feet;

d. For stub-outs at depths of less than five (5) feet.

(4) Sewer lines shall be located along the centerline of the street wherever possible. Wherever sewer lines are located outside the centerline of the street, a minimum twenty-foot sanitary sewer easement will be required, with the easement following the centerline of the sewer and designated clearly on the final plat.

(5) The minimum depth for sewers located in street shall be seven (7) feet for mains and five (5) feet for stub outs, or as determined by the water and sewer authority.

(6) Manholes shall be located not further than four hundred (400) feet apart. Manholes shall be constructed at all turns and grade changes.

(7) Sewer lines shall be located within a minimum twenty-foot easement when not located within a public right-of-way, as provided in section 3-8-108. The HCWSA may require wider easements depending upon the depth and size of the sewer line.

(8) The Henry County Water and Sewerage Authority reserves the right to revise the design any and all sewer lines, and related materials, accessories, and fittings within a subdivision.

(9) Where required. Where it is anticipated that the HCWSA will extend a trunk or interceptor sewer line adjacent to the subdivision, sewer service lines shall be installed within the subdivision and temporarily plugged or capped at the points of service connection in the proposed lateral or trunk sewer line at individual lot lines in accordance with water and sewerage authority specifications. This requirement may be waived by the community development director if the following reasons are found to exist:

a. The subdivision is in an area of the county where due to topographic or soil conditions, public sewers are not feasible or necessary;

b. The subdivision is outside of planned sewer service area designated in the county's comprehensive development plan;

c. The subdivision is in an area which is not scheduled under the approved *Capital Improvements Program* of the Henry County Board of Commissioners of the Henry County Water and Sewerage Authority.

(Ord. No. 98-12, 5-19-98)

Sec. 3-8-112. Sidewalks.

(a) *Generally.* Sidewalks may be constructed within a single-family residential subdivisions on both sides of all streets within the public right-of-way. Sidewalks shall be required on both sides of streets within a subdivision or planned development project.

(2) *Constructions specifications.* Sidewalks shall be five (5) feet in width and four (4) inches in thickness and shall be constructed of Portland cement concrete. Sidewalks shall be installed no closer than two (2) feet to the back of curb line and shall not be constructed over any underground gas, electric, communications, or water and sewer utilities. Sidewalks and curbs, at street intersections, shall be designed to permit handicapped access (see construction standard detail for location of sidewalks).

(c) *Installation.* Typically, sidewalks shall be installed by the builder before the issuance of a certificate of occupancy. However, all sidewalks are required to be complete throughout the subdivision (by the developer) before the end of the two-year maintenance period. Broken curbing and sidewalk after this two-year period will be repaired by the builder before the issuance of a certificate of occupancy.
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-113. Gas, electric and communications utilities.

(a) *Responsibility.* The subdivider shall make the necessary arrangements with the appropriate utility companies for the installation of utilities to assure that all lots have adequate gas, electrical and telephone communication services.

(b) *Enforcement.* The building department director shall not issue any occupancy permits for structures in a subdivision or development until all necessary utilities have been installed.

(c) *Exemptions.* The following specific facilities shall be exempt from the requirements of this chapter, except for those municipalities within Henry County that operate their own municipal electric services.

(2) Poles used exclusively for street lighting.

(2) Poles, overhead lines, and associated overhead structures owned by a utility company crossing over any portion of an area from which overhead wires are allowed.

(3) Overhead lines attached to the exterior of a building by means of a bracket or similar device and extending from one location on the building, or to an adjacent building without crossing any street or right-of-way.

(4) Radio antennae and associated structures and equipment used for furnishing communications service.

(5) Service terminals and necessary pad-mounted electric transformer equipment installed above ground, used to distribute communications and electric service in underground systems.

(d) *Electrical transformer substations.* Transformer substations shall be allowed within subdivision developments to serve the proposed developments and a larger area. These facilities shall be fenced with a chain link security fence and shall be landscaped with tree plantings and shrubs. The utility company shall obtain an easement for these installations which shall be clearly indicated on the preliminary and final plats.
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-114. Cemeteries and grave sites.

Prior to development, where a site contains, or borders, a cemetery or grave site, the developer shall clearly delineate the area on all site plans and construction drawings. The site shall be enclosed or fenced with a temporary fence or equivalent which allows access but clearly marks the site for protection during construction. In addition, a permanent, ten-foot, natural or landscaped buffer shall be maintained around the site and shown on the final plat. The site shall also be visibly marked before grading is to begin.
(Ord. No. 98-12, 5-19-98)

Secs. 3-8-115—3-8-130. Reserved.

ARTICLE V. PUBLIC DEDICATION AND RESERVATION

Sec. 3-8-131. Public sites—Generally.

Where a site within a tract of land proposed for subdivision is determined to be necessary for a public park, school, fire station, water or sewage treatment plant, water reservoir, public works, yard, or other public facility, the necessary land area shall be reserved or dedicated to the appropriate county authority having jurisdiction over the operation and maintenance of the proposed facility. The preliminary and final plats for the subdivision shall show these sites as being reserved or dedicated.
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-132. Dedication.

When a site is dedicated by a subdivider for public purposes to the appropriate county authority (board of commissioners, board of education, water and sewerage authority), or the municipal authorities, the land shall be transferred by a deed and dedication plat and recorded by the clerk of superior court, following acceptance by local governing authorities.

(1) Park and recreation sites shall be first recommended by the planning and zoning board and recreation board prior to action for acceptance of dedication of the site by the board of commissioners.

(2) The board of education shall review the location and need for the school sites, and decide whether or not to accept dedication of a site within ninety (90) days of receipt of a preliminary plan, or preliminary plat and construction improvements plans. The board of education shall consult with the planning and zoning board for recommendation on school sites. If the board of education decides to accept dedication of the site for a school, it shall notify the Henry County Board of Commissioners. The board of commissioners shall then direct the community development department through the county manager, to have the deed and dedication plat recorded by the clerk of superior court.

(3) Land dedication for fire or police stations, public buildings, rights-of-way, and other public works shall be transferred by the subdivider to the county or city by a deed and dedication plat and recorded by the

clerk of superior court, following acceptance by the board of commissioners, or municipal governing authorities.

(4) Land dedicated for water and sewage treatment facilities and other facilities under jurisdiction of the water and sewerage authority shall be recorded following approval of the water and sewerage authority.

(5) Developers dedicating land for public purposes to the Henry County Board of Commissioners, municipal governing authorities, or water and sewerage authority shall be eligible for credits toward any development impact fees adopted by the county or cities.

(Ord. No. 98-12, 5-19-98)

Sec. 3-8-133. Reservation.

(a) When a site is determined necessary for public purposes by the appropriate county authorities, and the subdivider elects to reserve rather than dedicate the site, then it shall be reserved for public purposes. The subdivider shall allow a period of one (1) year from the date of preliminary plat and construction improvements plan approval, during which time the appropriate county authorities may authorize and complete the purchase of the site.

(b) During the one-year period for which the appropriate county authorities have to acquire the reserved site for public purposes, the subdivider may proceed with the necessary approvals, for subdivision of the remainder of the development of the reserved tract.

(Ord. No. 98-12, 5-19-98)

Secs. 3-8-134—3-8-150. Reserved.

ARTICLE VI. SUBDIVISION CONSTRUCTION INSPECTION

Sec. 3-8-151. Preconstruction review and approval.

(a) All subdivisions and planned development (PD) projects shall construct and install all improvements in accordance with the requirements of article IV. The steps for preconstruction review and approval and required inspections shall be followed as indicated below.

(b) Prior to beginning development of the subdivision the subdivider shall first obtain the following approvals:

(1) *Preliminary plat approval required.* The subdivider must first have a preliminary subdivision plat approved by the county.

(2) *Soil erosion and sedimentation control plan.* The subdivider must have a soil erosion and sedimentation control plan in compliance with the Henry County Soil Erosion and Sedimentation Control Ordinance. The plan shall be reviewed and coordinated by the building department. No development permit shall be issued by the building department for any development which does not have an approved soil erosion and sedimentation control plan.

(3) *Preconstruction conference.* Prior to grading, the subdivider shall contact the building department to arrange a preconstruction conference. The preconstruction meeting shall include a review of the soil erosion and sedimentation control plan, street cross sections and profiles, construction specifications, procedures for inspections and testing, storm water drainage and detention facilities, water/sewer service, and any other matters concerning the development. The subdivider shall provide a list of names, telephone numbers, addresses, and business license numbers of all contractors and subcontractors employed on a job.

(4) *Development permit required.* A development permit shall be issued by the building department only after the approval of the construction improvements plans and soil erosion and sedimentation control plan. Site grading shall be limited only to those areas clearly defined on the approved plans. Any site grading which is done without an approved soil erosion control plan and development permit is a viola-

tion of this chapter and shall result in enforcement penalties as provided by article VIII. In instances where grading has occurred prior to issuance of a development permit, or when grading has exceeded the area approved according to the approved plans and development permit, the permit fee amount shall be doubled. Any violations of the conditions or limitations imposed by the development permit shall also be subject to penalties provided by article VIII of this chapter.

(Ord. No. 98-12, 5-19-98)

Sec. 3-8-152. Inspection procedures.

The subdivider is responsible for making requests for inspections before beginning any of the stages indicated below. No grading shall commence without an approval soil erosion and sedimentation control plan and a development permit. Soil erosion prevention measures shall be installed prior to grading as required by the Henry County Soil Erosion and Sedimentation Control Ordinance.

(1) *Inspection notification.* The subdivider shall notify the Henry County Building Department at least twenty-four (24) hours before any stage of construction begins. If construction during any phase is stopped or delayed due to inclement weather or other reasons, the subdivider shall notify the building department twenty-four (24) hours before commencing construction activity again.

(2) *Clearing and grubbing.* After providing the required notice to the Henry County Building Department, clearing of the right-of-way may begin. All work is to be in accordance with section 3-8-94 of this chapter.

(3) *Street grading.* Following inspection and approval of the street clearing and grubbing by the development inspector, and street grade stakes have been set by the project's engineer, the contractor may proceed with the grading of the streets. All work is to be in accordance with section 3-8-94 of this chapter. Compaction tests shall be made as required by the development inspector to determine that the required ninety-five (95) percent maximum dry density is being achieved. At least one test shall be made over each storm drain pipe when it has been covered with eighteen (18) inches of back fill material.

(4) *Subgrade compaction.* Following the completion and approval of the street grading and installation of curb and gutter the contractor may proceed with the preparation of the subgrade in accordance with section 3-8-94 of this chapter. Compaction tests shall be made at the direction of the development inspector to determine that the required one hundred (100) percent maximum dry density is being achieved.

(5) *Curb and gutter.* Following the installation of all proposed sanitary sewer and water lines and acceptance of the street grading the contractor may proceed with the construction of the curb and gutter. All work and materials shall be in accordance with section 3-8-94.

(6) *Base preparation.* After the street subgrade has been inspected and approved, the Contractor may proceed with the construction of the street pavement base. All work and materials shall be in accordance with section 3-8-94 and Table 3-1 or Table 3-2. Compaction tests shall be made as directed by the county to assure that the required one hundred (100) percent maximum dry density has been achieved. Cores shall be taken as directed by the county to determine the constructed thickness of the base course.

(7) *Paving.* After the road base has been approved and accepted by the development inspector, the contractor may proceed with the construction of the asphaltic concrete binder and/or surface courses. All work and materials shall be in accordance with section 3-8-94 and Tables 3-1 and 3-2 of this chapter. Compaction tests shall be made as directed by the county to assure that the required ninety-eight (98) percent maximum has been achieved.

(8) *Street core tests.* Street core test results shall be submitted to the community development department prior to the recording of a final subdivision plat. These cores shall be taken as directed by the development inspector immediately upon completion of the surface course. Refer to section 3-8-94 of this chapter.

(9) *Soil erosion and sedimentation control.* During all of the stages of inspection, soil erosion, and sedimentation control measures shall be inspected. The subdivision shall be subject to soil erosion and sedimentation control inspection at any other times determined necessary to assure compliance with the approved plan. The subdivider is responsible for continued maintenance of all soil erosion and sedimentation control measures as required by the Henry County Soil Erosion and Sedimentation Control Ordinance.

(10) *Work stoppage.* A stop work order may be issued at anytime if it is determined to be necessary due to failure of the subdivider to comply with any of the requirements of this chapter, the zoning ordinance or, the soil erosion and sedimentation control ordinance. A stop work notice shall be posted on the site and the subdivider shall be notified in writing concerning the reasons for the stop work order. Any work which proceeds in violation of a stop order shall subject the subdivider to penalties as prescribed in article VIII of this chapter.

(11) *Work delays.* If construction during any phase of development is delayed due to inclement weather or for other reasons, the subdivider shall notify the Henry County Building Department prior to resuming construction activity.

(Ord. No. 98-12, 5-19-98)

Sec. 3-8-153. Minimum inspection requirements.

The following inspections shall be made and documented by Henry County:

(1) Street improvement:

a. Check results of subgrade, base, and embankment compaction tests and depth.

b. Inspect for compaction around all drainage pipes and drainage structures.

c. Inspect and document the alignment and condition of curb and gutter equipment.

d. Check fill material before authorizing use.

e. Inspect and document concrete pours for curbs and headwalls.

f. Inspect and document paving machine adjustments.

g. Inspect and document the placement of asphalt pavement for compliance with material and weight specifications. Check core testing results.

h. Obtain from the subdivider all records of asphalt mix and materials quantities.

i. Require as-graded street profiles and review for compliance to the approved construction plans prior to installing any curb and gutter or base material.

(2) Storm drainage improvements:

a. Inspect cross drain pipes to assure that metal pipe is properly coated and sized according to plans.

b. Reject any defective pipe and assure that it is not used on the job.

c. Observe pipe-laying operation to assure that pipes are true to line and grade, properly located, and bedding and back fill is compacted according to specifications. Document the depth and type of bedding, trench conditions, and back filling operations.

d. Inspect rip-rap or concrete head walls for proper installation; ensure that drainage catch basins and manholes are installed properly.

e. Inspect drainage ditches within the street right-of-way and drainage easements within the subdivision to assure proper embankment slope and grade according to specifications.

f. For enclosed storm drainage systems, inspect to ensure that pipes are true to line and grade. Storm drain sewer pipes on steep slopes, greater than twelve (12) percent, should be checked to see that they are properly anchored. Inspect pipe materials and document pipe manufacturer, class and size. Pipe materials for storm sewers shall be reinforced concrete, asphalt-coated corrugated steel or other approved materials. Inspect to ensure that sewers are laid with uniform slope between structures and have straight alignments between structures.

g. Inspect storm water detention facilities to assure compliance with approved plans capacity volumes and county construction standards.

(3) Sanitary sewer and water main improvements. The water and sewerage authority shall inspect the following:

a. Pipe material, manufacturer, class, and size for conformance with water and sewerage authority specifications.

b. Reject any defective materials to assure that they will not be used on the job.

c. Observe pipe-laying operation to ensure that all joints are properly made, pipes are true to line and grade, compaction and back fill are done according to specifications.

d. Document the depth and type of bedding, trench conditions, compaction, the location of all service stub outs and connections, back filling and location of all utilities.

e. Perform and document all final acceptance testing according to water and sewerage authority specifications.

(Ord. No. 98-12, 5-19-98)

Sec. 3-8-154. Developers' responsibilities.

(a) *Generally.* The subdivider shall be responsible for maintaining documentation of all construction activity. It is recommended that the subdivider retain a professional engineer to supervise, document, and inspect all construction of the subdivision.

(b) *Construction materials records.* The subdivider shall maintain all records of all construction materials and quantities used to construct the roads for the subdivision. Asphalt tickets and other material records shall be made available to the Henry County Inspectors when requested.
(Ord. No. 98-12, 5-19-98)

Secs. 3-8-155—3-8-170. Reserved.

ARTICLE VII. LEGAL STATUS

Sec. 3-8-171. Conflict with other laws.

When the provisions of this chapter are in conflict with any other ordinance, the most restrictive standards shall apply.
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-172. Separability.

Should any section or provision of this chapter be declared by a court of law to be unconstitutional or invalid, such declaration shall not affect the validity of this chapter other than the part that is declared unconstitutional or invalid.
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-173. Appeal provisions.

Any appeal from a decision made by the community development director, building department director, or the planning and zoning board shall be presented in writing to the community development director. The director shall immediately forward a copy of the appeal to the county manager, city manager, clerk, or other official in charge of scheduling matters for the affected government. An appeal shall be scheduled at the next regular meeting of the commission or council if practical, but no later than twenty-one (21) days from the date of the appeal.
(Ord. No. 98-12, 5-19-98)

Secs. 3-8-174—3-8-180. Reserved.

ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT

Sec. 3-8-181. Administration.

The process for subdivision plat approval shall be administered by the community development director. The director shall:

(1) Receive and review all subdivision plats for conformity with the provisions of this chapter and the zoning ordinance.

(2) Modify or reject any plats that fail to conform to the zoning and subdivision ordinances and make recommendations for improving the layout and design of subdivisions.

(3) The community development director may approve minor variances as provided in section 3-8-184.

(Ord. No. 98-12, 5-19-98)

Sec. 3-8-182. Enforcement.

The building department may authorize enforcement action if the subdivider, or any contractor or subcontractor employed by the subdivider, fails to comply with any of the provisions of this chapter of the Henry County Soil Erosion and Sedimentation Control Ordinance.
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-183. Penalties for violation.

Violations of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards in connection with grants of variances shall, upon conviction, be punishable by a fine not to exceed one thousand dollars ($1,000.00), or by imprisonment of not more than sixty (60) days, or both; and in addition the violator may be required to pay any court costs which lawfully may be imposed. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. Each day such violation continues shall be considered a separate offense. Nothing herein shall prevent Henry County from taking other legal action as determined necessary to prevent or remedy any violation.
(Ord. No. 98-12, 5-19-98)

Sec. 3-8-184. Variances.

(a) *Administrative variances.* The community development director may grant the following types of variances for justifiable reasons:

(1) Twenty (20) percent of the total number of lots within a subdivision may have minor variances approved by the community development director. These variances may be within ten (10) percent of the published requirements contained in the zoning ordinance and apply to the development of the lots.

(2) Minor variances may be authorized by the community development director concerning the layout of streets, lots, and blocks in situations where physical characteristics of the property create practical difficulty or hardship by strict compliance of the regulations of this chapter.

(b) *Other variances.* Where it can be shown that the application of any regulation of this chapter would cause unnecessary hardship if strictly adhered to, or where, because of topographical or other conditions unique to the property would create practical difficulty in its development, the board of commissioners or city council may authorize a variance after notice and a public hearing.
(Ord. No. 98-12, 5-19-98)

[The next page is 2055]

MANUFACTURED HOMES

STATE OF GEORGIA COUNTY OF HENRY

ORDINANCE NO. 94-03

ORDINANCE TO AMEND THE HENRY COUNTY ZONING ORDINANCE WITH RESPECT TO MANUFACTURED HOMES

THE PURPOSE OF THIS ORDINANCE IS TO AMEND SECTION 3-7-22, "DWELLING, SINGLE FAMILY", SUBPARAGRAPH (3); TO PROVIDE FOR A MINIMUM ROOF PITCH OF 4:12; TO AMEND SECTION 3-7-22, SUBPARAGRAPH (5); TO PROVIDE ALL MANUFACTURED HOMES SHALL BE ATTACHED TO A PERMANENT FOUNDATION CONSTRUCTED OF NOT LESS THAN A FOUR FOOT MASONRY FOUNDATION; TO PROVIDE FOR AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES AND RESOLUTIONS; AND FOR OTHER PURPOSES CONSISTENT HEREWITH.

BE IT ORDAINED by the Board of Commissioners of Henry County, Georgia, and hereby ordained by authority of same as follows:

That the provisions of the Code of Henry County, Section 3-7-22, be amended by deleting Subparagraphs (3) and (5) in their entirety and in lieu thereof, insert the following:

3. The roof shall have a minimum of four/twelve (4:12) roof pitch and shall have a surface of wood stakes, asphalt composition, wood shingles, concrete, fiberglass or metal tiles, slate, built-up gravel materials, or other materials approved by the building official.

5. The structure must be attached to a permanent foundation comprised of masonry blocks joined by mortar or poured concrete walls having a height of at least 18 inches and 4 inches wide.

BE IT FURTHER ORDAINED, that all resolutions, ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

BE IT FURTHER ORDAINED, that the Chairman of the Board of Commissioners be authorized to sign this Ordinance on behalf of the Board of Commissioners of Henry County, Georgia.

BE IT FURTHER ORDAINED, that this provision shall become effective on the first day of the month after adoption.

This the 26 day of April, 1994.

HENRY COUNTY BOARD OF COMMISSIONERS

William M. Gardner

WILLIAM M. GARDNER, CHAIRMAN

ATTEST:

Susan B. Craig

SUSAN B. CRAIG, DEPUTY CLERK

GENERAL/ORDINANCE/MAHC-AMEND.ORD

ORDINANCE TO AMEND THE ZONING ORDINANCE AND BUILDING ORDINANCE OF HENRY COUNTY, GEORGIA

This is an Ordinance to Amend Section 3-7-22, Definitions for Dwelling; Dwelling, Single-Family; Dwelling, Mobile Home; Mobile Home Community; Manufactured Home; Mobile Home Development; Mobile Home Park; Mobile Home or Manufactured Home Subdivision; Section 3-7-35, RMH, Mobile Home Development District; Section 3-7-142(1) Permitted Uses; Section 3-7-143 RA: Residential, Agricultural District; Section 3-7-144 R-1: Single-Family Residence District; Section 3-7-146 R-2: Single-Family Residence District; Section 3-7-147 R-3: Single-Family Residential District; Section 3-7-150 RMH: Mobile Home Development District; Article IX Mobile Home Development, Section 3-7-171, Uses Governed by These Regulations; Section 3-7-172, Pre-application Meeting; and Article XI Section 3-9-156 - Definitions; Section 3-9-157, Annual Report of Location; Section 3-9-158, Required; Section 3-9-159, Application, Decals, etc.; Section 3-9-160, Conditions for Issuance; Section 3-9-162, Issuance of Decal; Section 3-9-162, Notification of other Counties; Section 3-9-163, Reports by Mobile Home Parks and Mobile Home Sale Lots or Rental Agencies; Section 3-9-164, Enforcement; to provide for allowing certain manufactured homes to be assembled and constructed in all residential zoning districts of Henry County; to provide for regulation and minimum requirements for assembling and construction of manufactured homes; to provide for definitions; to provide for an effective date; to provide for repeal of conflicting ordinances; and for other purposes consistent with the intent of this Ordinance.

BE IT THEREFORE ORDAINED AND RESOLVED by the Board of Commissioners of Henry County, Georgia, that the following Code Sections be deleted in their entirety:

Section 3-7-22 Definitions, Dwelling;
Section 3-7-22 Definitions, Dwellings, Single Family;
Section 3-7-22 Definitions, Dwellings, Mobile Home;
Section 3-7-22 Definitions, Manufactured Homes; and
Section 3-7-142(b)(1)9 Single-Family Dwellings.

In lieu of the deleted Sections shall be inserted the following:

Section 3-7-22

Dwelling: A building or portion thereof which is designed or used exclusively for residential purposes, including single-family, two-family, multiple-family dwellings, rooming and boarding houses, fraternities, sororities and modular dwellings, but not including hotels or motels.

Dwelling, single-family: A detached residential dwelling unit, hotel or motel designed for and occupied by one (1) family, containing rooms for living, sleeping, toilet facilities and one (1) kitchen.

Dwelling, single-family: A structure or portion of a structure designed, arranged and used for occupancy by one or more persons living as a single housekeeping unit or family which meets or exceeds the following standards:

1. Minimum width in excess of sixteen (16) feet.

2. Minimum square footage as required by the zoning district in which it is located.

3. The roof shall have a minimum two/twelve (2:12) roof pitch and shall have a surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass or metal tiles, slate, built-up gravel materials, or other materials approved by the building official.

4. The exterior siding material shall consist of wood, masonry, concrete,

stucco, masonite, metal or vinyl lap or other material of like appearance.

5. The structure must be attached to a permanent foundation.

6. The structure must be constructed according to standards established either by the State Minimum Standard Codes as amended from time to time or the Standard Building code if locally adopted or the National Manufactured Housing Construction and Safety Standards Act, or the State of Georgia Industrialized Building Act.

7. Manufactured homes and industrialized buildings placed in residential zoning districts or areas shall meet the minimum compatibility standards set forth in Section 3-7-38 in addition to the district standards applicable to all housing located therein.

(2) A structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body fee or more in width or forty (40) or more body feet in length, or when erected on site is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes plumbing, heating, air conditioning, and electrical systems contained therein and was manufactured prior to June 15, 1976. Any structure meeting the requirements under this definition shall be permitted in

(3) Documentation of compliance with specifications prescribed by the American National Standards Institute are required for all mobile homes.

(4) Removal of the wheels and axles and placement on a foundation does not change the structure's classification as a mobile home. Camping style trailers are not mobile homes.

(5) A mobile home shall not be construed to be a travel trailer, motor home, or other form of recreational vehicle.

MANUFACTURED HOME: A structure defined by and constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, 42 U.S.C. 5401, et seq. The definition in effect as of the date of the adoption of this part reads as follows:

> Manufactured Home means a structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary and complies with the standards established under this title.

STRUCTURE. Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include but are not limited to, site-built buildings, industrialized buildings, manufactured homes, mobile homes, gasoline pumps, walls, fences, billboards, signs, and satellite dish antennas.

Section 3-7-142(b)(1)a.

SINGLE-FAMILY DWELLINGS.

AND BE IT FURTHER ORDAINED AND RESOLVED that the Code of Henry County of 1984 be amended to add the following:

Section 3-7-36. Intent.

(1) It is the intent of this Ordinance to encourage the provision of affordable housing in a general residential environment by permitting the use of Manufactured Homes meeting the definition of Dwelling, Single-Family in all residential districts in which similar dwellings constructed on-site or otherwise are permitted, subject to the requirements and procedures set forth herein to assure similarity in the exterior appearance between such residentially-designed Manufactured Homes and dwellings which have been or may be constructed under these or other lawful regulations on lots in the same zoning district or general use.

(2) Manufactured Homes meeting the definition of Dwelling, Single-Family, either individually or by specific model, shall be permitted in all residential districts subject to the requirements and limitations set forth in this Ordinance which are applicable to Manufactured Homes and the requirements and limitations applying generally to residential use in such zoning districts, including minimum lots, yard and building spacing, percentage of lot coverage, off-street parking requirements and approved foundations as required by law.

(3) Manufactured Homes placed on individual lots within Henry County shall be taxed in the same manner as comparable site-built homes within the area where the manufactured home is located.

Section 3-7-37. Permitted Locations. Manufactured Homes which meet the definition of Dwelling, Single-Family and the compatibility standards shall be permitted in all

residential zoning districts.

Section 3-7-38. Compatibility Standards. Compatibility standards for Manufactured Homes meeting the definition of Dwelling, Single-Family are as follows:

(1) Manufactured Homes qualifying as Dwelling, Single-Family shall be compared to site-built and other housing in the general area and within the same zoning district. Approval shall be granted by the Compatibility Standards Review Committee upon the finding that the Manufactured Home is substantially similar or superior in size, siding material, roof material, foundation and general aesthetic appearance to:

(a) Site-built or other forms of housing which may be permitted under this Ordinance int he same zoning district or general area, or

(b) Existing development in the same zoning district or general area, or

(c) Proposed development permitted in the same zoning district or general area.

(2) All towing devices, wheels, axles and hitches must be removed.

(3) At each exit door there must be a landing that is a minimum of 36 inches by 36 inches.

Section 3-7-39. Procedure for Approval of Manufactured Homes Classified as Dwellings, Single-Family. The procedures for approval are as follows:

(1) Applications for approval of placement of Manufactured Homes shall be made on a form or forms developed for that purpose and the completed application shall be submitted to the Compatibility Standards Review Committee for review and approval in accordance with this Code by filing the completed form or forms with the Henry County Department of Community Affairs.

(2) Such applications shall include only information reasonably necessary to make determination as to conformity with the provisions of this Ordinance as applicable to each such structure and, as applicable, conformity with the standards herein, including photographs or renderings of the front and side of the manufactured home or mobile home exterior finish and

other information reasonable necessary to make determinations required by this Code.

(3) Approval or denial of the application shall be made within thirty (30) days of the date of receipt of the application and all required supporting materials. The applicant shall be notified in writing of the approval, conditional approval or denial of the application within two (2) working days after such decision is made. Conditional approval shall require that the specific conditions and the reasons therefore be stated in writing and be agreed to by the applicant; such conditions shall be binding upon the applicant upon agreement. In the case of disapproval, the reasons therefore shall be specifically stated in writing by designating each specific provision of this Code and Ordinance which is not met and an explanation as to the reason or reasons why each such provision is not met. The applicant may appeal the decision of the Compatibility Standards Review Committee to the Board of Commissioners who will act on said appeal within thirty (30) days after said appeal is filed. The applicant may submit such additional information, documents or other materials as are deemed appropriate to the Board of Commissioners for which consideration in connection with any such appeal. The decision of the Board of Commissioners shall be in writing and shall specifically set forth findings of fact and identity specific provisions contained in this Ordinance upon which it relies, if the applicant's appeal is denied.

(4) In the event that the Compatibility Standards Review Committee has not approved or denied any application submitted to it within seven (7) days of receipt of that application, then such application shall be deemed to have been approved. In the event that the Board of Commissioners fail to act upon any appeal filed pursuant to the provisions of subparagraph 3 above within thirty (30) days after the date of the filing of such appeal, then the appeal of any applicant so submitted shall be deemed to have been sustained and approved by the Board of Commissioners and the applicant shall be entitled to locate the home in accordance with the application.

Section 3-7-40. Compatibility Standards Review Committee. For the purpose of reviewing the location of Manufactured Homes, Other Manufactured Homes or Mobile Homes, as contemplated in this Code, a Compatibility Standards Review Committee consisting of the County Zoning Administrator, the County Building Official and the County Tax Assessor is hereby established. A quorum shall consist of any of the three members, and the

decision of any two of the three members shall be binding on the Committee and this County. The Committee shall adhere to the provisions of this Ordinance. In the event that one or more members of the Committee is/are unable to participate in the review process contemplated in this Section and the Ordinance, then such named member of members may designate his or her associate or assistance as an alternate to act in the place of the named member until such member is able to again participate in the Committee review process.

Section 3-7-22. Definitions.

INDUSTRIALIZED BUILDING: Any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. Industrialized Buildings are constructed and regulated in accordance with the "Industrialized Buildings Act," Georgia Law 1981 pp 1637-1643 (Official Code of Georgia Annotated, Title 8, Chapter 2, Article 2, Part 1).

Section 3-7-143(b)(5). Industrial Buildings.

Section 3-7-144(d)(3). Manufactured Homes.

Section 3-7-144(d)(4). Industrialized Buildings.

Section 3-7-146(d)(3). Manufactured Homes.

Section 3-7-146(d)(4). Industrialized Buildings.

Section 3-7-147(d)(3). Manufactured Homes.

Section 3-7-147(d)(4). Industrialized Buildings.

Section 3-7-150(b)(6). Industrialized Buildings.

BE IT ORDAINED, that all resolutions, ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

BE IT ORDAINED, that the Chairman of the Board of Commissioners be authorized to sign this Ordinance on behalf of the Board of Commissioners of Henry County, Georgia.

BE IT FURTHER ORDAINED, that this provision shall become effective on the first day of the month after adoption.

This 21 day of December, 1993.

HENRY COUNTY BOARD OF COMMISSIONERS

BY: William M. Gardner

William M. Gardner, Chairman

ATTESTED:

Susan B. Craig

SUSAN B. CRAIG
DEPUTY CLERK

GENERAL/ORDINANCE/MANUFACT.ORD

Henry County Department of Community Development

MANUFACTURED HOME LOCATION PERMIT INFORMATION

Supplementary Information Required for Consideration of Application for Manufactured Home:

(A) Health Department Approval for Septic Tank System and/or private well, if applicable.

(B) Floor Plan and Photographs of the Manufactured Home.

(C) Present Location of Manufactured Home.

(D) Boundary Survey Plat of Property.

Home must meet Southern Building Code, DCA or HUD Standards, must be a minimum of 16 ft. wide, and be placed on a permanent foundation. Minimum lot size and minimum square footage of the home depend on zoning of the property.

The above required information should be submitted to this office with the manufactured home location permit application. Sections I-VI of the application form should be filled out completely and submitted along with the supplementary information in order to be considered by the Compatibility Standards Review Committee.

There is no fee to apply at this office for a manufactured home location permit. However, please check with the Henry County Building Department, 954-2441, for information on the cost of permits required by the Building Department after your application has been approved.

94/03
CDD

HENRY COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT
APPLICATION FOR MANUFACTURED HOME LOCATION PERMIT
HENRY COUNTY ORDINANCE NO. 93-11

Application No._____ Date Received _____

I. Applicant Information

(A). Name _____

(B). Address (Current) _____

City _____ State _____ Zip _____

(C). Telephone (Area Code) _____ No. _____

II. Property Information

(A). Tax Parcel No. _____ Land Lot(s) _____ District ___

(B). Property Address _____

(C). Boundary Survey Plat _____

(D). Property Owner _____

Address _____

City _____ State _____ Zip _____

Telephone (Area Code) _____ No. _____

(E). Zoning of Property _____

(F). Subdivision Name _____ Unit ____ Lot# ____

III. Manufactured Home Information

(A). Manufacturer _____

(B). Model _____ Year of Mfg. _____

(C). Construction Code: SBCCI _____ HUD _____ Other ___

IV. Structural Information

(A). Size: Width _____ Length _____ Sq. ft heated ____

(B). Roof Pitch _____

(C). Roofing Material: Asphalt Composition _____

Wood Shingle _____ Fiber Glass _____

Other _____

(D). Exterior Wood _____ Masonite _____ Metal _____

Vinyl _____ Other _____

Supplementary Information Required for Consideration of Application (Attach to application form)

(A). Health Department Approval for Septic Tank System And/Or Private Well (If applicable).

(B). Floor Plan

(C). Photographs of Manufactured Homes (if possible)

(D). Present location of Manufactured Home _____

_____

IV. Signature(s)

Applicant _____

Notary _____ Seal

NOTE: Applications will be considered by the Compatibility Standards Review Committee within 30 days of receipt of the completed application form and all supplementary information. Henry County reserves the right to request any additional information.

Date of Consideration _____

Approved _____

Approved Subject to the Attached Conditions _____

Denied For the Attached Reasons_____

	APPROVE	DENY	ABSTAIN
_____	O	O	O
_____	O	O	O
_____	O	O	O

ACCESSORY SWIMMING POOLS

ORDINANCE NO. 99-24

An Ordinance for the purpose of amending Section 3-7-95 of Article VI of Chapter 3-7 of the Code of Henry County, Georgia of 1984, as amended by altering the requirements relating to fences surrounding above-ground swimming pools; and for other purposes.

I.

Be it ordained by the Board of Commissioners of Henry County, Georgia, and it is hereby ordained by the authority of same, that Section 3-7-95 of Article VI of Chapter 3-7 of the Code of Henry County, Georgia of 1984, as amended is hereby amended to state as follows:

Sec. 3-7-95. Accessory swimming pools.

Swimming pools, accessory to residences, shall be constructed in accordance with the Southern Building Code for Swimming Pools as adopted by Henry County and shall be approved by the Henry County Health Department prior to obtaining a building permit.

A. All in-ground swimming pools, accessory to residences, shall be enclosed by a security fence of not less than four (4) feet in height from ground level.

B. All above-ground swimming pools, accessory to residences, which are (4) feet in height or less shall also be enclosed by a security fence of not less than four (4) feet in height from ground level.

(a) All above-ground swimming pools, accessory to residences, which are greater than four (4) feet in height shall not be required to be enclosed by a fence, but entrance to such pools shall be restricted by a self-closing positive latch entrance gate installed at all entrances to any deck structure attached to such pools and/or at all ladder structures accessing such pools.

C. All gates attached to such security fences shall contain self-closing positive latch devices to ensure the pool is enclosed and secure at all times.

(a) The security fence shall be installed prior to occupancy and/or any use of the swimming pool.

(b) No ladders shall be affixed to such pools for purposes of entry or exit while such self-closing positive latch entrance gates are open.

(c) All self-closing positive latch entrance gates shall be installed prior to occupancy and/or any use of the swimming pool.

(d) All security fences shall be installed with a solid and permanent foundation, which shall include fastening such materials a minimum of one (1) foot in ground.

(e) Security fences shall be opaque or transparent and shall not include privacy fences or fences that obstruct the view of the pool from the outside in.

(f) Security fences shall not exclude decorative fences, such as brick or wrought iron, not exceeding four (4) feet in height.

(g) Security fences shall be set back from all pools no less than three (3) feet from the outside walls or edge of a pool and no greater than seven (7) feet from the walls or edge of a pool.

Occupancy:
Shall be defined in the ordinance as; filling the pool with water and/or the use of the pool for recreational use.

II.

This ordinance shall take effect immediately upon its adoption.

IT IS SO ORDAINED this 19 day of October, 1999.

BY: _____
Jim L. Joyner, Chairman

ATTEST: _____
Susan Craig, Clerk

SELF STORAGE FACILITY

ORDINANCE NO. 99-18

An Ordinance for the purpose of amending Article VIII of Chapter 3-7 of the Zoning Ordinance of Henry County adopted June 3, 1986, as amended, by specifically amending Ordinance Section 3-7-155 (b) (27) by setting forth, referencing, and incorporating self service storage facility standards within Henry County Code Section 3-7-155 (b) (27) in the M-1 zoning district, and by removing the term "Mini-warehouses" and by replacing it with the term "Self service storage facilities", and for other purposes.

I.

Be it ordained by the Board of Commissioners of Henry County, Georgia, and it is hereby ordained by authority of the same, as follows:

1.

Section 3-7-155 (b) (27) is hereby amended. As amended, this Section shall provide as follows:

> Self service storage facilities with outdoor storage as governed by the Self Service Storage Facility Standards set forth in Section 3-7-162 of this Article.

2.

The Self Service Storage Facility Standards established by this Ordinance shall apply to all properties in Henry County which are zoned M-1: light manufacturing district after the effective date hereof, and to all properties which are so zoned at the time of the adoption of this Ordinance unless a valid application for a development permit for a mini-warehouse (self-storage facility) development has been previously filed with Henry County.

II.

This Ordinance shall take effect immediately upon its adoption.

IT IS SO ORDAINED this 17 day of August, 1999.

BY: _____
Jim L. Joyner, Chairman

ATTEST: _____
Susan Craig, Clerk

ORDINANCE NO. 99-17

An Ordinance for the purpose of amending Article VIII of Chapter 3-7 of the Zoning Ordinance of Henry County adopted June 3, 1986, as amended, by specifically amending Ordinance Section 3-7-162 which is now "Reserved", and by inserting and creating self service storage facility standards governing the development of such facilities.

I.

Be it ordained by the Board of Commissioners of Henry County, Georgia, and it is hereby ordained by the authority of the same as follows:

1.

Section 3-7-162 is hereby created and amended. As created and amended, this Section shall provide as follows:

Section 3-7-162. Self Service Storage Facility Standards

(a) **Purpose.** The purpose of this section is to establish minimum standards for self service storage facilities. Such standards will govern site development, construction, placement, and architectural design of self-service storage facilities. Self-service storage facilities shall be a permitted use within the M-1 (light manufacturing) District, upon site plan approval, and when developed in conformance with the standards set forth herein.

Self service storage facilities are not intended to cater to illegal acts, the storage of drugs or any other objects or acts which may be in conflict with the health, safety and or welfare of the public and their personal goods or lives.

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

(1) **Dead storage:** Means the storage of goods not in use and not associated with any commercial or manufacturing business.

(2) **Self-service storage facility:** Means a fully enclosed facility containing independent bays and/or self contained units which are leased to or owned by individuals exclusively for dead storage of goods or personal property.

(3) **Variances:** Requests for deviations from these standards shall be governed by the provisions of Sections 3-7-273 through 3-7-276 maintained in Article XIV of Chapter 7 of the Official Code of Henry County, Georgia.

(c) **Use Limitations:**

(1) No wholesale or retail sales are permitted at the site of a self service storage facility. The only commercial activities permitted at such sites shall be the rental of storage bays, truck rental businesses, (as specified in this ordinance), and the sale of boxes and other goods as they pertain to the operations a self service storage facility. All other retail sales and/or wholesale operations shall be prohibited.

(2) Storage bays shall not be used to manufacture, fabricate or process goods, to service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities, to conduct garage sales or retail sales of any kind, to rehearse or practice utilizing band instruments, or for conversion to an apartment or dwelling unit, or to conduct any other commercial or industrial activities on the site.

(3) Storage bays shall be limited to the pickup and delivery of goods or property in dead storage.

(4) One residential quarter or living quarters may be established for security purposes on the site, for a site manager or facility owner.

(5) Sidewalks shall be required as deemed necessary by the Henry County Planning & Development Department and the Henry County Department of Transportation.

(6) All self-service storage facilities shall be enclosed by a decorative fence or wall with a minimum height of six feet to a maximum height of eight feet. Gates shall secure the facility, and must be equipped with adequate alarm systems which shall be capable of automatically opening such gates. The fence or

wall shall be constructed of either brick, stone, masonry, wood, chain link, cyclone or other similar materials to be approved by the Planning & Development Department. The fence(s) shall be set on the property line in front of the required buffer or behind the buffer; which in both cases must be maintained by the developer, owner and/or manager of the self service storage facility. Fences and walls set in the front of the property shall adhere to the required front yard setback.

(7) Individual storage bays shall not be considered premises for the purpose of assigning a legal address in order to obtain an occupational license or any other governmental permit or licenses to do business.

(8) Except as provided in this section, all property stored on the site shall be entirely within enclosed buildings. Storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals is prohibited.

(9) Traffic lane widths shall be established to provide for the adequate circulation, safety, and accessibility of trucks, cars and individuals who utilize dead storage in such facilities. The minimum traffic lane width shall be 25 feet. The maximum traffic lane width shall be 40 feet.

(10) Notwithstanding any other provisions of this Chapter, the minimum and maximum lot size for a self-service storage facility shall be:

a. Minimum: 2.5 acres.

b. Maximum: 5.0 acres.

c. Minimum width: 100 feet.

(11) Notwithstanding any other provisions of this Chapter, the minimum setbacks shall be:

a. Front setback: 75 feet.

b. Side setbacks: 25 feet.

c. Rear setback: 25 feet.

(12) A self-service storage facility shall have access to a major or minor arterial county road or state route, with minimum road frontage of at least 75 feet.

(13) Open storage of recreational vehicles (RV's, campers...etc) and dry storage of pleasure boats of the type customarily maintained by private individuals for their personal use shall be permitted within a self-service storage facility provided the following conditions are met:

a. Such storage shall take place only within a designated area. The area so designated shall be clearly delineated upon the site plan submitted for any rezoning approval to the Board of Commissioners and upon the site plan for any preliminary site plan review approval;

b. The storage area shall not exceed 25 percent of the total buildable area of the site;

c. The storage area shall be entirely screened from view from adjacent residential and office areas and public streets by a building, stall, fence, wall, or sheltering facility. Installation of a six or eight foot high wall or fence and landscaping for screening purposes is also required; and

d. Abandoned, wrecked or junked vehicles or those requiring major repair, shall not be stored within an open storage area. No vehicle maintenance washing, or repair shall be permitted on-site. Pleasure boats stored on site shall be stored upon a wheeled trailer. Dry stacking of boats shall be permitted in an open storage area when covered by carport type covering which will screen its view from the street.

(14) Dumpsters and trash receptacles shall be located where they are not visible from adjacent residential properties and from adjacent streets. Dumpster locations shall be approved during the preliminary plan review process.

(15) The combination of truck rental services and self service storage facilities on one site is a convenience to the owner of a self service storage facility and to those persons who require these two services. Self service storage facilities which choose to establish a truck rental service on the site of a self service storage facility shall be limited to 25% of the total square footage of the site for such use.

(d) **Development regulations:**

(1) If separate storage buildings are constructed, there shall be a minimum twelve foot separation between individual buildings. All building separations shall meet all Henry County building codes and all applicable fire codes. Buildings shall be situated or screened so that overhead access doors are not visible from public streets, or residentially or commercial zoned properties.

(2) The minimum size of a storage bay shall be: 4 ft. wide by 4 ft. deep (16 sq. ft.); and the maximum size of a bay shall be 20 ft. by 80 ft. (1,600 sq. ft.)

(3) With the exception of the structure used for security quarters, the maximum height of a self service storage facility shall be one story, unless additional stories are approved by the Board of Commissioners upon approval of a rezoning or a variance. The maximum height of such structures shall not exceed 35 feet unless approved by the Board of Commissioners upon approval of a rezoning or a variance.

a. Roof mounted air conditioning and other roof mounted equipment which may be utilized for the purposes of the development shall be considered as part of this maximum height requirement.

(4) The exterior façade of all structures shall be reviewed and approved by the Planning and Development Department during the course of all rezonings and during the preliminary site plan review process. (Color schemes, roof designs, layout of all facilities, fence designs, façade materials to be used, and landscaping) must be submitted for pre-approval prior to approval of any rezoning; and in conjunction with the review process of a preliminary site plan for issuance of a building permit.

a. Storage bay doors shall not face towards adjacent residential properties or right-of-ways. This shall not prevent the installation of fire access doors, if mandated by the fire marshal.

b. All portions of a unit, facility or the development must include decorative facades. Metal exterior walls shall be prohibited.

(e) **Parking requirements:**

(1) No less than seven parking spaces are required at any site including adequate handicap parking spaces. Handicap spaces must meet the standards set forth in the Parking and loading requirements contained in Section 3-7-212 of the Zoning Ordinance of Henry County.

(2) Interior parking may be provided in the form of aisle ways adjacent to the storage bays. These aisle ways may be used for both circulation of traffic and lessee parking while using the storage bays. The minimum width of these aisle ways shall be as set forth in this ordinance.

a. Prior to issuance of a certificate of occupancy, the traffic flow patterns in the aisle ways shall be clearly marked. Directional signage and painted land markings with arrows shall also be clearly marked. In order to ensure appropriate access and circulation by emergency vehicles and equipment, the turning radii of the aisle ways shall be approved by the county department of transportation and the fire marshal at the time of preliminary plan review.

b. There shall be no aisle ways or other vehicular access ways located in the buffer area or within the designated rights-of-ways.

(f) **Landscaping:**

(1) A detailed landscape plan shall be submitted with all site plans at the time of preliminary plan review for approval.

a. Landscaping shall be provided within the area of the property lines and the required fencing. This area shall be designated as a perimeter landscape strip and buffer area. Landscaping shall be designed, placed, and maintained in such a manner so as not to interfere with traffic visibility. A landscaped strip of at lease 15 feet in width shall be provided along all street frontages. The side and rear yard landscaped buffer areas shall

retain their natural state or be replanted with appropriate landscaping to meet the standards of this ordinance

b. If the existing vegetation is inadequate to buffer adjoining office institutional commercial, industrial and/or residential sites, such vegetation shall be improved so as to provide for appropriate screening and aesthetics. A six to eight-foot high wall or decorative fence shall be installed along property lines along with the required buffers and landscaping.

(2) A minimum of 15% of the total square footage of the site shall be required to be landscaped. Such landscaping shall meet the following requirements:

a. The distance between the successive planting of trees shall be determined by the full outgrowth of the branches of said trees (no greater than 20 foot off center). This is to allow for full and proper growth of said planted trees;

b. Immediately upon planting of all trees, the minimum height of such trees shall be eight feet;

c. The landscape plan shall indicate the limits of the perimeter landscape strip;

d. If hedges are to be installed in the landscaping scheme, the hedges shall be 24 inches in height upon planting, with the material planted every 24 inches on center. All plantings shall be maintained in good condition by the property owner; and

e. In the absence of adequate vegetation to the site or a designated undisturbed natural buffer area, additional planting will be required to provide for adequate screening and privacy to the site and surrounding properties.

(3) In addition to any buffers set forth herein, the following buffers are required along any residential, commercial, industrial, or office institutional properties which border all self service storage facility sites:

Buffer Yard Width	Adjacent District
40 feet	Residential
30 feet	C-1, OI
15 feet	C-2
10 feet	C-3
5 feet	M-1, M-2

a. All buffers must be tagged or marked and approved by the Planning & Development Department and the Building Department of Henry County prior to disturbance of said property.

b. A 75 foot undisturbed natural buffer or planted buffer shall be required from the right of way of an interstate highway.

(g) **Signage:**

(1) One free standing sign shall be allowed for each self service storage site which has access to a public street. In addition, one flat wall-mounted sign may be utilized.

(2) The maximum height of a freestanding sign shall not exceed 15 feet when out of the interstate designated sign area as established by Chapter 3-10 of the Official Code of Henry County, Georgia.

a. All signs outside of the interstate highway designated sign area shall be ground mounted not pole mounted. All sign designs shall be reviewed and approved by the Planning and Development Department during any rezoning and/or during the preliminary site plan review process. Materials to be utilized for the construction of all such signs must be approved along with the preliminary site plan.

b. Those signs within the designated interstate sign area shall be subject to the requirements established for such interstate signs.

c. All other types of signs proposed with said developments must be reviewed and approved by the Planning and Development Department and the Building Department of Henry County.

d. Multiple tenants or users of a sign where a self service storage facility is located shall be limited to a 25 foot multi-use principle identification sign which shall be subject to review and approval by the Planning and Development Department.

(3) The maximum total area of a sign structure for a freestanding sign shall not exceed 100 square feet.

(4) The following types of signs are prohibited:

a. Roof mounted signs;

b. Signs placed on the doors of individual storage units;

c. Off premise signs; and

d. Banners or flags.

(h) **Outdoor lighting:**

(1) All outdoor lights shall be shielded to ensure that light and glare are limited to the premises and are directed away from adjacent properties. Lights shall be of low intensity. If a self service storage facility abuts residentially zoned property, the outdoor lighting shall be limited to a maximum height of 15 feet. All lighting systems shall be connected to security alarm systems installed on site which must be functional with the required security gate(s), fences and alarm systems.

(i) **Loudspeakers and paging equipment:**

(1) No exterior loudspeakers or paging equipment shall be permitted on the site of any self service storage facility location.

(2) Interior loudspeakers or paging equipment shall be permitted but shall not exceed a volume which can be heard outside of any facility or which may become a nuisance to surrounding residential developments.

II.

This Ordinance shall take effect immediately upon its adoption.

IT IS SO ORDAINED this 17 day of August, 1999.

BY: Jim L. Joyner
Jim L. Joyner, Chairman

ATTEST: Susan B. Craig
Susan Craig, Clerk

Ordinance No. 99-13

An Ordinance for the purpose of amending Sec. 3-7-154 (b) (9) (C-3, heavy commercial district) **Permitted Uses** of the Code of Henry County, Georgia, relating to Mini-warehouses and warehouses without outdoor storage. Said Zoning Ordinance shall be amended by removing in its entirety the words, *Mini-warehouses and warehouses without outdoor storage*; and for other purposes.

Be it ordained by the Board of Commissioners of Henry County, Georgia, and it is hereby ordained by authority of the same, as follows:

1.

Section 3-7-154 (b) (9) of the Code of Henry County, Georgia of 1986, as amended, relating to Mini-warehouses and warehouses without outdoor storage is hereby amended by removing the words "Mini-warehouses and warehouses without outdoor storage." and replacing with "Reserved".

2.

This ordinance shall become effective immediately upon its adoption by the Board of Commissioners of Henry County, Georgia.

IT IS SO ORDAINED, this 20 day of July, 1999.

Henry County Board of Commissioners

By: _____
Jim L. Joyner, Chairman

Attest: _____
Susan Craig, Clerk

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Ordinance No. 99-14

An Ordinance for the purpose of amending Sec. 3-7-155 (b) M-1 (light manufacturing district), **Permitted Uses** by adding subparagraph (27) to the subsection (b) of the Light Manufacturing District of the Code of Henry County, Georgia. Said Zoning District shall be amended by *permitting Mini-warehouses* with outdoor storage, as new subparagraph (27); and for other purposes.

Be it ordained by the Board of Commissioners of Henry County, Georgia, and it is hereby ordained by authority of the same, as follows:

1.

Section 3-7-155 (b) of the Code of Henry County, Georgia of 1986, as amended, relating to permitted uses in the M-1 (light manufacturing district), is hereby amended by creating subparagraph (27) under subsection (b) **Permitted Uses** containing the words "Mini-warehouses, with outdoor storage".

2.

This ordinance shall become effective immediately upon its adoption by the Board of Commissioners of Henry County, Georgia.

IT IS SO ORDAINED, this 20 day of July, 1999.

Henry County Board of Commissioners

By: _____
Jim L. Soyner, Chairman

Attest: _____
Susan Craig, Clerk

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ENCROACHMENT ON PUBLIC RIGHT OF WAY

Ordinance Number: 99-27

An Ordinance for the purpose of amending Article IV General Provisions of Chapter 3-7, Section 3-7-60 of the Code of Henry County, Georgia 1986 relating to **Encroachment on public Right of Way.**

I.

BE IT ORDAINED by the Board of Commissioners of Henry County, Georgia, and authority of the same hereby ordains it:

1.

The Zoning Ordinance of Henry County, Georgia adopted June 3, 1986, as amended, is hereby amended and shall hereafter read as follows:

No building, structure, fence, service area, parking facility/area, loading area, except driveways shall be permitted to encroach on public right of way. All permanent structures or inorganic objects which are placed near but not within the right of way shall be located as not to obstruct, hinder or impede the view or movement of pedestrian and vehicular traffic as to become a nuisance, danger or hazard to the general public.

ADOPTED, this 6th day of December, 1999.

Henry County Board of Commissioners

By: Jim L. Joyner
Jim L. Joyner, Chairman

Attest:

By: Susan B Craig
Susan Craig, Clerk

WALLS, FENCES, HEDGES & EXCEPTIONS

Ordinance Number: 99-28

An Ordinance for the purpose of amending Article V Exceptions, Modifications and Encroachments of Chapter 3-7, Section 3-7-77 of the Code of Henry County, Georgia 1984 relating to **Walls and Fences.**

I.

BE IT ORDAINED by the Board of Commissioners of Henry County, Georgia, and authority of the same hereby ordains it:

1.

The Zoning Ordinance of Henry County, Georgia adopted June 3, 1986, as amended, is hereby amended and shall hereafter read as follows:

The setback requirements of this chapter as indicated in specific zoning districts, shall not prohibit or restrict any necessary retaining wall below ground foundation, fence or structure which shall be necessary for the proper development of a site as required by the county. Said wall, fence or structure shall be constructed and place as not to obstruct, hinder or impede the view and movement of pedestrian and vehicular traffic so as to become a nuisance, danger or hazard to the general public.

ADOPTED, this 6th day of December, 1999.

Henry County Board of Commissioners

By: _____
Jim L. Joyner, Chairman

Attest:

By: _____
Susan Craig, Clerk

Ordinance Number: 99-29

An Ordinance for the purpose of amending Article V Exceptions, Modifications and Encroachments of Chapter 3-7, Section 3-7-79 of the Code of Henry County, Georgia, as adopted September 16, 1997, relating to: **Yard Fencing or Walls.**

I.

BE IT ORDAINED by the Board of Commissioners of Henry County, Georgia, and authority of the same hereby ordains it:

1.

The Zoning Ordinance of Henry County, Georgia adopted June 3, 1986, as amended and as specifically relating to Sec. 3-7-79 is hereby amended and shall hereafter read as follows:

1. No fence or wall in excess of six (6) feet in height shall be erected in the front yard of any residential lot. No fence or wall in excess of eight (8) feet in height shall be erected in the side or rear yards of any residential lot. *Front, side and rear yards shall be defined as specified in this Chapter.*

   a) Within the front yard areas of lots in residential subdivisions, fences or walls shall be limited to decorative fencing. Chain link, barbed wire, welded wire, hog wire, opaque, electrical and similar non-decorative fencing shall be prohibited in the front yards of lots within residential subdivisions.
   b) Chain link and privacy fencing shall be permitted on residential subdivisions lots in the side and/or rear yards only. All other types of prohibited fencing previously mentioned in (a) shall be prohibited in the side and rear yards of lots within residential subdivisions but not necessarily in the side or rear yards of residential lots not within a subdivision.
   c) Electrical fencing on residential lots as permitted on lots not within a subdivision and only in the side and rear yards shall be required to have signs indicating a warning of the type of fence and the voltage of the fence. Warning signs shall be placed at each corner of a fence and shall be no greater than four (4) square feet in size.
   d) Fences or walls located on lots not within a subdivision, which may have barb wire fencing shall limit the barb wiring to the top of or highest section of the proposed fence or wall.
   e) Hog wire, welded wire or other similar types of fencing, which may be a danger or aesthetic nuisance shall be permitted only in the RA (residential agricultural) District, except in RA District subdivisions.

2. No fence or wall in excess of eight (8) feet in height shall be erected in the front, side or rear yards of any commercial, industrial or office institutional lot.

a) Fences or walls located on commercial, industrial or office institutional lots, which may have barb wire fencing (or similar type fencing) shall limit the barb wiring to the top of

or highest section of the proposed fence or wall, as measured from ground level or the base of the fence.

b) Electrical fencing shall be required to have signs indicating a warning of the type of fence and the voltage of the fence. Signage shall be placed fifteen (15) apart around the fence and shall be no greater than four (4) square feet in size.

c) Hog wire, welded wire or other types of fencing which may be a danger or aesthetic nuisance shall be permitted only adjacent to other non-residential uses, not adjacent to existing residential subdivisions or properties.

ADOPTED, this 6th day of December, 1999.

Henry County Board of Commissioners

By: _____
Jim L. Joyner, Chairman

Attest:

By: _____
Susan Craig, Clerk

Ordinance Number: 99-30

An Ordinance for the purpose of amending Article V Exceptions, Modifications and Encroachments of Chapter 3-7, Section 3-7-80 of the Code of Henry County, Georgia, as adopted September 16, 1997, relating to: **Fences and Hedges, Measurement Rule.**

I.

BE IT ORDAINED by the Board of Commissioners of Henry County, Georgia, and authority of the same hereby ordains it:

1.

The Zoning Ordinance of Henry County, Georgia adopted June 3, 1986, as amended and as specifically relating to Sec. 3-7-80 is hereby amended and shall hereafter read as follows:

Heights of fences shall be measured from ground level at the base of such fences to the top therof. The placement or use of fences, hedges or foliage for the purpose of screening and/or privacy shall be upon or within the specified property lines of the property owner erecting or planting such fences, hedges or foliage.

ADOPTED, this 6th day of December, 1999.

Henry County Board of Commissioners

By: _____
Jim L. Joyner, Chairman

Attest:

By: _____
Susan Craig, Clerk

Ordinance Number: 99-31

An Ordinance for the purpose of amending Article V Exceptions, Modifications and Encroachments of Chapter 3-7, Section 3-7-81 of the Code of Henry County, Georgia 1984, relating to: **Fences and Hedges, Exceptions.**

I.

BE IT ORDAINED by the Board of Commissioners of Henry County, Georgia, and authority of the same hereby ordains it:

1.

The Zoning Ordinance of Henry County, Georgia adopted June 3, 1986, as amended, is hereby amended and shall hereafter read as follows:

The Planning Director may approve or may direct as a condition of zoning or other requirements as specified by the Board of Commissioners or associated municipalities, that fences or other vegetation be placed as to shield between incompatible uses, which may exceed the regulations of this Chapter. The Planning Director may not impose more than a 25% increase on the height of a fence or wall (as specified in this Chapter), without the approval of the Board of Commissioners or associated municipalities. Natural vegetation shielding in excess of this Chapter or other related codes of the county/cities shall not be limited to a percentage increase by the Planning Director, as long as the height does not impose a danger to the general public or surrounding permanent structures.

ADOPTED, this 6th day of December, 1999.

Henry County Board of Commissioners

By: Jim L. Joyner, Chairman

Attest:

By: Susan B. Craig
Susan Craig, Clerk

Ordinance Number: 99-32

An Ordinance for the purpose of amending Article I. of Chapter 3-8 of the Subdivision Ordinance of Henry County adopted May 19, 1998, as amended, by specifically amending Ordinance **Section 3-8-3 Jurisdiction.**

I.

Be it ordained by the Board of Commissioners of Henry County, Georgia, and it is hereby ordained by authority of the same, as follows:

1.

Section 3-8-3 is hereby amended. As amended, this section shall provide as follows:

These regulations shall govern the development of land within unincorporated areas of Henry County; and, to the extent the same is adopted by them, within the Cities of Hampton, Locust Grove, and Stockbridge, Georgia. The Henry County Building Department Director shall have the final decision on subdivision plats within these jurisdictions, except where otherwise specified that another department or department directors have jurisdiction over a specific section or article of the ordinance.

II.

This Ordinance shall take effect immediately upon its adoption.
IT IS SO ORDAINED this 6th day of December, 1999.

By: _____
Jim L. Joyner, Chairman

Attest: _____
Susan B. Craig, Clerk

PTD ORDINANCE

PTD ORDINANCE

Chapter 8.36

ZONING

Sections:

Article I. Zoning Provisions Adopted

8.36.010 Henry County zoning provisions.

8.36.020 Zoning map.

8.36.040 Future Land Use Plan adopted.

Article II. Amendments to County Provisions

8.36.050 Section 3-7-162 added—Planned town development district.

8.36.060 Section 3-7-147 amended—R-3 medium/high-density single-family residential district.

Article I. Zoning Provisions Adopted

8.36.010 Henry County zoning provisions.

The zoning ordinance of Henry County, Georgia, adopted by the Henry County board of commissioners on June 3, 1986, as amended through June 20, 1995, which has been codified by Henry County in Chapter 3-7 of the Code of Henry County as reprinted in 1991 by Municipal Code Corporation of Tallahassee, Florida, except for Section 3-7-31, Section 3-7-104, Section 3-7-149 and Sections 3-7-231 through and including 3-7-250 is incorporated by this reference and adopted by the city and made the zoning ordinance of the city of Stockbridge, Georgia. (Ord. 98-24 § 1, 1998: Ord. 97-7 §§ 1 — 3, 1997)

8.36.020 Zoning map.

The zoning map of the city, titled "Zoning Map of Stockbridge, Georgia," prepared by Hurd-Prince and Associates, Inc. dated June 17, 1997, and as amended from time to time, bearing the signature of the mayor and the city seal, as evidence of approval dated August 11, 1997, is made the official zoning map for the city of Stockbridge, Georgia. (Ord. 97-8 § 1, 1997: Ord. 95-19 § 1, 1995)

8.36.040 Future Land Use Plan adopted.

A. The Henry County Comprehensive Land Use Plan, revised 1986, as adopted by the board of commissioners of Henry County, Georgia, as now or hereafter amended and to the extent same applies to the city of Stockbridge, Georgia, is incorporated in this section and made the Future Land Use Plan Ordinance for the city of Stockbridge.

B. A copy of the Future Land Use Plan adopted in subsection A of this section, including subsequent additions or deletions thereto, shall be maintained in the office of the city clerk and shall be available for inspection by the public. (§§ 1, 2 of Ord. dated 9/11/89)

Article II. Amendments to County Provisions

8.36.050 Section 3-7-162 added—Planned town development district.

Section 3-7-162 is added to the Code of Henry County, Georgia to read as follows:

Section 3-7-162. PTD: planned town development district.

(a) Purpose. It is the purpose of the planned town development district to encourage the development of compatible land uses within the framework of a master development plan for residential and nonresidential land uses within an environmentally compatible setting. PTD shall only be allowed within incorporated areas within Henry County which are more conducive to this type of urban development. Tracts of one hundred (100) acres or larger are required for this district. The PTD district is designed to include residential, commercial or industrial zoning districts as appropriate to provide flexibility in the application of development standards and site design when approved according to a master development plan in a manner to promote the conservation of natural environment, more efficient use of land, and efficiency in the extension of streets and utilities.

Specifically, the PTD sets forth a framework for traditional neighborhood development (TND) that encourages pedestrian-scale residential and commercial activities to be designed in such a way as to reduce the number and type of vehicle trips, limiting congestion and thereby improving air quality. Conventional Development (CD) is also addressed in a manner to promote the clustering of residential to set aside areas of recreation and open space while providing for varied forms of pedestrian and bicycle movement that is buffered from commercial and industrial activities. A master development plan may contain a mixture of TND and CD development areas. Generally, densities shall be in accordance to benchmarks established by the Henry County/Cities Joint Comprehensive Development Plan unless otherwise provided for herein.

All planned developments shall be located on paved county/city roads with a minimum classification of arterial according to the Henry County Functional Road Plan. In most cases, each area within a PTD project developed for residential (including required open space and recreation amenities), commercial or industrial land use shall be designated separately according to the master development plan unless a mixture of uses within the site can better accomplish the goals established herein. Projects must consist of more than one type of land use to be considered a PTD project.

(b) Objectives. To carry out the purpose of this section, a PTD district must provide the following, as appropriate:

(1) A range in the types of residential environment, including types of housing, and community facilities/recreation activities available.

(2) Nonresidential land uses, if any, which provide convenient service, employment, and access.

(3) Conservation of natural topographical and geological features with emphasis upon:

a. Conservation of existing surface and sub-surface water resources;

b. Preservation of major trees and other significant natural environmental features;

c. Prevention of soil erosion;

(4) An efficient network of streets and utilities appropriate to serve the land uses within the PTD district.

(5) Creation of a mixture of uses that decrease reliance on the use of the automobile and to encourage the use of alternative modes.

(6) A master development plan to guide the PTD with specific development objectives which shall be included in conditions, covenants, and restrictions.

(c) Definitions. For this purpose of this section, the following terms shall have the meaning immediately set forth after the term.

(1) Amenity Area. The area(s) set aside for active and passive recreation for the residents inside the PTD (or for the general public) according to the standards set forth herein. Recreation areas may include passive areas, such as trails, picnic areas, or parks with landscaping providing no facilities for active sports; and active areas, with ball fields, soccer facilities, swimming areas, and other facilities for sports activities.

(2) Architectural/Design Standards. A document outlining home styles, building facades landscape standards, building placement, streetscaping, street trees, and the placement and design of accessory units. The standards shall also include general standards for the open space and recreation areas.

(3) Comprehensive land use plan. The comprehensive long-range plan containing policies to guide the growth and development of Henry County along with the cities of Hampton, Locust Grove, McDonough and Stockbridge, which includes the analysis, recommendations and proposals for the county's population, economy, housing, transportation, community facilities, and land use.

(4) Conventional development (CD). The clustering of residential lots to preserve areas for recreation and open space, along with related commercial and industrial activities in a town center and/or industrial park setting that is typical in modern development practices. This type of development is designed mainly for automobile traffic in scale of buildings, extensive use of buffering and landscaping, and commercial uses oriented to vehicular traffic. This does not exclude the use of pedestrian and bicycle facilities to make these developments more accessible.

(5) Credits, density. The amount of additional density applicable to a PTD according to performance criteria established herein. The amount of density bonus shall be capped at 0.75 dwelling units per net acre in addition to the density established under the comprehensive land use plan.

(6) Master development plan. A written and graphic submission for a planned town development which represents a tract of land; proposed subdivision; the location and bulk of buildings and other structures; density of development; streets, alleyways, sidewalks, and multiuse paths; parking facilities; common recreation and open space; public facilities; and all conditions, covenants, and restrictions relating to use thereof. The master development plan is submitted in conjunction with a rezoning application for the PTD district.

(7) Maximum allowable net density. The total number of dwelling units or housing structures per unit of land based on the net land area. The maximum allowable net density, exclusive of any bonus density credits established herein, shall not exceed the density established by the comprehensive land use plan.

(8) Net land area. Except for adjustments allowed herein, net land area shall consist of the area calculated in terms of net acres for the land devoted to residential use, use exclusive of streets, rights-of-way, flood hazard areas, commercial/industrial land, and public lands. Easements for drainage, sanitary sewer, etc. shall not be excluded from net land area.

(9) Nonresidential land uses. Those designated areas which are not residential land uses, which include but are not limited to: commercial or industrial uses, streets, drives, and service/parking areas.

(10) Open space. Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common ownership and use by the residents of the developments and may include complementary structures and improvements as are necessary and appropriate for recreation or other complementary activities. Wetlands under common ownership shall also be included in open space.

(11) Ownership types. These include all types of residential development including, but not limited to: single-family, duplex, apartments, townhomes, rental housing, such that ownership may be fee simple, lease-purchase, leased or rented, and common ownership of open spaces, recreation facilities, and parking areas.

(12) Planned industrial district. An area within a PTD project designed for industrial uses with streets, utilities, and common architectural controls regulated by a master development plan and restrictive covenants.

(13) Planned town center. An area within a PTD which contains a group of commercial and office establishments having a composition that is an architecturally aesthetic unit and is not a miscellaneous assemblage of stores; and is planned, developed, analyzed as a unit, related in location, size and type of shops to the trade area that the unit serves, and provides limited on-site parking in relation to the types and sizes of stores to encourage pedestrian and other modes of access. A set of architectural design standards shall be created and approved prior to development of sites designated as planned town center.

(14) Preliminary concept plan. A preliminary plan of the proposed planned development, of sufficient accuracy to be used for purpose of reviewing the proposed land uses and general layout.

(15) Professional consultant. The person who is a registered and or certified engineer, architect, landscape architect, or planner who prepared the plan, within the scope of their respective legal responsibilities.

(16) Public lands. The land area designated for general public use, not otherwise under the control of a homeowner or property owner association.

(17) Residential land uses. Any variety of residence types as permitted herein, and as shown on the approved master development plan.

(18) Traditional neighborhood development (TND). A TND development consists of areas of compact, urban residential development with alleys, rear garages (attached or detached), front porches (typically), street-trees, sidewalks, narrow streets (on-street parking allowed), pocket parks and other formalized park areas that reflect back upon urban neighborhood development in the period of the 1920s-1940s. The planned town center typically places the bulk of parking at the rear of buildings, with limited on-street parking, wide sidewalks, storefronts facing the street, street furniture, plazas, public art, street-trees, squares, and, where allowable, residential above storefronts. Generally, commercial activities are limited in scope and bulk to maintain harmony of the development. The number of TND lots shall be limited to 50 percent of the total residential lots of the development.

(d) General Requirements for a Planned Development District:

(1) Area. The minimum area required for a PTD district shall be one hundred (100) contiguous acres of land. The planning board may consider projects with less acreage where the applicant can demonstrate that a smaller parcel will meet the purposes and objectives of the PTD district.

(2) Ownership. The tract of land proposed for PTD development shall be one (1) ownership, or if in several ownerships, the application for zoning amendment shall be filed jointly by all of the owners of the properties included in the plan. Any subsequent change in owners of the properties involved, or in anyone having a legal or equitable interest in the property, shall be reported to the community development department. Failure to provide information on property ownership status shall result in the planning board and board of commissioners withdrawing approval.

(3) Location of PTD district. The PTD district shall be located on arterial roads where public water and sewerage facilities are available.

(4) Permitted uses/development standards:

a. Residential Uses: Residences may be single-family detached and cluster homes may be permitted within the PTD. The development standards for residential uses are listed below for TND and CD development areas:

1. Traditional Neighborhood Development (TND)

Single-family residential (detached and cluster)

(a) Minimum lot size:	variable; minimum of 5,500 square feet (0.13 acre) to 21,780 square feet (0.50 acre) with a maximum density not to exceed 4.0 units per net acre as defined herein
(b) Minimum lot width	50 feet
(c) Maximum lot width	100 feet
(d) Minimum front setback	12 feet from back-of-curb
(e) Maximum front setback	35 feet from back-of-curb
(f) Minimum side yard	5 feet
(g) Minimum rear yard	20 feet
(h) Maximum height	40 feet
(i) Minimum floor area (heated space)	1/3 at 1,400 square feet 1/3 at 1,500 square feet 1/3 at 1,600 square feet
(j) Curb and gutter	Required
(k) Paved driveway	Required
(l) Sidewalks	Required
(m) Streetlights	Required
(n) Underground utilities	Required/in alleys where possible
(o) Public Sewer	Required
(p) Public Water	Required
(q) Garages	Required. In rear yard only, Attached or detached
(r) Alleys	Required, no curb and gutter for alley section
(s) Porches	Recommended
(t) Recreation/Open Space	as stated herein
(u) Concurrent Construction Requirement (with TND/CD Housing Mix, if applicable	2 TND to 1.0 CD
(v) Maximum number of lots	50% of total residential lots

2. Conventional Development (CD)

Single-family residential (detached and cluster)

(a) Minimum lot size:	variable; minimum of 8,000 square feet (0.18 acre) to 81,720 (2.0 acres), with a maximum density not to exceed 2.5 units per net acre as defined herein
(b) Minimum lot width	70 feet
(c) Minimum front setback	25 feet from ROW line
(d) Maximum front setback	70 feet from ROW line
(e) Minimum side yard	10 feet
(f) Minimum rear yard	30 feet
(g) Maximum height	40 feet
(h) Minimum floor area (heated space)	1/3 at 1,600 square feet 1/3 at 1,700 square feet 1/3 at 1,800 square feet
(i) Curb and gutter	Required
(j) Paved driveway	Required
(k) Sidewalks	Required
(l) Streetlights	Required
(m) Underground utilities	Required
(n) Public Sewer	Required
(o) Public Water	Required
(p) Garages	Required 2-car, Attached or detached
(q) Alleys	Allowed, no curb and gutter for alley section
(r) Recreational/Open Space	as stated herein

b. Public buildings and recreation facilities (amenities) for use of the residents of the PTD are permitted. The restrictions as to the use of these facilities shall be set forth in the covenants and restrictions of the PTD development. The requirements for amenities are listed below.

Amenity Requirements:

In order to assure that adequate recreation and open space exists on-site, the following shall guide the PTD development in the development of minimum thresholds for open space and recreation facilities. It is expected that a PTD shall exceed the minimum standards set forth herein.

Amenity and recreation facilities shall be required according to a point system based on standards per one hundred (100) acres of development (total acreage). The minimum number

of points and minimum amenities required shall be dependent on the total acreage of the PTD as shown in Table 1 on the following page.

The point system for each type of amenity is shown in Table 2 found on the following page.

For other amenities not listed, the number of points assigned shall be established by the Director of Planning and Development in consultation with the municipal council, but shall not exceed twenty-five (25) points as established in this district.

Table 1. Minimum Number of Points/Criteria per PTD Acreage Class

PTD Total Acreage	Minimum Points	Minimum Criteria
100 to 200 acres	60	Clubhouse, pool, tennis (2), multiuse field, 10 acres open space, walking trails of at least 1,000 linear feet.
200 to 300 acres	80	Clubhouse, pool, tennis (4), multiuse field, baseball field, 25 acres open space, walking trails of at least 1,500 linear feet.
300 to 400 acres	100	Clubhouse, pool, tennis (6 ALTA), 2 multiuse fields, baseball field, 50 acres open space, walking trails of at least 2,500 lineal feet.
400 to 500 acres	125	Clubhouse, pool, tennis (8 ALTA), multiuse field, baseball field, soccer field, softball field, 80 acres of open space, walking trails of at least 3,500 lineal feet, community center/pavilion
over 500 acres	125+ 10 points for each 100 acres over 500 acres	same as 400—500 acres, plus soccer field, 2nd pool, amphitheater

Table 2. Points for Each Amenity Proposed for a PTD

Amenity Type	Points (each, unless otherwise stated below)	Comments (maximum 2 of each type unless otherwise stated below)
Clubhouse	12.5	2,500 minimum square feet
Competition Pool	12.5	
Wading Pool	7.5	for children, must be accompanied with another pool herein
Alternate Design Pool	12.5	for sunbathing, recreation
Tennis Courts	5.0	maximum of 12, lighted
Walking Trails	1.0 (per 100 lineal feet)	paved, 6 feet in width
Multiuse Trails	1.35 (per 100 lineal feet)	paved, 12 feet, striped for bicycles and pedestrians
Baseball Field (reg.)	12.5	regulation size
Baseball Field (LL)	10.0	little league size
Softball Field	12.5	regulation size
Soccer Field	12.5	regulation size
Multiuse Field (1)	12.5	football and soccer
Multiuse Field (2)	15.0	football and baseball
Football Field	12.5	regulation size
Lake	10.0 (existing) 25.0 (new)	minimum of 10 acres, with full access, piers, launch
Amphitheater	17.5	minimum 150 seats
Community Center	7.5	750 to 2,000 square feet, near ball fields
Playground	5.0	swings, "jungle-jim", etc., (Max of 4)
Formal Parks	2.5 (per acre provided)	formal landscaping, fountains or art, benches (Max of 6)
Open Space	0.05 (per acre provided)	natural or enhanced, with trails providing access to and through the area

c. Office/Institutional Uses: Office development shall be designed and landscaped in a manner which is compatible with residential development and is which provides for traffic circulation alternative modes (i.e., pedestrian, bicycle, transit). The permitted uses are as follows:

(1) Libraries, museums, and art galleries

(2) Churches

(3) Medical and dental clinics/offices

(4) Professional and business offices providing that wholesale or retail merchandise is not offered for sale.

(5) Nursery schools, kindergarten schools, and daycare centers providing child care for more than ten (10) children when conducted in a principal structure or institution not associated with a church facility, provided that at least two hundred (200) square feet of outdoor play area and thirty-five (35) square feet of indoor play area is provided for each child. Use of outdoor play are in shifts is allowed. The outdoor play area shall be enclosed by a security fence at least four (4) feet in height. A decorative wooden fence or masonry wall at least six (6) feet in height shall be used when adjacent to residential uses. State license required.

(6) Assisted living/elder care facilities.

Development Standards. The development standards for office uses shall be the same set forth in Section 3-7-151, except that for TND development areas, the minimum front yard shall not apply; a maximum front setback of twelve (12) feet from the ROW line shall apply; no minimum side yard shall apply, except for 30 feet for corner lots. Parking shall be aesthetically arranged to provide for convenient walking/cycling wherever possible. On-street parking is prohibited, unless allowed according to an approved illustrative master plan. Shared use of parking facilities (with office or commercial uses) may result in the reduction of the required parking by no greater than twenty-five (25) percent.

d. Commercial Uses: Commercial development shall include those uses established herein which are part of a planned town center. Commercial development shall be designed and landscaped in a manner which is compatible with residential development and which provides for traffic circulation compatible with alternative modes (i.e., pedestrian, bicycle, transit). The following uses shall be allowed under TND and CD development areas:

1. Traditional Neighborhood Development (TND)

Uses no greater than 3,000 square feet in floor area:

(a) Antique and art shops

(b) Barber shops, beauty shops, spas, and similar service establishments

(c) Bicycle and repair shops

(d) Books, stationary, and card shops

(e) Dry cleaners/laundries

(f) Catering establishments

(g) Dry goods and notions establishments

(h) Florists and gift shops

(i) Coffeehouses

(j) Custom dress making, tailoring, or millinery shops

(k) Jewelry stores

(l) Loan offices

(m) Music stores

(n) News and tobacco shops

(o) Photographers (including the sale of supplies, film development, and equipment)

(p) Quick copy centers

(q) Shoe stores and shoe repair shops

Uses no greater than 7,500 square feet in floor area:

(a) Banks, Savings and Loans, Credit Unions, and similar financial institutions

(b) Package stores

(c) Drug stores and apothecary shops

(d) Restaurants, Bakeries (whose entire products are sold at retail on the premises), and cafes, odor-scrubbing devices required

Uses no greater than 15,000 square feet in floor area:

(a) Apparel stores

(b) Grocery, fruit, vegetable, and meat markets that involve no killing, eviscerating, skinning, plucking or smoking of products

Other:

(a) Structured parking facilities

(b) Other retail and service uses as may be determined by the planning staff to be similar and compatible with the above-listed permitted uses.

Development Standards. For TND development, the following standards shall apply:

Minimum lot area:	6,000 square feet
Minimum lot width	60 feet
Maximum lot width	100 feet
Minimum front setback	none
Maximum front setback	15 feet
Minimum side setback	none, 30 feet if a corner lot
Minimum rear yard	30 feet
Maximum height	60 feet
Parking	structured, or surface (rear parking preferred) on-street parking prohibited, unless approved on the master plan
Structured Parking	allowed with commercial along street frontage
Drive-through access	allowed pending Planning and Development review of placement (typically at rear of structure)

2. Conventional Development (CD)

Those uses listed in Sections 3-7-152 (C-1) and 3-7-153 (C-2).

Development Standards. Same as in Sections 3-7-152 (C-1) and 3-7-153 (C-2).

e. Industrial Uses: Industrial development shall be designed and landscaped in a manner which is compatible with residential development. Industrial areas in a PTD shall be placed only in Conventional Development (CD) areas and shall be designed as an industrial park with covenants and restrictions concerning building appearance and landscaping. Any uses permitted within an M-1 District shall be permitted with the exception of the following:

1. Armories;

2. Cold storage, ice plants and freezer lockers;

3. Garage and repair shops.

f. Accessory Uses:

1. Accessory structures or buildings

2. Subdivision recreation areas owned, operated, and maintained by homeowners' associations exclusively for the use of residents and their guests.

3. The parking of one (1) unoccupied travel trailer, motor coach, or pleasure boat subject to provisions of this chapter.

4. Railroad through and spur tracks, but not sidings and/or terminal facilities.

5. Utility substations. All substations shall have a landscaped and masonry barrier on all sides.

g. Conditional Uses: Upon application to and recommendation by the planning commission and favorable decision thereon by the board of county commissioners (or respective city council), the following conditional uses are permitted:

1. Basement apartment, provided that not more than one (1) unit shall be permitted per lot and that no exterior alterations to the building are made to provide additional entrances. Adequate off-street parking is to be provided and the apartment shall meet health department standards.

2. Garage apartment, provided that not more than one (1) unit shall be permitted per lot and that such structure shall be subordinate to the principal structure and located entirely within the rear yard. Adequate off-street parking is to be provided and the apartment is to meet health department standards.

3. Guest quarters or employee quarters, provided that not more than one (1) unit shall be permitted on a lot an this unit shall be in the rear yard. These quarters shall not be used as rental property.

4. Home occupations where an accessory structure is used.

5. Nursery schools, kindergarten schools, and daycare centers for more than three (3) children when conducted in a principal structure or within a church or school, provided that at least two hundred (200) square feet of outdoor play area and thirty-five (35) square feet of indoor play area is provided for each child. The outdoor play area shall be enclosed by a security chain link fence at least four (4) feet in height. State license required.

6. Home occupation daycare for more than six (6) children when conducted within a single-family residence also used and occupied by a family as a dwelling unit, provided that at least two hundred (200) square feet of outdoor play area and thirty-five (35) square feet of indoor play area is provided for each child. The outdoor play area shall be enclosed by a security chain link fence at least four (4) feet in height. State license required.

7. Nursing care facilities of a denominational nature when located on the same site as a church.

8. Public and private golf courses, provided that use is limited to daytime hours and that all facilities shall be set back a minimum of one hundred (100) feet from any property line.

9. Public, parochial, and private schools when such facilities are located on the same site of the school or college. Any such facility shall front on a thoroughfare having the minimum classification of collector and have minimum frontage of two hundred (200) feet. The minimum site area shall be three (3) acres.

h. Conditional Exceptions: NONE

(e) Density Credit(s)

Net land area adjustment. Table 3 outlines the adjustments for net land area for calculation of net density:

Table 3: Net Land Area Adjustment per Development Type

Development Type	Adjusted (i.e. added) "net land area"	Applicable to:
PTD with TND area	all areas within flood hazard areas and 50% of public lands	TND-designated areas only.
PTD with CD only	no adjustments allowed	n/a
PTD with 30% or more of total land area designated as a TND, remainder CD	all areas within flood hazard areas and 50% of public lands	up to 40% of this land to CD-designated areas, with remainder applicable to TND-designated areas only.

Process. Developments which fall under one of the three (3) criteria listed above (Development Type) shall apply the additional land area in the respective net land area calculations for TND and CD areas.

Density Adder. In addition to the net land area adjustment, developments meeting the following criteria may have additional density according to Table 4 below.

Table 4: Additions to Density According to Performance Criteria

Performance Criteria	Density Bonus	Applicable to:
TND residential/commercial of over 20 acres	0.30 du/acre	TND areas only.
Dedication of at least 20 acres of land for school or other public project	0.20 du/acre	TND areas OR CD area
All-masonry construction for 50% of single-family homes and 100% of multifamily structures, if applicable	0.20 du/acre	TND and/or CD areas designated all masonry

Process. The additional bonus density shall be applied to the appropriate TND or CD area base on the adjusted net density calculations.

There is a cap of four (4.0) dwelling units per net acre, adjusted for the aforementioned allowed acreage to maintain the harmony established in the Comprehensive Plan. In addition the maximum number of TND lots shall not exceed 50 percent of the total number of residential lots within the PTD development.

(e) Application Procedure:

(1) Preliminary concept plan review. Before an application for rezoning of a PTD is accepted, the applicant shall submit a preliminary concept plan for review by the planning and development department. The department shall coordinate review of the plan with other county, state, and regional agencies as necessary. The department shall make comments and recommendations within thirty (30) days.

a. Required Information: The preliminary concept plan shall include the following information:

1. Planned development name;

2. The owner and developer of the property;

3. Architect, engineer or planner who designed the plan;

4. Location or orientation map of the property;

5. Legal description of the parcel;

6. Date, scale, north arrow;

7. Acreage in total tract;

8. Topography at ten (10)-foot contour intervals;

9. Areas proposed TND and CD. TND areas shall include TND residential lots, TND commercial lots, and may also include formal park areas/recreational areas that are contiguous to the TND residential/commercial lots, not to exceed thirty (30.0) acres.

10. Proposed land use and net acreage in each type, including bonus density credit;

11. Proposed street layout;

12. Proposed lot layout;

13. Proposed buffers, open space, and natural environmental features such as surface drainage and open water; and,

14. General location of proposed buildings to be used for commercial, industrial, recreational, or public facility uses.

b. Rezoning. Following preliminary concept plan review and approval by the planning and development department, the developer of the PTD project may apply for rezoning pursuant to the requirements of Article XVI of the zoning ordinance and master plan development plan approval.

(2) PTD master development plan approval request. A master development plan which incorporates the comments and modifications made by the planning and development department in its review of the preliminary concept plan shall be submitted with the application for rezoning.

The master development plan shall include the following information:

a. A site plan for complete development of the planned development project drawn to a scale of one (1) inch equals one hundred (100) or one (1) inch equals two hundred (200) feet. The plan shall include information contained on the preliminary concept plan and all modifications previously made by the planning and development department. The plan shall include one (1) or more sheets, as necessary, to accurately depict the information shown on the following page:

1. Property information:

(i) Planned development project name;

(ii) Owner and developer of the property;

(iii) Architect, engineer or planner who designed the plan;

(iv) Date, scale and north arrow;

(v) An area map showing adjacent property owners, zoning classifications of adjacent parcels, and existing land use within five hundred (500) feet of the property for the PTD project; and,

(vi) A legal description of the parcel.

2. Existing conditions:

(i) Existing topographical features of the site, with a minimum contour interval of five (5) feet. The outline of wooded areas and surface drainage such as streams, lakes and wetlands shall be shown.

(ii) The location of any flood hazard areas subject to a 100-year flood according to the Henry County Flood Damage Prevention Ordinance. The location of the 100-year flood shall be shown relative to contour elevations.

(iii) The location and extent of any aircraft approach zones over the subject PTD property.

(iv) The location of any existing property lines within the parcel; the location, width, right-of-way, and names of any existing roads; railroads; utility rights-of-way or easements; and existing buildings and structures.

(v) Existing public facilities, such as sanitary sewers, water mains, storm drainage facilities, culverts, bridges, and other underground or above-ground facilities within the parcel to be developed, or within the rights-of-way of roads bordering the parcel, with sizes, grades, and invert elevations from field surveys or other sources.

3. Proposed development conditions:

(i) Phases of the proposed development.

(ii) The location and extent of the proposed interior road system, including pavement and right-of-way width.

(iii) Delineation of the proposed TND and CD areas and the uses within each area, including the location of residential, office, commercial, industrial, and mixed land uses; total number of dwelling units; total number of lots; and number and percentage allocation by dwelling unit type. TND areas shall include TND residential lots, TND commercial lots, and may also include formal park areas/recreational areas that are contiguous to the TND residential/commercial lots not to exceed thirty (30.0) acres.

(iv) Proposed layout and dimensions of lots.

(v) Calculation of residential density in dwelling units per net acres, including bonus density credits provided herein.

(vi) Nonresidential areas shall be shown with lot layout and dimensions and general location of proposed buildings.

(vii) Planned town districts shall include the general location of proposed buildings, the combination of district uses, and the proposed density of any residential elements.

(viii) The interior common open space system.

(ix) Proposed dedication or reservation of land for public use, including streets, parks, schools, and other public buildings and facilities.

(x) Proposed improvements to existing community facilities, including roads, sewers, drainage and water facilities adjoining or near the site.

(xi) Proposed streetscaping, street trees, and on-street parking.

b. A written report shall be submitted by the applicant which contains the following information concerning the master development plan:

1. General description of the proposal.

2. Detailed legal description.

3. Architectural and design standards.

4. Proposed restrictions on the uses of the property, density standards, yard requirements, and restrictive covenants that include design standards for the homes and business structures. Thorough architectural and design standards may be presented in lieu of this requirement.

5. Proposed dedication or reservation of land for public uses, including streets, easements, parks and school sites.

6. Exceptions or variations from the requirements of the zoning ordinance and

subdivision ordinance, if any, [for] that area being requested.

7. Plans for the provision of utilities, including water, sanitary sewer and drainage facilities and appropriate calculations regarding the sizing of drainage areas and pipes.

8. A report from the Henry County Water and Sewerage Authority, or municipal authority, as appropriate, indicating the adequacy of sanitary sewer and water services.

9. Plans for the protection of abutting properties.

10. Plans for the maintenance of common open space areas.

11. Tables showing the total number of acres in the proposed development and the percentage designation for each land use, including public facilities. Information shall be provided in net acres.

12. Tabulations of the overall net density for residential uses.

13. An explanation of phasing or stages of the PTD project.

14. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization structures, and traffic controls.

15. Adequacy and arrangement of pedestrian traffic access and circulation, including traffic-calming devices and areas of separation from vehicular traffic.

16. Adequacy and arrangement of bicycle traffic access and circulation, including bike lanes, multiuse paths, and wide curb lanes.

17. Location, arrangement, appearance, and sufficiency of off-street parking and loading.

18. Location, arrangement, size and placement of buildings, lighting, and signs.

19. Certification by the applicant that a professional consultant is being utilized in the planning process for the PTD project, including preparation of the application.

In lieu of this report, findings from a Development of Regional Impact Review shall suffice, provided that staff may request further statements as needed to properly evaluate the PTD.

(f) Review of Application.

Planned development projects which (1) cover more than one hundred (100) acres; or, (2) generate more than four thousand (4,000) vehicle trips per day; or, (3) require the treatment of one hundred and fifty thousand (150,000) gallons of sewage per day shall be reviewed by the Atlanta Regional Commission for possible impact on the surrounding area. Projects covering more than one hundred and fifty (150) acres shall be considered a Development of Regional Impact (DRI)

and be sent to the Atlanta Regional Commission for review according to the Georgia Department of Community Affairs regulations as established by the Georgia Planning Act of 1989.

In reviewing the application for PTD preliminary development plan approval and zoning approval, the planning commission and board of commissioners shall consider those items listed in section 3-7-313 (Review of application for amendment) concerning zoning map amendments.

The consideration of a PTD District approval or disapproval and master development plan shall also include, but not be limited to, the following:

(1) Relation to the comprehensive plan;

(2) Adequacy and arrangement of access and circulation, including streets, intersections, road widths, channelization structures, pedestrian facilities, bicycle facilities, and traffic controls;

(3) Location, arrangement, appearance, and sufficiency of parking and loading;

(4) Location, arrangement, size, and placement of building(s), lighting, and signs;

(5) Arrangement of landscape features and buffer areas;

(6) Adequacy of public water supply;

(7) Adequacy of storm water and sanitary waste disposal facilities; and,

(8) Adequacy of structures and roadways in areas of moderate to high susceptibility to flooding, ponding, and/or erosion.

(Ord. 99-2 § 1, 1999)

8.36.060 Section 3-7-147 amended—R-3 medium/ high-density single-family residential district.

Section 3-7-147 of the Code of Henry County, Georgia, as amended, is further amended by deleting Section 3-7-147 in its entirety and inserting the following in lieu thereof:

(a) Purpose. It shall be the purpose of this district to provide for single-family dwellings of a medium- to high-density character on individual lots when served by adequate public water and public sewer facilities. Areas available for development in accordance with the standards of this district shall be designated for medium- to high-density development in the Henry County/Cities Joint Comprehensive Development Plan and shall be contiguous to or no more than 1,000 feet from previously developed medium or high density residential property. The maximum development area of any project developed in accordance with the standards of this zoning district shall not exceed twenty (20) acres, unless included as part of a planned development project. Residential subdivisions in this district shall have access onto a major collector, or major arterial road as identified in the functional road plan.

CELL TOWERS

98-13

HENRY COUNTY COMMUNITY DEVELOPMENT

Resolution Establishing an Ordinance for the Regulation of Wireless Communications Facilities

WHEREAS, the Federal Government, through the Federal Communications Commission (FCC), has issued wireless communication licenses for personal communication services and other wireless technologies in order for those license holders to provide wireless services throughout the United States of America;

WHEREAS, Wireless Communications Facilities (WCFs) are supportive of the public health, safety, and welfare in that they provide useful portable communication services for personal convenience, business, and emergency purposes;

WHEREAS, the FCC has required license holders to provide coverage to areas where wireless communications licenses have been acquired, and that this can require that such facilities be constructed in specified locations and manners determined by engineering standards to achieve such coverage, and thus there may be limited ability to choose alternative locations;

WHEREAS, the Federal Telecommunications Act of 1996 (FTA) preserves local zoning authority to reasonably regulate Wireless Communications Facilities (WCFs); provided, however, that the FTA mandates that localities may not unreasonably discriminate among FCC license holders and that localities cannot prohibit or have the effect of prohibiting the provision of wireless services, and the FTA gives the FCC sole jurisdiction over Radio Frequency emissions of WCFs so long as WCFs meet FCC standards;

WHEREAS, WCFs should be reasonably regulated to minimize potential aesthetic impacts to the surrounding area;

WHEREAS, there is a need for new provisions in the zoning code to address the siting of WCFs;

NOW THEREFORE, Sections 3-7-142 (3) j; 3-7-153 (d) (9); 3-7-154 (d) (2); 3-7-155 (d) (2); and 3-7-156 (d) (2) of the Henry County Zoning Ordinance are hereby repealed with the following regulations that shall govern the siting of Wireless Communication Facilities in Henry County, Georgia.

Jimmy L. Joyner

Jim L. Joyner, Chairman
Henry County Board of Commissioners

Susan B. Craig, Dep. Clk.

Sara Austin, County Clerk

Article XI-B. Wireless Communications Facilities—Development Standards and Approval Procedures

Sections:

1. **Definitions**
2. **Purpose and Goals**
3. **Applicability**
4. **Development Standards**
5. **Review Process**
6. **Approval Procedures**
7. **Notice to Adjacent Property Owners**
8. **Removal of Abandoned Facilities**
9. **Nonconforming Facilities**
10. **Modifications to Existing Facilities**
11. **Violations; Penalties**
12. **Separability**
13. **Repealer**
14. **Effective Date**

1. **Definitions.** As used in this Ordinance, the following terms shall have the meanings indicated:

1.1. **Alternative tower structure.** Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

1.2. **Antenna Array.** Any exterior apparatus (rods, panels, discs, etc.) designed for telephonic, radio, or television communication through the sending and/or receiving of electromagnetic waves. The Antenna does not include the Support Structure defined below.

1.3. **Attached Wireless Communication Facility (Attached WCF).** An attached WCF is an Antenna that is attached to an existing building or structure (Attachment Structure), which structures shall include but not be limited to utility poles, signs, and water towers, with any accompanying pole or device (Attachment Device) which attaches the Antenna to the existing building or structure and associated connection cables, and an Equipment Facility which may be located either inside or outside of the Attachment Structure.

1.4. **Collocation/Site Sharing.** Collocation/Site Sharing shall mean use of:

a. a common WCF by two (2) or more wireless license holders or by one wireless license holder for more than one type of communications technology;

b. a common WCF-site by two (2) or more wireless license holders or by one wireless license holder for more than one type of communications technology; or,

c. the placement of a WCF on a structure owned or operated by a utility or other public entity (i.e., water tower, billboard, etc.).

1.5. **Development Standards.** As used in herein, Development Standards shall mean those standards set forth in Section 4 and Table 1.

1.6. **Equipment Facility.** An Equipment Facility is any structure used to contain ancillary equipment for a WCF which includes cabinets, shelters, a buildout of an existing structure, pedestals, and other similar structures.

1.7. **FAA.** The Federal Aviation Administration.

1.8. **FCC.** The Federal Communications Commission.

1.9. **Governing Authority.** The Board of Commissioners for the unincorporated areas of Henry County. For the municipalities (Cities of Hampton, Locust Grove and Stockbridge, Georgia), the respective City Council shall act as the governing authority.

1.10. **Preexisting Towers and Antenna Arrays.** Refer to Section 3.3 of this Ordinance.

1.11. **Height.** When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

1.12. **Principal or Accessory Use.** Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an existing antenna array or tower on such lot. For purposes of determining whether the installation of an antenna or tower complies with district development regulation, including but not limited to set-back requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this Ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

1.13. **Planning and Zoning Board.** The Henry County-Municipal Planning Commission.

1.14. **Public Officer.** The Henry County Community Development Director.

1.15. **Review Process.** As used herein, Review Process shall mean those processes set forth in Section 6.

1.16. **Setback.** Setback shall mean the required distance from the property line of the parcel on which the WCF is located to the Support Structure base.

1.17. **Support Structure (*this shall also be referred to as "Tower"*).** Any structure designed and constructed primarily for the purpose of supporting one or more

Antenna Arrays, including self supporting lattice towers, guy tower, or monopole towers. The term shall include radio and television transmission towers, microwave towers, common-carrier towers, PCS service towers, cellular telephone towers, alternative tower structures, and the like.

1.18. **Temporary Wireless Communication Facility (Temporary WCF).** Temporary Wireless Communication Facility shall mean a WCF to be placed in use for ninety (90) or fewer days.

1.19. **Tower.** Refer to *Support Structure* shown above.

1.20. **Wireless Communications.** Wireless Communications shall mean any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC-licensed commercial wireless communications services, including cellular, digital communications services (DCS), personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, radio and television communications, and similar services that currently exist or that may in the future be developed.

1.21. **Wireless Communications Facility (WCF).** A WCF is any unstaffed facility for the transmission and/or reception of wireless communications services, usually consisting of an Antenna Array, connection cables, and Equipment Facility, and a Support Structure to achieve the necessary elevation.

2. Purpose and Goals

The purpose of this Ordinance is establish general guidelines for the siting of WCFs.

The goals of this Ordinance are to:

- provide a range of locations for WCFs in a variety of zones;
- within each zone, provide clear performance standards addressing the siting of WCFs;
- encourage the location of WCFs in non-residential areas and minimize the total number of towers throughout the community;
- encourage the location of WCFs on existing structures, including utility poles, signs, water towers, buildings, and other WCFs where feasible;
- encourage Collocation and Site Sharing of new and existing WCFs;
- encourage users of towers and antennas to configure them in a way that harmonizes the visual impact of the towers and antennas with the existing natural and/or built environment;
- facilitate the use of public property and structures for WCFs;

3. Applicability.

3.1. *Public Property.* Antennas or towers located on property owned, leased, or otherwise controlled by the governing authority shall be exempt from the requirements of this Ordinance, provided a license or lease authorizing such antenna or tower has been approved by the governing authority.

3.2. *Amateur Radio: Receive-Only Antennas.* This Ordinance shall not govern any tower, or the installation of any antenna, that is under thirty-five (35) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive-only antennas.

3.3. *Pre-Existing Towers and Antennas.* Any tower or antenna having a properly issued permit prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance, other than the requirements of Sections 4.10 and 4.11. Any such towers or antennas shall be referred to in this Ordinance as "pre-existing towers" or "pre-existing antenna arrays".

4. **Development Standards.** (Table 1 for quick reference)

The standards set forth in this section shall govern the location of all towers and the installation of all antennas. Should certain standards be contrary to applicable state and/or federal regulations or laws, such standards shall be subject to waiver or variance. Further, the governing authority may act to waive these standards, after an administrative review, if it determines that the goals of this Ordinance are better served thereby.

4.1. Height Standards

Attached WCFs

4.1.1. Attached WCFs shall not add more than twenty (20) feet in height to the existing building or structure to which it is attached (Attachment Structure).

WCFs with Support Structures

4.1.2. Residential-Agricultural (RA) zoning district. In any residential-agricultural zoning district (RA), the maximum height for a WCF shall be 150 feet for two (2) tenants, 180 feet for three (3) or more tenants. The requirement regarding the number of tenants shall be satisfied upon proof that the tower is structurally designed to accommodate the required number of antenna arrays.

4.1.3. Single-family Residential (R-1, R-2, R-3) zoning districts. In all single-family residential zoning districts (R-1, R-2, R-3), the maximum height for a WCF shall be 75 feet.

4.1.4. Two-family Residential (RD) zoning district. In all two-family residential zoning districts (RD), the maximum height for a WCF shall be 75 feet.

4.1.5. Multiple-family Residential (RM) zoning district. In all multiple-family residential zoning districts (RM), the maximum height for a WCF shall be 90 feet.

4.1.6. Mobile Home Development (RMH) zoning district. In all mobile home development districts (RMH), the maximum height of a WCF shall be 90 feet.

4.1.7. Office and Institutional (OI) zoning district. In any office and institutional zoning district (OI), the maximum height shall be 120 feet.

4.1.8. Neighborhood Commercial (C-1) zoning district. In any neighborhood commercial zoning district (C-1), the maximum height shall be 90 feet.

4.1.9. General Commercial (C-2) zoning district. In any general commercial zoning district (C-2), the maximum height of a WCF shall be 150 feet.

4.1.10. Heavy Commercial (C-3) zoning district. In any heavy commercial zoning District (C-3), the maximum height of a WCF shall be 180 feet.

4.1.11. Light Industrial (M-1) zoning district. In any light industrial zoning district (M-1), the maximum height of a WCF shall be 190 feet.

4.1.12. Heavy Industrial (M-2) zoning district. In any heavy industrial zoning district, the maximum height of a WCF shall be 200 feet.

Table 1. Development Standards for WCFs

Zoning District	Maximum Height[5]	Setbacks[2]	Additional Buffers, Landscaping[4]
RA	150/180 feet[5]	50% height of tower, plus 1 foot per each 2 feet of tower height over 75 feet	10, Y
R-1, R-2, R-3	75 feet		10, Y
RD, RM	90 feet		10, Y
RMH	90 feet		10, Y
OI	120 feet		10, Y
C-1	90 feet		10, Y
C-2	150 feet	25[3]	10, Y
C-3	180 feet	20[3]	10, Y
M-1	190 feet	20[3]	10, Y
M-2	200 feet	20[3]	10, Y

[1] Attached WCFs in any zone are limited in height to twenty (20) feet from the top of the attachment structure.

[2] The Antenna Array for an attached WCF is exempt from the setback requirements of this section and from the setbacks for the zone in which they are located, provided, no such Antenna Array shall extend more than eight (8) feet horizontally from the attachment structure.

[3] For C-2, C-3, M-1, and M-2 zoning districts, the WCF setback shall be 50% of the height of tower, plus 1 foot per each 2 feet of tower height over 75 feet when the property abuts a property zoned residential (RA, R-1, R-2, R-3, RD, RM, and/or RMH).

[4] Landscaping and buffer requirements are in addition to the underlying zone requirements. The Antenna Array for an attached WCF is exempt from the landscaping and buffer requirements of this section.

[5] In the RA zoning district, a WCF with two (2) tenants shall be maximum of 150 feet, or 180 feet with three (3) or more tenants. The requirement regarding the number of tenants shall be satisfied upon proof that the tower is structurally designed to accommodate the required number of antenna arrays.

4.2. Setbacks.

Attached WCFs

4.2.1. Antenna Arrays for Attached WCFs are exempt from the setback standards of this section and from the setbacks for the zone in which they are located. An Attached WCF Antenna Array may extend up to eight (8) feet horizontally beyond the edge of the Attachment Structure so long as the Antenna Array does not encroach upon an adjoining parcel.

WCFs with Support Structures

4.2.2. The following setbacks requirements shall apply to all WCFs with support structures:

4.2.2.1. In residential [RA, R-1, R-2, R-3, RD, RM, RMH], office and institutional [OI], and neighborhood commercial [C-1] zoning districts, towers must be set back a minimum of 50% of tower height, plus one (1) additional foot for each two (2) feet of tower height in excess of 75 feet.

4.2.2.2. Towers must be set back a minimum of twenty-five (25) feet from any property line in the C-2 zoning district. Where property abuts a residentially-zoned parcel, then the setback shall be a minimum of 50% of tower height, plus one (1) additional foot for each two (2) feet of tower height in excess of 75 feet.

4.2.2.3. Towers must be set back a minimum of twenty (20) feet from any property line in C-3, M-1, and M-2 zoning districts. Where property abuts a residentially-zoned parcel, then the setback shall be a minimum of 50% of tower height, plus one (1) additional foot for each two (2) feet of tower height in excess of 75 feet.

4.3. Landscaping and Buffer Requirements

4.3.1. WCFs shall be landscaped in accordance with the landscape requirements contained in Sections 3-7-216 through 3-7-227 of the Henry County Zoning Ordinance, except for additional requirements stated herein.

4.3.2. Landscaping and buffer requirements can be waived where the WCF applicant makes other means of screening the Support Structure base and adjacent equipment facilities (i.e., opaque fencing, etc.). The waiver shall be in writing by the Community Development Director pending an administrative review of development plans.

4.3.3. Existing mature tree growth and natural land forms on the site shall be preserved to the extent feasible; provided, however, that vegetation that causes interference with the antennas or inhibits access to the Equipment Facility may be trimmed.

4.3.4. Existing vegetation on site may be used in lieu of required landscaping where approved by the Community Development Director.

4.3.5. Landscaping shall be confined to the leased area of the WCF wherever feasible.

4.3.6. Additional Landscaping and Buffer Requirements:

4.3.6.1. In single-family and two-family residential zoning districts (RA, R-1, R-2, R-3, RD, RM, and/or RMH), a ten (10)-foot perimeter buffer is required, with a minimum of one (1) tree per 20 lineal feet of buffer, with a minimum of fifty percent (50%) being shade trees. *Retention of existing trees on site in order to met this requirement is encouraged.* Grass or other ground cover species shall be planted on all areas of the buffer strip required which are not covered by other landscape material.

4.3.6.2. In the remaining office, commercial, and industrial districts (OI, C-1, C-2, C-3, M-1, and/or M-2), an additional ten (10)-foot buffer shall be required, with landscaping provided according to Section 4.3.1.

4.3.7. ***Maintenance.*** It will be the responsibility of the owner/tenant to keep all landscaping material [as part of the landscaped area] free from disease and properly maintained in order to fulfill the purpose for which it was established. The owners of the property, and any tenant on the property where buffers and landscaping is required, shall be jointly and severally responsible for the maintenance of all landscaping materials. Such maintenance shall include all actions necessary to keep the buffer and landscape areas free from litter and debris, to keep plantings healthy, and to keep planting areas neat in appearance. Any vegetation that constitutes part of the buffer or landscaping shall be replaced in the event it dies.

4.4. Aesthetics, Placement, Materials, and Color.

4.4.1. Attached WCFs shall have both antenna and supporting electrical and mechanical equipment that are of a neutral color identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

4.4.2. WCFs with Support Structures shall consist of towers with a galvanized steel finish, subject to any applicable standards of the FAA, in the C-3, M-1, and M-2 zoning districts. In the remaining zoning districts (RA, R-1, R-2, R-3, RD, RM, RMH, OI, C-1, C-2), WCFs with Support Structures shall consist of towers with a galvanized steel finish that, subject to any applicable standards of the FAA, shall be painted a neutral color, so as to reduce visual obtrusiveness. At a tower site, the design of the building and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment. WCFs with Support Structures shall be of the monopole variety except when providers can document and demonstrate need for lattice-type towers.

4.5. Separation Requirement.

In zoning districts other than general/heavy commercial and industrial (C-2, C-3, M-1, M-2), WCFs over one hundred and fifty (150) feet in height shall not be located within one-quarter of a mile from any existing WCF that is over one hundred and fifty (150) feet in height. *This requirement may be waived upon evidence provided to the Community Development Director by the applicant that the nearest tower cannot support any new antenna arrays.*

4.6. Lighting.

All WCFs shall be lighted consistent with FAA regulations for tower illumination regardless of height. Any objection by the applicant based on FAA restrictions shall be presented in writing to the Community Development Director.

4.7. Noise.

No equipment shall be operated at a WCF so as to produce noise which would constitute a nuisance based on local or state laws, except for in emergency situations requiring the use of a backup generator, where the noise standards may be exceeded on a temporary basis,

not to exceed fourteen (14) days. *No generator shall be used for regular WCF operations prior to commercial power being delivered to the site.*

4.8. Security Fencing.

WCFs with Support Structures shall be enclosed by a security fence of neutral color not less than six (6) feet in height. The Support Structure shall also be equipped with an appropriate anti-climbing device.

4.9. Radio Frequency Emissions.

The Federal Telecommunications Act or 1996 (FTA) gives the Federal Communication Commission (FCC) sole jurisdiction of the field of regulation of Radio Frequency (RF) emissions and WCFs which meet the FCC standards shall not be conditioned or denied on the basis of RF impacts.

4.10. Federal Requirements.

All WCFs must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority. If such standards and regulations are changed, then the owners of the WCFs governed by this Ordinance shall bring such Antenna Arrays and/or Support Structures into compliance with such revised standards and regulations within six (6) months of the effective dates of such standards and regulations. Failure to bring WCFs into compliance with such revised standards and regulation shall constitute grounds for the removal of the WCF at the owner's expense by utilizing the bond required in Section 8.

4.11. Structural Integrity.

To ensure the structural integrity of towers, the owner of a tower shall ensure it is maintained in compliance with standards contained in applicable local building codes and the Electronic Industries Association/Telecommunications Industries (EIA/TIA) 222 Revision F Standard entitled *Structural Standards for Steel Antenna Towers and Antenna Supporting Structures* (or equivalent), as amended from time to time. *A letter stamped by a engineer certified in the State of Georgia shall be required stating that the WCF and Support Structure meets or exceeds all applicable requirements set forth herein.* If, upon inspection, the governing authority concludes a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the tower's owner, the owner shall have thirty (30) days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the governing authority may remove such tower at the owner's expense by utilizing the bond required in Section 8 of this Ordinance.

5. Review Process.

5.1. General.

The applicable Development Standards referred to herein are those set forth in Section 4 and Table 1 above.

5.2. Attached WCFs:

5.2.1. Attached WCFs in commercial and industrial zones (OI, C-1, C-2, C-3, M-1, M-2) that meet the Development Standards are permitted outright.

5.2.2. Attached WCFs in commercial and industrial zones that fail to meet the Development Standards shall undergo an Administrative Review by the Community Development Director.

5.2.3. Attached WCFs in residential zones (RA, R-1, R-2, R-3, RD, RM, RMH) shall undergo an Administrative Review by the Community Development Director.

5.2.4. Attached WCFs in residential zones (RA, R-1, R-2, R-3, RD, RM, RMH) that fail to meet the Development Standards shall require a Conditional Use Permit by a public hearing of the Henry County Planning and Zoning Board and the governing authority.

5.3. WCFs with Support Structures:

5.3.1. WCFs with Support Structures in general/ heavy commercial and industrial zones (C-2, C-3, M-1, M-2) that meet the Development Standards are permitted outright.

5.3.2. WCFs with Support Structures in residential zones (RA, R-1, R-2, R-3, RD, RM, RMH) and office/institutional and neighborhood commercial zones (OI, C-1) shall undergo an Administrative Review by the Community Development Director.

5.3.3. WCFs with Support Structures in *all* zoning districts that fail to meet the Development Standards shall require a Conditional Use Permit by a public hearing of the Henry County Planning and Zoning Board and the governing authority.

5.4. WCFs on property owned, leased or otherwise controlled by the Henry County Board of Commissioners, Henry County Water and Sewerage Authority, Henry County Board of Education, or respective municipality (Hampton, Locust Grove, Stockbridge), pursuant to Section 3.1 of this Ordinance, are permitted outright.

5.5. Temporary WCFs for a term not to exceed ninety (90) days, with a possible ninety (90) day extension with approval of the Community Development Director, are permitted outright.

6. Approval Procedures.

6.1. Permitted Outright.

Where a WCF is permitted outright, only a building permit is required.

6.2. Administrative Review.

6.2.1. Review of WCFs under this Section will be conducted by the Community Development Department upon application for a building permit for the WCF.

6.2.2. Each applicant for administrative approval shall apply to the Community Development Director and provide the information set forth in Sections 6.4.2 of this Ordinance (Conditional Use Permit, *Information Required*) along with an administrative review fee of $350.

6.2.3. The Community Development Director shall respond to each application within forty-five (45) days after receiving it by either approving or denying the application.

6.2.4. In connection with any such administrative approval, the Community Development Director may, in order to encourage site sharing, administratively waive any zoning district setback requirement or landscape requirement by up to fifty percent (50%).

6.2.5. If an administrative approval is denied, the applicant may appeal said denial in accordance with the provisions of Section 3-7-271 through Section 3-7-272 of the zoning ordinance (*appeals of administrative decisions*).

6.3. Specific Administratively Approved Uses. The following uses may be approved by the Community Development Director after conducting an administrative review:

6.3.1. Installing an antenna on an existing structure other than a tower (such as a building, sign, light pole, water tower, or other free standing nonresidential structure) that is less than seventy (70) feet in height, so long as such addition does not add more than twenty (20) feet to the height of the existing structure;

6.3.2. Installing an antenna array on an existing tower of any height, including a preexisting tower and further including the placement of additional buildings or other supporting equipment used in connection with said antenna;

6.3.3. Installing an attached WCF pursuant to Section 5.2.2 and Section 5.2.3 of this Ordinance;

6.3.4. Installing a WCF with Support Structure pursuant to Section 5.3.2 of this Ordinance.

6.3.5. Modifications as stated in Section 10 of this Ordinance.

6.4. Conditional Use Permit.

6.4.1. *General.* The following provisions shall govern the issuance of conditional use permits:

6.4.1.1. If the WCF is not a permitted use under Section 5.2.1, Section 5.3.1, or Section 5.4 of this Ordinance; or not permitted to be approved administratively pursuant to Section 5.2.2, Section 5.2.3, Section 5.3.2, or Section 5.5 of this Ordinance; then a conditional use permit shall be required for the construction of a tower or the placement of an antenna in all specified zoning districts.

6.4.1.2. In granting a conditional use permit, the Planning and Zoning Board and the Board of Commissioners (or respective municipality—Hampton, Locust Grove, or Stockbridge) may impose conditions to the extent the governing authority concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

6.4.2. *Information Required.* Each applicant requesting a conditional use permit under this Ordinance shall submit the following:

6.4.2.1. *Plans.* The applicant shall submit a scaled plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the governing authority to be necessary to assess compliance with this Ordinance, provided however, that the applicant need not retain a licensed landscape architect to prepare the landscape plan, and information regarding radio frequency coverage may be submitted by a qualified, but not licensed, radio frequency engineer retained or employed by the applicant. *Any information of a structural engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified a licensed professional engineer.*

6.4.2.2. *Inventory of Existing Sites.* Each applicant for an antenna or tower shall provide to The Community Development Director an inventory of its existing towers that are either within the jurisdiction of the governing authority or within one-quarter mile of the border thereof, including specific information about the location, height, and design of each tower. The Community Development Director may share such information with other applicants applying for administrative approvals or conditional use permits under this Ordinance or other organizations seeking to locate antennas within the jurisdiction of the governing authority, provided, however The Community Development Director is not, by sharing this information, in any way representing or warranting such sites are available or suitable.

6.4.2.3. *Collocation.* Pursuant to goals in Section 2, each applicant shall provide a statement indicating intent to allow shared use of the tower and how others will be accommodated, if the height of the tower allows for said collocation.

6.4.3. *Reviewing Bodies.* Review of WCFs under this Section will be conducted by the Henry County Planning and Zoning Board and the governing authority.

6.4.4. *Public Notice.* Notice shall be given for this review in accordance with the procedures established in Section 3-7-314 of the zoning ordinance for notice of applications and hearings before the Planning and Zoning Board and the governing authority.

6.4.5. *Hearing.* The Planning and Zoning Board and the Board of Commissioners, or respective municipality [Hampton, Locust Grove, or Stockbridge], shall render a decision on the conditional use request in accordance with procedures established in Sections 3-7-291 through 3-7-293 of the zoning ordinance adopted by the governing authority in addition to Section 6.4.6 of this Ordinance.

6.4.6. *Factors Considered in Granting Conditional Use Permits.* The Planning and Zoning Board and the governing authority shall consider the following factors in determining whether to issue a conditional use permit, although either body may waive, reduce, or, in certain instances, increase the burden on the applicant on one (1) or more of these criteria if either body concludes that the goals of its ordinance are better served thereby.

6.4.6.1. Height of the proposed tower;

6.4.6.2. Proximity of the tower to residential structures and residential district boundaries;

6.4.6.3. Nature of uses on adjacent and nearby properties;

6.4.6.4. Surrounding topography;

6.4.6.5. Surrounding tree coverage and foliage;

6.4.6.6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

6.4.6.7. Ability of the Support Structure and/or site for collocation with future wireless communications providers;

6.4.6.8. Proposed ingress and egress; and

6.4.6.9. Availability of Suitable Existing Towers or Other Structure, as listed below in Section 6.5.7.

6.4.7. *Availability of Suitable Existing Towers or Other Structure.* No Conditional Use Permit for a new tower shall be granted unless the applicant demonstrates to the reasonable satisfaction of the Planning and Zoning Board and the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

6.4.7.1. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.

6.4.7.2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

6.4.7.3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

6.4.7.4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

6.4.7.5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

6.4.7.6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

6.4.8. *Findings (denials).* All denials rendered by either the Planning and Zoning Board or the governing authority under a Conditional Use Permit shall be supported by written findings of fact and conclusions of law based upon substantial evidence in the record.

6.4.9. *Timing of Decision.* The Planning and Zoning Board and/or the governing authority shall render its decision within 90 days of application, unless either the Board or the governing authority can demonstrate that more time is reasonably required due to extenuating circumstances.

7. Notice to Adjacent Property Owners

The applicant is responsible for notifying all adjacent residential property owners of their pending applications for the location of WCFs and for notifying *all* adjacent property owners for location of WCFs requiring a Conditional Use Permit. The provider shall notify the necessary property owners no less than fifteen (15) days of the date of the public hearing for the Conditional Use Permit and no less than seven (7) days after the filing date for an Administrative Review by the Community Development Director. Notice shall be given in the form of a Certified Letter, with Return Receipts provided to the Community Development Director as evidence of notification. Other forms of notice shall be approved by the Community Development Director in lieu of the Certified Letter requirement.

8. Notification and Removal of Abandoned WCFs.

8.1 Notification. Each wireless communications provider shall notify the Community Development Director of their operational and non-operational WCFs at the end of the calendar year [December 31st]. The Director shall maintain and update a list of these facilities for geographical information systems (GIS) purposes, and for use in collocation/site-sharing, and for taking necessary actions for the removal of abandoned facilities as established below.

8.2 Removal of Abandoned Facilities. Any antenna or tower that is not operated for a continuous period of ninety (90) days shall be considered abandoned, and the owner of such antenna or tower shall remove same within thirty (30) days of receipt of notice from the governing authority notifying the owner of such abandonment. *If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.*

Bond Required. The communications service provider—or the tower facility provider—shall provide a bond in the form of a letter of credit drawn on a Georgia Bank with an amount of $20,000 to the Community Development Director for the removal of such structure for the lesser of the length of the lease [if applicable], including extensions, or, twenty (20) years. Said bond shall be presented at the time of application for a building permit and shall be renewable at periods not to exceed five (5) years.

9. Nonconforming WCFs.

WCFs in existence on the date of the adoption of this Ordinance which do not comply with the requirements of this Ordinance (non-conforming WCFs) are subject to the following provisions:

9.1. Nonconforming WCFs may continue in use for the purpose now used, but may not be expanded without complying with this Ordinance, except as further provided in this Section.

9.2. Nonconforming WCFs may add additional antennas (belonging to the same carrier or other carriers) subject to administrative review in Section 6.2 of this Ordinance.

9.3. Nonconforming WCFs which are hereafter damaged or destroyed by less than fifty (50) percent (of the replacement value) due to any reason or cause may be repaired and restored to their former use, location, and physical dimensions subject to obtaining a building permit therefore, but without otherwise complying with this Ordinance. *A nonconforming WCF that is damaged or destroyed by more than fifty (50) percent of the estimated replacement value shall be made conforming with this Ordinance unless waived by the public officer or the governing authority.*

9.4. The owner of any nonconforming WCF may replace, repair, rebuild, and/or expand such WCF in order to improve the structural integrity of the facility, to allow the facility to accommodate collocated antennas or facilities, or to upgrade the facilities to current engineering, technological, or communications standards, without having to conform to the provisions of this Ordinance, so long as such facilities are not increased in height by more than 10% (cumulatively) and/or setbacks are not decreased by more than 10% (cumulatively).

10. Modifications to Existing Facilities or Pre-Existing Facilities which Meet the Requirements of This Ordinance.

10.1. Minor modifications. Minor modifications to WCFs permitted under this Ordinance shall be approved under an Administrative Review by the Community Development Director (see Section 6.2 and 6.3 of this Ordinance). Minor modifications are as follows:

10.1.1. the addition of no more than three (3) Antenna Arrays to any existing WCF, so long as the cumulative effect of the addition of the Antenna Arrays adds no more than twenty-five (25) feet in height to the WCF;

10.1.2. an increase in height of the Support Structure which is no greater than 10%;

10.1.3. a decrease in setbacks by no more than 10%.

10.2. Major modifications. Major modifications to WCFs permitted under this Ordinance shall be approved under an Administrative Review by the Community Development Director as stated in Sections 6.2-6.3 of this Ordinance. Major modifications are any modifications that exceed the definition of minor modification.

11. Violations; Penalties.

It shall be unlawful to violate or fail to comply with the requirements set forth in this Ordinance. Any person who violates or fails to comply with the requirements of this Ordinance shall be subject to a fine of not more than one thousand dollars ($1,000.00), confinement in the Henry County Jail for a term not to exceed sixty (60) days, or both for each separate violation.

12. Severability.

Should any section or provision of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

13. Repealer.

All ordinances and regulations or parts of other regulations in conflict with this Ordinance are hereby repealed.

14. Effective Date.

This Ordinance shall be in full force and effect on the time of its passage as provided for by law.

TREE ORDINANCE

ORDINANCE NO. 00-02

An Ordinance for the purpose of amending Article VIII of Chapter 3-7 of the Zoning Ordinance of Henry County, Georgia adopted June 3, 1986, as amended, by specifically amending Ordinance Section 3-7-166 which is now reserved, and by inserting and creating a comprehensive tree ordinance providing for the protection, conservation, and replacement of trees and landscaping in order to improve the urbanized and natural environment of Henry County.

I.

Be it ordained by the Board of Commissioners of Henry County, Georgia, and it is hereby ordained by the authority of same as follows:

1.

Section 3-7-166. Comprehensive Tree Ordinance

I.

Section 1: Introduction

1. Purpose and Intent:

The purpose of this Ordinance is to provide for the protection, conservation, and replacement of trees and landscaping in order to improve the urbanized and natural environment of Henry County. It is the policy of Henry County to minimize the removal of trees on development sites and, upon proper site completion, achieve replacement of trees by uniform standards set forth in this Ordinance.

2. Jurisdiction:

Henry County and those Cities of Hampton, Locust Grove and Stockbridge which may adopt this Ordinance.

3. Findings:

Growth and development exist and will continue in Henry County and, as a result, there is and will continue to be a loss of trees throughout the county. Tree roots hold soil in place and tree photosynthesis converts carbon dioxide to oxygen. Trees also provide habitat for wildlife that is essential for their survival. Tree loss contributes to dramatic increases in soil erosion and sedimentation. High growth areas where natural green spaces are diminishing have left fewer trees to transform carbon dioxide into oxygen.

Henry County finds that:

A. Integrated forest canopies reduce the costs of maintenance of other parts of the urban infrastructure.

B. Well managed forest resources increase in value and provide benefits to all the citizens with respect to air quality, water quality, stormwater management, temperature amelioration and general quality of life.

C. These benefits are crucial to the long-term health, safety and welfare of our citizens.

D. The removal of forest canopy and replacement with more intensive land uses exacts real costs upon the infrastructure which must be borne by all citizens of the County.

4. Definitions:

All words in these standards have their customary dictionary definition except as specifically defined herein. The words "will," "shall" and "must" are mandatory, and the words "may" and "should" are permissive.
(SEE APPENDIX 1 FOR LISTING OF DEFINITIONS.)

II.

Section 2: Permits

Who must get permit:

1. The terms and provisions of this Ordinance and the standards set forth shall apply to:

   A. Individuals engaged in any activity, private and/or governmental, on real property which requires the issuance of a land disturbance permit within the County and City limits of Hampton, Locust Grove and Stockbridge. No land disturbance permit shall be issued for full site development unless the proposed development is in compliance with the provisions of this Ordinance.

   B. Individuals engaged in the development of single family subdivisions, multi-family and mobile home developments and all non-residential uses.

   C. Owners of individual properties more than ten (10) acres in size and which are not part of a platted subdivision.

   D. Owners of lands designated for timbering purposes must obtain a timbering permit from the Henry County Department of Transportation. Application for a timbering permit must include a Forest Management Plan. Land(s) declared as timber lands shall be so declared for at least two years and released as timber lands by the County Board of Commissioners and/or applicable City Councils prior to issuance of a development permit, should one be applied for. Declared timberlands shall comply with Section 7 (Clearing and/or Grading Only Permits), Section 6 (Timbering Activities), and all other aspects of this Ordinance.

2. Exemptions:

   A. Individual homeowners within platted subdivisions upon occupancy of the property owner's individual home are exempted except where protective buffers are required along streams, creeks, and reservoirs pursuant to State Department of Natural Resources (DNR) requirements, and Henry County Watershed Protection Ordinances. Exemptions will not apply to incompatible land uses or in other areas governed by county ordinances.

   B. All properties for which a covenant has been established with the Henry County Board of Tax Assessors, pursuant to Sections 48-5-7.1 and 48-5-7.4 of the Official Code of Georgia, shall be exempt from the terms of this Ordinance so long as such covenant has not been breached and /or remains in effect.

   C. This Ordinance exempts all who clear lands solely for forestry practices as specified in Section 6 or all who clear land which is less than ten (10) acres in size for conversion to crop land, pasture land or other bona fide agricultural purposes.

D. The following list of items within all residential districts shall also be exempted:

(1) Where the addition to a principal structure will constitute structural and exterior changes to the home.

(2) Where the construction of an accessory structure(s) and/or uses including, but not limited to, swimming pools and tennis courts, is permitted by the county building department, inclusive of an accessory residential living facility (a.k.a. guest quarters).

(3) All properties which are ten (10) acres or less in size and not part of a platted residential subdivision.

(4) The removal of diseased, deceased, infested or dying trees, or living pine trees or other trees which may pose a danger to an existing or proposed home, other structure, or other areas specified in III (c).

E. This ordinance exempts all who clear land solely for forestry practices or conversions to cropland, pastureland or other bona fide agricultural purposes. Such sites shall not be developed for a period of two years after such clearing or conversion, or as otherwise specified in the ordinance.

III.

Section 3: Residential Requirements

1. Properties zoned residential which are ten (10) acres in size or larger or which are platted lots within a subdivision, shall be subject to the residential subdivision guidelines of this Ordinance.

2. The mass grading and/or clear cutting of properties and/or parcels of land which are ten (10) acres in size or larger for residential development is strictly prohibited. As to each such development, only so much land area shall be cleared as is necessary for the development and construction of roadways, utilities, and amenity areas (i.e., parking lots for clubhouses, pool areas, tennis courts, etc.).

3. Also prohibited is the mass grading and/or clear cutting of any lot in a residential subdivision. On such lots, land area shall be cleared only as is necessary for purposes of the proper development of said lot, including areas for:

   A. The placement of the individual home;
   B. The placement of driveways and sidewalks;
   C. The placement of utilities and detention ponds;
   D. The placement of septic systems;
   E. The placement of roads;

F. The placement of decks and patios;
G. The placement of County/City approved trash pits; and
H. Proper drainage as required by county code.

4. A pre-application conference is encouraged with the applicant(s) and the Planning & Development Department, to discuss the Tree Ordinance as it relates to the applicant's property. The purpose of the conference is to clarify the provisions and procedures of the Ordinance and to review applicable standards and guidelines.

5. Developers shall coordinate the location of all utilities with all utility companies in order to prevent root damage within the critical root zones of protected trees, so as to minimize damage to trees in the protected zones.

6. Topographical difficulties and/or the installation of utilities shall be considered at the time of the development of a residential subdivision or parcel. Each parcel of land shall be considered on a case-by-case basis as to the removal of trees where topography and/or utility installation is a factor. Special consideration should be given to maintaining the natural topography of the land when possible, and to apply existing trees to the development of a site. The Building Department shall have final approval of the site. Noncompliance with this Ordinance shall result in the denial of a Certificate of Occupancy.

7. Unnecessary removal of trees or other vegetation shall be prohibited. The planting of grass or other ground covers shall not supersede the requirement for trees as indicated by each zoning district.

8. Prior to the issuance of a certificate of occupancy, any parcel of land for which a building permit has been requested shall have preserved or planted trees, at a minimum caliper of one and one half (1½) inches, upon the parcel where land disturbance has occurred. A minimum of 75% of planted trees shall be hardwoods. All recorded lots within a subdivision shall have planted or preserved, the required number of trees according to their zoning district (see paragraph (4), below, "Provisions For Single Family Residential Subdivision Development").

IV.

Section 4: Provisions For Single Family Residential Subdivision Development:

Residential parcels of land which are part of a platted subdivision shall be subject to the minimum requirements of this ordinance. All parcels of land for which building permits have been requested and where land disturbance will occur, shall comply with the following preservation or planting requirements according to the zoning district in which they exist:

1. RA (Residential Agricultural) and R-1 (Single Family Residential) lots shall have preserved and/or planted a minimum of ten (10) trees within the limits of each parcel of land for the first acre. For every additional ¼ acre, two additional trees shall be planted.

2. R-2 (Single Family Residential) lots which are on septic and which are between 30,000 square feet and one acre in size, shall have preserved and/or planted a minimum of seven (7) trees within the limits of each property. For every additional ¼ acre, two additional trees shall be planted.

3. R-2, R-3 (single family residential) and RD (duplex dwelling district) lots on public sewer shall have preserved and/or planted a minimum of (4) trees within the limits of each property.

4. Efforts should be taken to preserve existing trees, especially those trees which are eight (8) inches in caliper or larger and which are of a considerable age but not dying or deceased. The preservation of large specimen trees is encouraged.

V.

Section 5: Non-Residential and Multi-Family Requirements

Provisions For Non-residential And Multi-family Development:

1. Multi-family, commercial, industrial, and office-institutional developments (including those requested on residential parcels) shall be subject to the minimum requirements of this Ordinance, the County Buffer Ordinance and the County Landscape Ordinance.

2. All individual parcels of land or non-residential subdivisions for which a development permit has been requested, and where land disturbance will occur, shall comply with the following preservation or planting requirements:

A. Commercial, industrial and office-institutional lots shall be developed consistent with the requirements contained in Sections 3-7-216 thru 3-7-227 of the Zoning Ordinance of Henry County ,Georgia.

B. A land disturbance permit shall not be issued by the Building Department unless and until the County shall have inspected the site and confirmed that all existing tree protection devices are in place on the site.

3. Effort should be taken to preserve as much as possible, existing trees, especially those trees which are eight (8) inches in caliper or larger and which are of a considerable age but not dying or deceased.

4. Topographical difficulties and/or the installation of utilities shall be considered at the time of the development of a non-residential subdivision or parcel. Each parcel of land shall be considered on a case-by-case basis as to the removal of trees where topography and/or utility installation is a factor. Special consideration should be given to maintaining the natural topography of the land when possible, and to apply existing trees to the development of a site. The Building Department shall have final approval of the site. Noncompliance with this ordinance shall result in the denial of a Certificate of Occupancy.

5. Only those areas which have or shall be disturbed due to the development of a parcel of land shall be subject to the preservation and/or planting of trees and other vegetation. Parcels of land zoned commercial, industrial and/or office-institutional for which a building permit has not been requested shall not be required to plant trees or vegetation. Unnecessary removal of trees or other vegetation shall be prohibited. The planting of grass or other ground covers shall not supersede the requirement for trees and/or shrubs as indicated by each zoning district.

6. Properties which are ten (10) acres in size or larger, on which application has been made for a development permit, where land disturbance will occur, and are not part of a platted subdivision, shall have preserved and/or planted a minimum of ten (10) trees within the limits of each parcel of land for the first acre. For every additional ¼ acre, two additional trees shall be preserved/planted.

VI.

Section 6: Timbering Activities

All properties cleared within the County or associated Cities (Hampton, Locust Grove and Stockbridge) for the sole purpose of timbering, or which are not subject to any of the covenants referenced in Section 2, Paragraph 2 B, of this Ordinance, and which are not otherwise exempt under the terms of this Ordinance, must comply with the following conditions:

1. All lands designated for timbering purposes must be properly declared timberlands by the property owner via the filing of a statement with the Henry County Building Department.

2. A logging permit must be obtained from the Henry County Department of Transportation before harvest.

3. A property owner must submit a request in writing to the Building Department to release properties declared timberlands. The County Board of Commissioners or the applicable City Council shall render a decision regarding the request for release within twenty-one (21) days of receiving said request.

4. A property may be released as timberlands at any time as long as the property has not been disturbed or harvested.

5. Development plans must be submitted and approved by the County Building Department following the release from timberland status, and prior to the development of said properties.

6. The Building Department shall have the right to impose further County erosion control measures on the property or property owner(s) after release of the timberland declaration.

7. The site shall not be developed for residential or other developmental purposes until at least two years after the forest has been clearcut or two years after 95% of the trees have been removed.

8. Necessary steps shall be taken to ensure the protection of soil and water resources, with special attention given to avoiding the sedimentation (silting) of streams and other waterways.

9. Georgia Forestry Commission's "Best Management Practices" (BMPs) provide excellent guidelines for the protection of water quality, wildlife habitat and vegetative cover. The provisions of these BMPs shall be requisite conditions and shall be followed in order to ensure proper environmental protection. Some of these required conditions to be followed include, but are not limited to:

   A. Analyze and plan site preparation, taking into account all aspects of Streamside Management Zones.

   B. Avoid the cutting of roads or trails unless absolutely necessary. If roads/trails are necessary, do not locate them on ridge-tops and avoid use of soft roads/trails during wet ground conditions.

   C. Avoid harrowing, root raking, or bulldozing.

   D. When forestry activities are completed for a particular period of time, temporary access roads should be retired. This includes re-shaping, mulching, and seeding, in combination with water bars.

   E. Leave logging debris on exposed soil, dry washes, and at points of concentrated drainage from skid trails and road. Do not pile debris in live or wet-weather streams.

   F. Do not service logging equipment where it will have an impact on soil or water quality.

   G. Skidding on steep slopes should be done on a gradual grade rather than straight up the slope, and skidding will be alternated between several skidding trails to minimize soil exposure and disturbance.

10. Copies of the Georgia Forestry Commission's booklet on "Georgia's Best Management Practices for Forestry" will be made available at the County Community Development Office.

VII.

Section 7: Clearing And/Or Grading Only

1. The unnecessary cutting or damaging of trees and mass grading of land(s) shall be prohibited unless exempted or approved by Henry County or the Cities which may adopt this ordinance. All tree removal shall be done in accordance with the best preservation goals and management practices described herein. If trees are existing on the site, measures must be taken to ensure areas of protection are flagged, marked or otherwise delineated to meet the tree-protection requirements of this ordinance.

2. Clearing of land shall only be permitted upon review and approval and issuance of a permit by the Building Department pursuant to existing Henry County Ordinances and procedures.

3. A site or sites proposed for present or future development, when existing vegetation has been removed without the fore-knowledge or consent of the Building Department, and where submittal of development plans to the County Building Department has not been accomplished, shall be subject to the fines and penalties of this Ordinance.

4. Properties which are cleared shall comply with the all state and county erosion control regulations.

VIII.

Section 8: Miscellaneous Provisions

1. Trees and tree-save areas calculated in the preservation and/or planting requirements of this ordinance shall not be located in a required buffer zone.

2. Nothing in this ordinance shall be construed to allow the removal of any tree or vegetation in a required stream buffer, or undisturbed/planted buffer, except where buffer improvements have been authorized by the Building Department Director.

3. It is desirable that planted trees be ecologically compatible with the site and neighborhood. Seventy-five percent (75%) of the planted trees shall be hardwood.

4. Replacement trees shall be planted in a manner that will provide adequate space for nourishment, light and maturation.

IX.

Section 9: Protection of Trees During Construction

Methods and standards for tree protection shall be established in administrative guidelines as follows:

1. Trees identified to be preserved and/or planted, and being counted as credit for meeting the requirements of this ordinance, shall have a valid, recognizable method of tree-protection (tree-save) marking or delineation installed at the critical root zones.

2. No person engaged in the construction of any structure(s) or improvement(s) shall encroach on a designated tree-save/critical root zone area with heavy machinery or the storage of heavy building materials.

X.

Section 10: Enforcement

1. **Enforcement Authority:**

A. The Henry County Building Department Director, under the guidance of the Henry County Board of Commissioners and in association with the cooperating City Councils (Hampton, Locust Grove and/or Stockbridge) shall have joint jurisdiction and enforcement authority of this ordinance.

B. The County Building Department shall, at any time, at the direction of the Building Department Director order the ceasing of all work on a site if any aspects of this ordinance are violated. Issuance of a Certificate of Occupancy shall be conditioned on compliance with this ordinance at the time a final inspection is requested.

2. **The Appeals Procedure:**

A. All appeals of decisions resulting from a plan submitted to the Planning and Development Department by a developer, builder, or attorney relating to the requirements of this ordinance shall be directed to the Director of the Planning and Development Department. The Director shall immediately forward a copy of the appeal to the county manager, city manager, clerk, or other official in charge of scheduling matters for the affected government. An appeal hearing shall be scheduled at the next meeting of the commission or council if practical, but no later the twenty-one (21) days from the date of the appeal.

B. All appeals as a result of a decision or decisions made by the Director of the County Building Department following plan approval relating to the requirements of this ordinance shall be directed to the Director of the Building Department. The Director shall immediately forward a copy of the appeal to the county manager, city manager, clerk, or other official in charge of scheduling matters for the affected government. An appeal hearing shall be scheduled at the next regular meeting of the commission or council if practical, but no later than twenty-one (21) days from the date of the appeal.

3. **Variances:**

The Board of Commissioners or applicable City Council is authorized upon appeal in specific cases to consider such variances from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. The existence of non-conforming neighboring land in the same or in other districts shall not constitute a reason for a variance. A variance may be granted in an individual case of unnecessary hardship upon a finding by the Board of Commissioners (or City Council) that all the following conditions exist:

A. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands in the same district.

B. A literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.

C. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.

D. The requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare.

E. The special circumstances are not the result of the actions of the applicant.

F. The variance requested is the minimum variance that will make possible the legal use of the land.

G. The variance is not a request to permit a use of land which is not permitted by right in the district involved.

4. **Variance Procedure:**

An applicant for a variance shall file a written request with the applicable Planning & Development Department Director or Building Department Director. The Board of Commissioners or Municipal Authorities shall establish a reasonable time for hearing the variance request and shall give public notice thereof and due notice to the parties in interest; and shall decide the variance request within reasonable time. At the hearing any party may appear in person, or by agent or by attorney.

5. **Fees:**

All requests by private groups, individuals, businesses and other nonpublic organizations for appeals and variances shall be accompanied by a filing fee which is maintained in the office of the Planning & Development Department Director or Building Department Director, as applicable.

6. **Fines and Penalties:**

A. It shall be unlawful for any person, company or entity to violate the provisions of this Ordinance. Mass grading or clearcutting violations of the Ordinance shall result in a fine of up to $1,000 per occurrence. Each occurrence may be considered a separate violation with a separate fine of up to $1,000.

B. Other violations of this ordinance shall result in a fine of up to $500 per occurrence. Each "other" occurrence may be considered a separate violation with a separate fine of up to $500.

C. If a developer or builder performs or allows, intentionally or accidentally, mass grading or tree removal, contrary to the requirements of this Ordinance, then, in addition to the penalties above, the minimum tree planting requirements of this Ordinance contained in Section 4 shall be accomplished prior to the approval of the final development plat or Certificate of Occupancy, whichever is applicable.

D. In lieu of fine(s), a court with appropriate jurisdiction may require that the defendant abate or cause to be cured any other violation of this Ordinance.

E. The County or its associated Cities will hold the right to stop further land activity until a development comes into compliance with this Ordinance.

XI.

Section 11: Separability

Should any section or provision of this Ordinance be declared by a court of law to be unconstitutional or invalid, such declaration shall not effect the validity of this Ordinance other than the part that is declared unconstitutional or invalid.

XII.

This Ordinance shall take effect immediately upon its adoption.

IT IS SO ORDAINED this 21 day of March, 2000.

BY: _____
Jim L. Joyner, Chairman

ATTEST: _____
Susan Craig, Clerk

Appendix 1

Henry County Tree Ordinance Handbook

Introduction

This handbook is an appendix to the Henry County Tree Ordinance. Many of the topics discussed here are suggestions and recommendations. This handbook is intended to assist the homeowner, developer, timber harvester and technical expert interpret the Henry County Tree Ordinance and apply it to their particular situation.

The beginnings of the Henry County Tree Ordinance

In the face of rapid growth, the Henry County Board of Commissioners saw a need to set guidelines regarding the preservation of trees. The Board asked Commissioner Gary Freedman to look into this matter, and he soon formed the Tree Ordinance Working Group. Each commissioner appointed a representative from their district to help craft this tree law. In addition, two at-large members were also appointed for their technical expertise. The backgrounds of these members was varied and diverse, and created a well-rounded committee that shared a core set of values.

The question arises "Why save trees?" There are many reasons. Trees contribute to a high quality of life, and we all benefit from having them.

Trees make shade. Imagine the scorching summer sun without the benefit of the cooling shade of a tree. In forested areas, trees cool the air and contribute to moderating high temperatures on a large scale. The shade that trees make also helps to reduce the costs of air-conditioning our homes.

Trees protect our topsoil and water supply. The huge mass of tree roots hold soil in its place. Without them, valuable topsoil gets washed into creeks and rivers by rain. The roots of trees and other plants also help filter excess fertilizers and other chemicals from our water supply.

Trees protect wildlife. Of course, our wooded lands provide a haven and sanctuary for all manner of wildlife. Henry County is home to an enormous variety of birds, mammals and reptiles thanks to our private and public forested land. In order to protect the habitat of wildlife, we must be mindful of the quality and quantity of the forests in our county.

Trees reduce noise. Even a narrow planting of trees and large shrubs between a house and a busy street can help reduce noise significantly. The branches and leaves act as 'sound-absorbers' and filter much of the noise.

Trees look nice. Most real estate agents agree that a home with large, healthy trees will sell much faster than one without. Most of us like the look of trees around our homes and businesses. It makes the landscape look complete to have a number of trees.

For the Homeowner

Unlike tree ordinances in other places, this tree ordinance generally does not interfere with the ability of private homeowners in a platted subdivision from removing trees from their property once they have occupied their home. An exception would be if their property included a protective buffer along a creek, stream, or reservoir. In these cases, rules from the State Department of Natural Resources and/or Henry County Watershed Protection Ordinances regarding tree removal would apply.

Specifically, the Henry County Tree Ordinance <u>does apply</u> to:

- Building a new home in a platted subdivision.
- Building a new home on a lot that is three acres or larger.

The law <u>does not</u> apply to:

- Existing homes.
- New homes on lots less than 10 acres **and** not part of a platted subdivision.
- Tree clearing for legitimate forestry practices, conversion to crop land or pastures, or other recognized agricultural practices.
- Tree removal for adding on to a home.
- Tree removal for building a barn, guest quarters, or similar accessory structure.
- Removing trees to install a swimming pool.
- Removing dead, diseased, insect-infested or dying trees.
- Removing trees that pose a hazard to an existing or proposed home.

Permits are required by Henry County for most types of construction activity. Information on permits can be obtained by contacting the Henry County Building Department at (770) 954-2441.

If the tree ordinance does apply to your situation, call the Henry County Planning and Development Department at (770)954-2457 to schedule a pre-application conference.

For the builder/developer

The Henry County Tree Ordinance was designed to be different from those in other localities. While it encourages the saving of trees, it does not impose additional costs by demanding tree surveys or creating complicated tree replacement formulae.

In general, this tree ordinance applies to single family residential developments and home building. If your project is to be zoned multi-family, commercial, industrial, or office-institutional, you must comply with the Henry County Buffer Ordinance and the Henry County Landscape Ordinance in addition to this tree ordinance.

For developing a single family residential subdivision, the project must follow these guidelines.

1. Not be on property that has been declared timberlands with the Henry County Building Department. It may be developed if the site has been declared timberlands for more than two years **or** if the site has not been disturbed or the timber harvested.
2. Have proper application filed with the Henry County Office of Community Development.
3. Limit how much land is cleared for the project. Briefly, only enough land can be cleared for:
    - the individual house
    - the driveway and sidewalk
    - utility easements and detention ponds
    - roads
    - decks and patios
    - City/County approved trash pits.
    - Drainage required by County building code

Mass grading of a large site is prohibited by this ordinance.

4. During construction, a tree save area must be designated around any trees that are to remain at the end of construction. Desirable trees should be identified and a physical barrier set up around the tree or group of trees. This barrier can consist of 4' high orange safety fence, wide plastic caution tape, a simple fence made of lumber, or other appropriate methods that can identify the non-invasive drip line area. The barrier should be placed beyond the drip zone (critical root zone) and should prevent the stockpiling of soil or building materials, dumping cleaning solvents, or parking vehicles or equipment within this barricaded area.
5. The individual lots within a subdivision must meet minimum requirements for tree retention or replacement in order to receive a Certificate of Occupancy.

Zoning class	No. of trees
RA (Residential Agricultural)	10*
R-1	10*
R-2 on septic tank	7*
R-2 on sewer, R-3 and RD	4

*Note: For each additional quarter acre, add 2 trees.

A Special Note to Builders and Developers

Developers and builders of all types are strongly encouraged to design projects around large trees or significant groups of trees. Trees over 8" diameter which are healthy will add to the value of the property. The Office of Community Development can be of assistance if necessary.

Also, speculative grading is generally prohibited by this ordinance. Always ask for assistance in the Office of Community Development before any grading activity takes place.

For the timber farmer and harvester

Lands that are designated for timbering or logging must be declared as such with the Henry County Building Department.

Land that has been designated as such and disturbed or harvested as timberland will not be available for other types of development for two years. It may continue to be maintained as a tree farm for as long as is desirable.

A permit must be obtained from the Henry County Department of Transportation before timbering activity can begin. This allows a DOT representative to check on the site periodically. It is also used to make sure that heavy mud is not tracked onto the roads, or that gravel roads are not damaged during rainy weather. The cost of the permit is reasonable, and will not be a burden to a legitimate timber harvester.

Erosion control measures must be in place before any logging operation begins. In general, streams and creeks, as well as county roadways, must be protected from storm water runoff.

Definitions

The making of this tree ordinance brought together many disciplines, like agriculture, silviculture (forestry), horticulture, real estate development, and law, so the language can be confusing. Below is a list of definitions that are applicable to this Ordinance.

Buffer-An area of a lot or parcel established and maintained to create a naturally preserved space between dissimilar use properties.

Canopy Tree-A class of large trees attaining significant height in the forest or landscape. Examples include Red Maple, Sycamore, River Birch, Red Oak, Willow Oak, Loblolly Pine, or trees of similar stature.

Caliper-The diameter or thickness of the trunk of a nursery-grown tree as measured at 4 inches above the top of the root mass.

Critical root zone- An area on the ground around a tree that is equal to the reach of the farthest branches. It is assumed that this critical root zone includes the majority of the trees root mass, however recent research suggests that many important feeder roots extend far beyond this zone.

Cutting-The detaching or separating of any limb, branch, or root from a tree.

Deciduous tree-Any tree which naturally loses its leaves in the Fall.

DBH-Diameter at Breast Height. A Forestry term that takes the thickness measurement of a tree at 4.5 feet above the ground.

Dead Tree-A tree that does not contain any live tissue, i.e., green leaves or live limbs.

Evergreen tree-Any tree that retains green leaves throughout the year. This includes Magnolias and tree-type Hollies, as well as Pines and Cedars.

Green Space- Any area retained as permanently vegetated land.

Natural Area-An area of natural vegetation that is generally undisturbed, unmaintained, and is self-perpetuating. It includes not only trees, but also native shrubs, ground covers, wildflowers, vines, and grasses.

Removal-The physical removal of a tree.

Understory tree-A class of trees and large shrubs that do not attain the height of a canopy or shade tree, yet are large enough at maturity to provide shade for people, as well as many of the benefits of larger shade trees. Examples include Dogwood, Red Bud, Crabapple, Crape Myrtle, Wax Myrtle, Ornamental Cherry, Hawthorne, and tree-type Hollies.

Tree-Any living, self supporting, woody perennial plant which has a trunk caliper of one and one-half (11/2) inches measured at a point four (4) inches above the ground and which normally attains a height of at least ten (10) feet at maturity usually with one (1) main stem or trunk and many branches.

Recommended Trees For Henry County

Henry County, Georgia is in a great area to grow trees. With our mild climate and fertile soils, several dozen species of trees are native to the county. In addition, our climate makes it possible to easily grow many varieties of non-native tree species, too.

Trees are listed by Latin name in alphabetical order. Scientific, or Latin names, are included because some trees have more than one common name, or different names in different regions. If you are not familiar with the common name listed, you will be able to locate any tree with the Latin name.

Latin Name/Common Name

Acer barbatum/ Florida maple or Southern Sugar Maple
Acer buergerianum/ Trident Maple
Acer rubrum/Red Maple
Amalanchier arborea/ Service Berry
Betula nigra/ River Birch
Cercis canadensis/ Eastern Redbud
Cornus florida/ White Dogwood
Cornus kousa/ Chinese Dogwood
Ilex opaca /American Holly
Ilex vomitoria/ Yaupon Holly
Ilex X attenuata./ Fosters Holly
Juglans Nigra/Black Walnut
Koelreuteria paniculata/ Golden Rain Tree
Lagerstroemia indica/ Crepemyrtle
Liquidambar styraciflua/ Sweetgum
Liriodendron tulipifera/ Tulip Poplar
Magnolia grandiflora/ Southern Magnolia
Magnolia virginiana/ Sweetbay Magnolia
Metasequoia glyptostroboides/ Dawn Redwood
Myrica cerifera/ Wax myrtle
Nyssa sylvatica/ Blackgum or Tupelo
Oxydendron arborea/ Sourwood
Pinus taeda/ Loblolly Pine
Pinus virginiana/ Virginia Pine
Pistacia chinensis/ Pistachio Tree
Platanus occidentalis/ Sycamore

Prunus caroliniana/ Carolina Cherrylaurel
Quercus acutissima/Sawtooth Oak
Quercus alba/ White Oak
Quercus coccinea/Scarlet Oak
Quercus nigra/ Water Oak
Quercus palustris/ Pin Oak
Quercus phellos/ Willow Oak
Quercus rubra/Red Oak
Quercus shumardi/ Shumard Oak
Taxodium distichum/ Bald Cypress
X Cupressocyparis leylandii/Leyland Cypress

There are many more suitable tree species and cultivars than those listed here. Consult with the Henry County Extension Agent, a Certified Plant Professional, a Certified Landscape Specialist, or a Landscape Architect regarding alternative choices.

Planting Trees

After selecting a tree suitable for your location it is important to plant it properly. Perhaps the single biggest reason for newly planted trees dying is poor or improper planting.

Timing is important too. In general, trees and most other landscape plants can be planted all through the year. The worst time of the year is when the soil is extremely wet, primarily in the winter. Also the hottest part of the summer makes it more difficult to keep the trees alive. Fall of the year is the best time for many reasons. With cooler air temperatures and still-warm soil temperatures, roots can grow very well this time of year. It is easier to keep up with water demands. And most importantly, the milder weather makes it easier to work outside longer.

Following these time-tested guidelines will help your trees thrive.

Step 1. *Dig a hole.* As simple as this sounds, take the time to do it properly. Since a tree will last for twenty to one hundred years, invest enough time to dig a big enough hole. If the ground is hard from summer heat, water the planting site the day before planting. This softens the soil and makes digging much easier. Be careful not to make the planting site too soggy as this is not a

good planting situation. As a rule, the hole for your trees should be twice as wide as the root ball, and only a little deeper.

While it is not recommended by the Extension Service, it is acceptable practice to supplement the planting soil with other material. Composted pine bark or peanut hulls are readily available and inexpensive. Coarse creek sand is also useful in heavy clay soils. A simple recipe would be to mix 50% of the native soil with 25% compost and 25% coarse sand.

Step 2. *Plant the tree.* Nursery-grown trees come in a variety of "packaging." Most often, something has to be removed from the root mass of the tree to make it ready for planting. The following is a brief list of the different types of packaging and what to remove.
Burlap only-Remove the nylon strings.
Burlap and wire basket-Remove nylon strings and fold back the top loops of wire.
Plastic pot-Remove the plastic pot. If the roots are in a solid mass that mimics the shape of the container, use a knife to make three or four vertical cuts in the root mass.

Carefully place the tree in the hole. Make certain that the top of the root mass, or root ball, is *slightly above the existing grade.* Usually one half to three-fourths of an inch is sufficient.

Make sure the tree is standing up straight before backfilling. It is important not to leave large air spaces in the hole, so break up large chunks of soil before re-filling the planting hole. When the filling is complete the soil should be firmly settled, but not packed down.

Step 3. *Water it.* Soak the tree. Water may have to be applied two or three times in order to get enough to soak in the tree's root mass. Water should be standing on the ground several minutes after this first watering. Further watering depends on the season of the year and the size of the tree. Naturally, warm or hot weather will demand more watering than in the middle of winter.

Step 4. *Mulch around it.* Add a three to four inch layer of mulch like pine straw or pine bark around the tree. There are several reasons why this is an important step. First, it slows the loss of soil moisture through evaporation. Second, it moderates soil temperatures at the root zone, acting like insulation in hot and cold weather. Third, if installed thickly enough, it prevents a

majority of weeds from emerging without using weed-preventing chemicals. Finally, it makes an attractive finish to the job.

For more detailed information, refer to Georgia Cooperative Extension Service bulletin entitled "Planting Trees in Georgia".

Taking Care of Trees

The most important aspect of long-term tree care is proper planting. If the right tree is planted in the right location, and planted well, it will last for generations.

The first 4 to six weeks after planting a tree are the most crucial to its survival. Make sure that it gets adequate water. Fertilizing twice a year for young trees and once for older trees is good practice. Use a 12-6-6 or 16-4-8 fertilizer with at least 25% of the Nitrogen being slow-release. For older trees, apply the amount according to label directions in March. For young trees, March and September are good. Pruning depends on which varieties have been planted. Most large shade trees require little or no pruning, especially after they are established.

Many things can happen to a tree during its lifetime. Some things can be controlled or avoided, and some cannot. Storms can do much damage to trees. It is better too avoid species that are prone to storm damage. These include, but are not limited to Loblolly Pine, Bradford Pear, and inferior Willow varieties. Other things can be avoided, such as lawn mower and string trimmer damage. By including the tree in a large area of mulch, the possibility of equipment damage is greatly reduced.

MORATORIUM

ORDINANCE NO. 99-26

An Ordinance for the purpose of amending Article VIII of Chapter 3-7 of the Zoning Ordinance of Henry County, Georgia adopted June 3, 1986, as amended, by specifically amending Ordinance Section 3-7-320 which is now reserved, and by inserting and creating a residential rezoning moratorium ordinance providing for a twelve month residential rezoning application moratorium commencing on January 1, 2000, and extending through January 1, 2001.

I.

Be it ordained by the Board of Commissioners of Henry County, Georgia, and it is hereby ordained by the authority of same as follows:

1.

Section 3-7-320. Residential Rezoning Moratorium

a.

In adopting this Ordinance, the Board of Commissioners of Henry County, Georgia hereby adopts, in its entirety, the Resolution titled "A Resolution of Henry County, Georgia Relating to Rezoning Applications, Enacting a Moratorium for Twelve (12) Months to Bar the Acceptance of Residential Rezoning Applications" which was adopted by the Board of Commissioners on November 16, 1999. This Resolution provides as follows:

CLERK'S CERTIFICATE

This is to certify the attached is a true and correct copy of Henry County Ordinance No. 99-26, adopted by the Henry County Board of Commissioners on December 21, 1999. The original is on file in the Clerk to the Henry County Board of Commissioners' Office.

This 7th day of April, 2000.

Susan B Craig

Susan B. Craig, County Clerk

(SEAL)

A RESOLUTION OF HENRY COUNTY, GEORGIA RELATING TO REZONING APPLICATIONS, ENACTING A MORATORIUM FOR TWELVE (12) MONTHS TO BAR THE ACCEPTANCE OF RESIDENTIAL REZONING APPLICATIONS

WHEREAS, Henry County is one of the fastest growing counties in the State of Georgia and the United States; and

WHEREAS, the amount of residential rezoning applications received by Henry County has dramatically increased in the past year; and

WHEREAS, Henry County has pending several road projects which when completed should alleviate many of the County's traffic concerns; and

WHEREAS, numerous road projects have been delayed due to the Clean Air Act and other circumstances; and

WHEREAS, it is anticipated that a revised Comprehensive Land Use Plan will be approved on or about January 1, 2001 and;

WHEREAS, Henry County believes that out of necessity it must take actions in response to the above;

WHEREAS, Henry County finds that a residential rezoning moratorium is reasonably calculated to improve and evaluate the density of development and the County's ability to support that development through current or future land planning.

WHEREAS, Henry County finds a residential rezoning moratorium to be within the limits of necessity and the least restrictive means available in the exercise of its police power for the legitimate public purpose of addressing the needs for improved comprehensive planning and zoning, as well as maintaining the status quo pending final approval of the revised Comprehensive Land Use Plan.

WHEREAS, the Board of Commissioners of the County of Henry deems it necessary and advisable to enact a moratorium during this limited period of time to bar the acceptance of residential rezoning applications and the issuance of approvals for residential rezonings in the County, in the best interests of the public health, safety and welfare and to allow the County to study, prepare, and address a revised Comprehensive Land Use Plan.

NOW THEREFORE BE IT RESOLVED BY THE COUNTY COMMISSION OF HENRY COUNTY, GEORGIA AS FOLLOWS:

The Henry County Board of Commissioners does hereby enact a moratorium for 12 months until January 1, 2001 to bar the acceptance of applications for residential rezonings in order to maintain the status quo pending the adoption of the revised Comprehensive Land Use Plan.

The County Commission does hereby expressly find that the extreme rate of population growth is a matter of great importance to the public health, safety and welfare of the citizens of Henry County and that the 12 month residential rezoning moratorium is reasonably calculated to expeditiously address land planning and population density.

The moratorium imposed herein does not apply to governmental emergency services.

The moratorium imposed herein does not affect the ability of property owners to develop their land as currently zoned and applies equally to all residential zoning classifications.

The moratorium imposed herein shall not apply to residential rezoning applications received prior to the effective date of this Resolution, nor to any property owner having a vested property right such that Georgia law would require consideration of a zoning application.

This Resolution shall take effect on January 1, 2000.

b.

The above-referenced and quoted Resolution is hereby duly adopted in its entirety as an Ordinance of Henry County, Georgia.

c.

As a part of this Ordinance, during the above-referenced moratorium period extending from January 1, 2000, until January 1, 2001, no applications for any residential rezonings of any kind, including residential rezonings as a component of a planned development district (PD), shall be accepted by Henry County or any of its Departments pertaining to any property located within the unincorporated area of Henry County, Georgia. Any such applications tendered and/or submitted to

Henry County or any of its Departments during the moratorium period extending from January 1, 2000, until January 1, 2001, shall not be accepted, considered, nor acted upon by Henry County or any of its Departments.

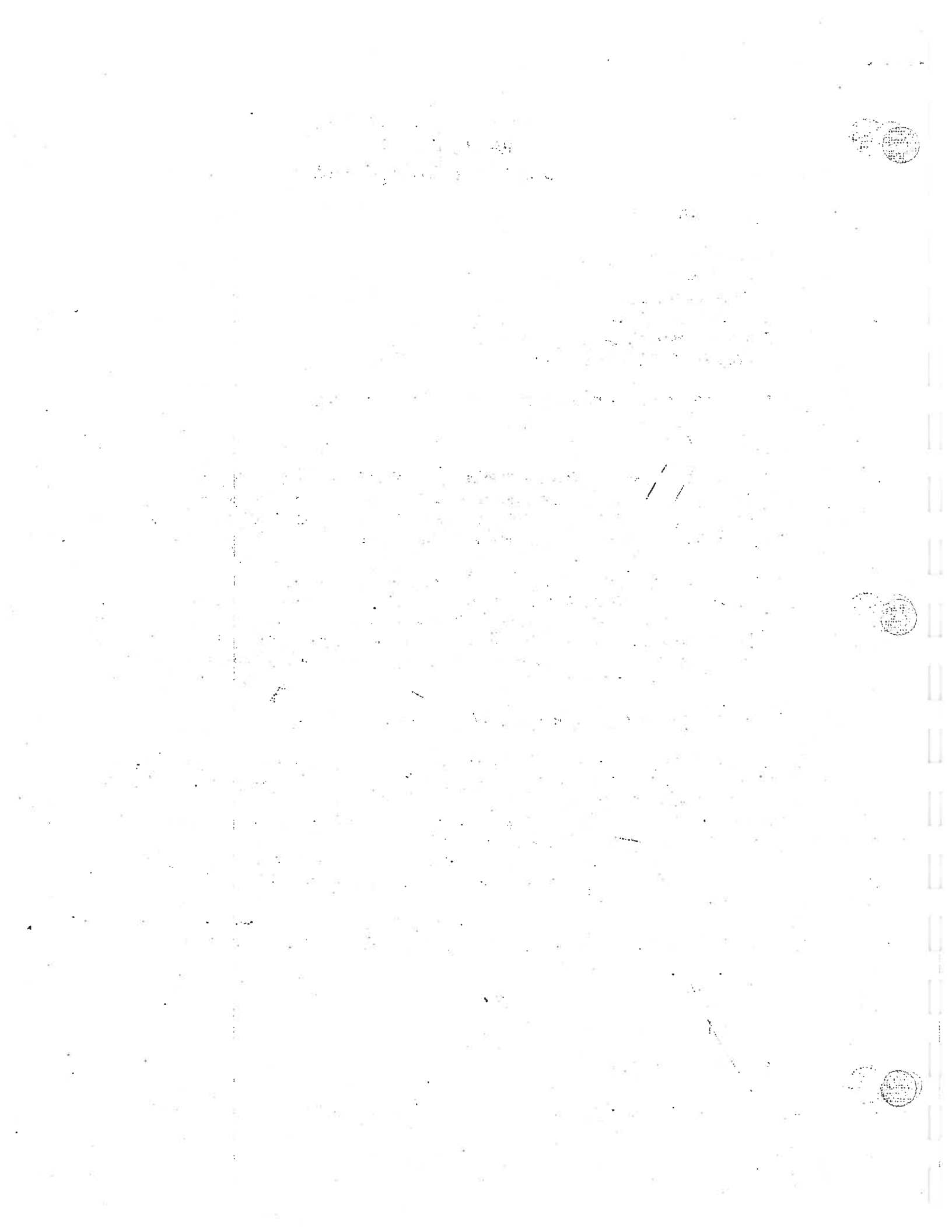
II.

This Ordinance shall take effect on January 1, 2000.

IT IS SO ORDAINED this 21 day of December, 1999.

BY: _____
Jim L. Joyner, Chairman

ATTEST: _____
Susan Craig, Clerk



Fire Safety Rules & Regulations For Mobile/or Portable Classroom

PROPOSED
RULES
OF
SAFETY FIRE COMMISSIONER

Chapter 120-3-5

RULES AND REGULATIONS
FOR
MOBILE / OR PORTABLE CLASSROOM

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120-3-5-.01 Promulgation and Purpose

(1) These Rules and Regulations for Mobile / or Portable classrooms are promulgated by the Georgia Safety Fire Commissioner in accordance with the Georgia Safety Fire Commissioner Act, as amended, and shall be the minimum requirements for Mobile / or Portable classrooms.

(2) The purpose of these rules and regulations is to provide reasonable safeguards for the prevention of loss of life and property from fire, panic from fear of fire, explosion, or related hazards.

120-3-5-.02 Definitions

The definitions contained in this section are in addition to or in clarification of those contained in the adopted standards.

(1) MOBILE / OR PORTABLE CLASSROOMS: A portable structure built on a chassis designed to be used with or without a permanent foundation, which is utilized as a temporary student classroom for educational purposes. This shall include other temporary student classrooms as noted above without a chassis that may be described as modular not exceeding 1,000 square feet.

(2) EXISTING MOBILE/OR PORTABLE CLASSROOMS: Those portable structures constructed and used prior to June 25, 1987.

(3) NEW MOBILE/OR PORTABLE CLASSROOMS: Portable Classrooms constructed and used after June 24, 1987.

(4) COMMISIONER: The Georgia Safety Fire Commissioner.

(5) AUTHORITY HAVING JURISDICTION: The State Fire Marshal of Georgia.

120-3-5-.03 Special Provisions

(1) Each Mobile/or Portable Classroom will not be occupied until the required Certificate of Occupancy has been issued by the State Fire Marshal's Office, the proper local fire marshal, state inspector, or others as authorized by O.C.G.A. 25-2-12.

(2) Modification

(a) Upon receipt of a sworn affidavit stating all relevant facts and circumstances and such other information as may be required, the State Fire Marshal may recommend to the Commissioner that specific requirements of this Chapter and the NFPA codes, standards and recommended practices adopted herein, be modified to allow alternative arrangements that will secure as nearly equivalent measures as practical for the prevention of injury to persons and property. The Commissioner in his discretion may accept the State Fire Marshal's recommendation and grant the requested modifiation.

(b) Any person, firm, association or corporation violating any of the provisions of the law or the rules and regulations shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as prescribed by law.

(3) Plans and specifications for all proposed Mobile/or portable classrooms shall be submitted to and receive approval by either the State Fire Marshal, the proper local fire marshal, state inspector or others as authorized by O.C.G.A. 25-2-12 before construction.

(4) Each Mobile/or Portable classroom shall bear a permanent serial number and Certificate of Occupancy shall be issued by such serial number.

120-3-5-.04 Standards for Existing Mobile/or Portable Classrooms

(1) The interior walls, ceilings and partitions shall be Class A in accordance with NFPA 101, 1985 Edition, Chapter 6, Sections 6-5, subsection 6-5.2.

(2) Classrooms will not be permitted within 10 feet of other Mobile/or Portable classrooms or structures.

(3) Each classroom shall be provided with fire extinguishers with the minimum ratings as follows: (a) For Class A fires - 2-A rating (b) For Class B & C Fires - 10-B:C rating. Where fire extinguishers have more than one letter classification (such as 2-A: 10-B:C), they may be considered to satisfy the requirements of each letter class. All fire extinguishers shall be maintained in accordance with the appropriate NFPA Standard as adopted in Chapter 120-3-3.

(4) All electrical wiring will conform with the requirements of the National Electric Code, NFPA-70, 1984 edition.

(5) Number of Exits

(a) Where a mobile/portable structure consists of a single room used as a classroom and the classroom has an area in excess of 700 square feet or an occupant load in excess of 35 persons, the classroom shall have a minimum of two exits remote from each other, one of which shall open directly to the outside.

(b) Where a mobile/portable structure contains two or more classrooms, and each classroom has an area or occupant load in excess of those noted in (a), then the provisions of (a) shall be met. However, where one or more classrooms in such a structure has an area or occupant loat at or below those noted in (a) so as to permit a single exit from the classroom, the required exit must be located remote from any other required exit from another room in the same structure.

c) The criteria for establishing remoteness of exits shall be in accordance with NFPA 101, 1985 Edition, Chapter 5, Section 5-5, subsection 5-5.1, paragraph 5-5.1.3. Doors used as exits must open in the direction of egress from the room. The width of each door must be at least 28 inches in clear width.

(Refer to 1985 Life Safety Code, Appendix A, paragraph A5-5.1.3 for further explanation).

(6) Alarm and Communications Systems

(a) Each mobile/portable classroom structure shall be equipped with or served by an audible fire alarm signal that can be readily heard in each classroom and which is distinct from all other bells or horns.

Exception to (a): Where each classroom in a mobile/portable classroom structure is provided with a two-way co

mmunication system that will not permit communication to be initiated from the classrooms.

(b) Each mobile/portable classroom structure shall be located within 100 feet of an approved manually operated pull station connected to the fire alarm system serving the building containing the primary administrative offices.

Exeption to (a) and (b): Where each classroom in a mobile/portable classroom structure is provided with a two-way communication system that will permit initiation of the communication from both the classrooms and a constantly attended master station from which a general fire alarm can be sounded.

(c) Where a two-way communication system is provided as set forth in the exceptions to (a) or exceptions to (a) and (b). The procedures for using the system for emergency alerting shall be clearly posted in each classroom served and at the constantly attended master station.

(7) All heating equipment and appliances must comply with those standards approved by a nationally recognized testing agency.

120-3-5-.05 Standards for New Mobile/or Portable Classrooms

(1) All materials used in the Interior Construction of these classrooms shall be Class A in accordance with NFPA 101, 1985 Edition, Chapter 6, Section 6-5, subsection 6-5.2.

(2) Classrooms will not be placed within 25 feet of any building or within 10 feet of another Mobile/or Portable classroom.

(3) Each classroom shall be provided with fire extinguishers having more than one letter classification (such as 2-A: 10-B:C) meeting the minimum ratings as follows: 2-A rating for Class A fire classification and 10-B:C rating for Class B & C classification.

(4) Electrical wiring and appliances shall conform to the requirements of The National Electric Code, NFPA-70, 1987 edition.

(5) Number of Exits

(a) Where a mobile/portable structure consists of a single room used as a classroom and the classroom has an area in excess of 700 square feet or an occupant load in excess of 35 persons, the classroom shall have a minimum of two exits remote from each other, one of which shall open directly to the outside.

(b) Where a mobile/portable structure contains two or more classrooms, and each classroom has an area or occupant load in excess of those noted in (a), then the provisions of (a) shall be met. However, where one or more classrooms in such a structure has an area or occupant load at or below those noted in (a) so as to permit a single exit from the classroom, the required exit must be located remote from any other required exit from another room in the same structure.

(c) The criteria for establishing remoteness of exits shall be in accordance with NFPA 101, 1985 Edition, Chapter 5, Section 5-5, subsection 5-5.1, paragraph 5-5.1.3. Doors used as exits must open in the direction of egress from the room. The width of each door must be at least 32 inches in clear width. (Refer to 1985 Life Safety Code, Appendix A, paragraph A5-5.1.3 for further explanation).

(6) Alarm and Communications Systems

(a) Each mobile/portable classroom structure shall be equipped with or served by an audible fire alarm device which provides a clearly audible fire alarm signal that can be readily

heard in each classroom and which is distinct from all other bells or horns.

Exception to (a): Where each classroom in a mobile/portable classroom structrue is provided with a two-way communication system that will not permit communication to be initiated from the classrooms.

(b) Each mobile/portable classroom structure shall be located within 100 feet of an approved manually operated pull station connected to the fire alarm system serving the building containing the primary administrative offices.

Exception to (a) and (b): Where each classroom in a mobile /portable classroom structure is provided with a two-way communication system that will permit initiation of the communication from both the classrooms and a constantly attended master station from which a general fire alarm can be sounded.

(c) Where a two-way communication system is provided as set forth in the exception to (a) or exception to (a) and (b). The procedures for using the system for emergency alerting shall be clearly posted in each classroom served and at the constantly attended master station.

(7) All heating equipment and appliances shall conform with those standards approved by NFPA 90A or 90B as appropriate.

120-3-5-.06 Capacity or Occupancy Load

The capacity of educational Mobile /or Portable classrooms for the purpose of determining exits shall be no less than one person each 20 square feet of net classroom area.

120-3-5.07 Severability

If any rule or portion thereof contanined in this Chapter is held invalid by a court of competent jurisdiction, the remainder of the rules herein and the applicability of such provisions to other circumstances shall not be affected thereby.

NOTES:

1. The National Fire Protection Association Standards adopted in

this Chapter are on file in the Office of the State Fire Marshal and are available for viewing.

2. Copies of the National Fire Protection Association Standards may be obtained from:

National Fire Protection Association
60 Batterymarch Park
Boston, Massachusetts 02110

A price list of the standards is available at the Office of the State Fire Marshal for viewing.

The Rules of Safety Fire Commissioner are further amended by deleting Chapter 120-3-10 entitled "Rules and Regulations for Explosives and Blasting Agents" in its entirety and substituting in lieu thereof a new Chapter 120-3-10 to read as follows:

Revised 11-15-90

AMENDMENT TO SECTION 3-7-154

ORDINANCE NO. 00-03

An Ordinance for the purpose of amending Article VIII of Chapter 3-7 of the Zoning Ordinance of Henry County, Georgia adopted June 3, 1986, as amended, by amending Section 3-7-154 allowing additional permitted uses; and for other purposes.

I.

Be it ordained by the Board of Commissioners of Henry County, Georgia, and it is hereby ordained by the authority of same that Article VIII of Chapter 3-7 of the Zoning Ordinance of Henry County, Georgia adopted June 3, 1986, as amended, is hereby amended as follows:

1.

Sections 3-7-154 (b) (1) through (b) (17) are hereby redesignated as Sections 3-7-154 (b) (2) through (b) (18).

2.

Section 3-7-154 (b) (1) is hereby newly created, and shall provide as follows:

(1) Any use permitted in the C-1 and C-2 zoning district.

3.

The newly redesignated Section 3-7-154 (b) (18) is hereby amended. This Section is hereby amended to provide, in its entirety, as follows:

(18) Other uses as may be determined by the planning staff to be similar and compatible with the above-listed permitted uses.

II.

This ordinance shall take effect immediately upon its adoption.

IT IS SO ORDAINED this 26 day of April, 2000.

BY: _____
Jim L. Joyner, Chairman

ATTEST: _____
Susan Craig, Clerk

WATERSHED AMENDMENT DEFINITION

ORDINANCE NO. 00-06

An Ordinance to amend the Zoning Ordinance of Henry County, Georgia, adopted June 3, 1986, as amended, by adding additional definitions, to wit: Best Management Practices Plan (BMP Plan), Net Acreage, Net Density, and Open Space; and by amending Subsection 6.2.7 to define residential uses and to authorize planned unit developments under certain conditions and instances as to establishing of lot sizes; and by amending Section 10.1 and Subsection 10.1.6; and by adding a Section 10.3 entitled "Storm Water Treatment"; and for other purposes.

****

Be it ordained by the Board of Commissioners of Henry County, Georgia, and it is hereby ordained by the authority of the same, as follows:

1.

The Zoning Ordinance of Henry County, Georgia, adopted June 3, 1986, as amended, is hereby amended by amending Subsection 2 (Definitions) of Section 3-7-159, to add new definitions, so that when amended, Subsection 2 of Section 3-7-159 shall contain the following new definitions:

"*Best Management Practices Plan (BMP Plan).* A Plan consisting of a wide range of management procedures, activities, and prohibitions or practices which control the quality and/or quantity of storm water runoff and which are compatible with the planned land use.

Net Acreage. The total acreage of any parcel or combined parcels of land to be developed as a single project, less the sum of the following: total number of acres contained in the 100 year flood hazard area, total number of acres contained in right of ways, and the total number of acres contained in detention or retention ponds to be

constructed.

Net Density. The total number of dwelling units divided by the Net Acreage within the boundaries of any parcel or combined parcels of land to be developed as a single project.

Open Space. For purposes of this ordinance, "Open Space" shall be defined as undisturbed lands or otherwise properties set aside for recreational uses, buffers, common areas, landscape areas, as well as other uses defined under the "Open Space Categories" described below. Buffers and wetlands, if located on lots to be conveyed to private property owners, shall not be considered as "Open Space." Land contained within the 100-year flood zone shall not be considered as "Open Space" if located on lots that are to be conveyed to private property owners. Land designated as "Open Space" is divided into five categories (the "Open Space Categories" or, singularly, an "Open Space Category"):

- Category A - wetland stream buffers; 100-year flood hazard areas, undisturbed buffers between various land uses, roadside buffers, wildlife sanctuaries, and other forms of buffers, if owned by the developer or a property owners association;
- Category B - improved and revegetated areas utilized for active recreation, such as ball fields, parks and golf courses;
- Category C - improved, active recreation areas, such as swimming pools, tennis courts and playgrounds;
- Category D - State waters, including wetlands, ponds, lakes, if owned by a developer or a property owners association; and
- Category E - land donated to a governmental entity for public use, provided such land is not located in a wetland or 100-year flood zone.

In order to calculate the total "Open Space," the total acreage contained within each Open Space Category is multiplied by

its respective factor, as set forth below:

- Category A factor = 1.0
- Category B factor = 0.7
- Category C factor = 0.2
- Category D factor = 0.5
- Category E factor = 2.0."

2.

The Zoning Ordinance of Henry County, Georgia, adopted June 3, 1986, as amended, is hereby amended by amending Subsection 6.2.7 of Section 3-7-159, to permit lots smaller than one-half of an acre, but no smaller than one-quarter of an acre as part of a "planned development district" as defined in Section 3-7-157, by replacing the same with a new Subsection 6.2.7, so that when amended, the new Subsection 6.2.7 of Section 3-7-159 shall read as follows:

> "6.2.7 *Residential*. Single-family residential lots are permissible if acreage requirements hereinafter set forth are met. Residential lots served by a septic tank system shall be a minimum of one (1) acre. Residential lots served by a public sewer system shall be a minimum of four-tenths (0.4) of an acre (18,000 square feet). Residential lots served by a public sewer system and contained as part of a planned development district (as defined in Section 3-7-157 hereof) shall be a minimum of one-quarter (0.25) of an acre (10,890 square feet), provided that: (i) the impervious surface limits as set forth in Subsection 7 hereof are observed; (ii) the net density of the entire planned development does not exceed 1.75 dwelling units per acre; (iii) at least 20% of the planned development is preserved as Open Space (as hereinafter defined); and (iv) storm water treatment facilities as set forth in Section 10.3 are constructed and maintained at property owner/developer expense pursuant to any requirements that may be imposed by regulatory agencies, as well as requirements imposed by the Department of Community Development for Henry County, and approved by the Henry County Water and Sewerage Authority."

3.

The Zoning Ordinance of Henry County, adopted June 3, 1986, as amended, is hereby amended by striking Section 10.1 and Subsection 10.1.6 (without modifying Subsections 10.1.1 through 10.1.5) and substituting, in lieu thereof, the following:

"10.1 *When issued.* The county may authorize upon appeal in individual cases, such variances from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this section will, in an individual case, result in unnecessary hardship, so that the spirit of this ordinance shall be observed. Such variance may be granted in such individual cases of practical difficulty or hardship only upon a finding by the enforcer that a majority of the following conditions apply:"

"10.1.6 The variance will not result in an increase of the impervious surface of the development beyond that prescribed according to Section 7."

4.

The Zoning Ordinance of Henry County, Georgia, adopted June 3, 1986, as amended, is hereby amended by adding a new Section 10.3 of Section 3-7-159 to read as follows:

"10.3. *Storm Water Treatment.* To the extent any project or development receives a variance under the requirements of this ordinance or is developed as part of a planned development district as defined in Section 3-7-157, the preparation of a storm water Best Management Practices Plan (BMP Plan) and treatment of storm water is required. Other types of development permitted under this ordinance may also require a BMP Plan and storm water treatment.

If it is determined by the Henry County Water and Sewerage Authority that the proposed variance or the development may result in the degradation of water quality, a storm water Best Management Practices (BMP's)

Plan will be required. The BMP Plan shall be prepared by a professional engineer and shall be designed to provide water quality treatment for the first inch of water runoff from all proposed impervious areas disturbed by the proposed project. This plan must be approved by the Henry County Building and Engineering Departments and the Henry County Water and Sewerage Authority prior to approval of the request for variance. The BMP Plan shall be included in and made a part of the Storm Water Management Report (SWMR) that is required under Sections 3-6-61 through 3-6-65 of the Code of Ordinances of Henry County.

Elements of the BMP Plan may include but are not limited to:

- Check dams. Dams constructed across a drainage swale or ditch to minimize erosion by reducing storm water velocity.
- Energy dissipation devices. Paved or riprapped channel sections placed below storm drain outlets to reduce flow velocity.
- Water quality inlets. Specially constructed storm water inlets designed to remove sediment, debris, oils, and greases from storm water.
- Such other water treatment facilities that are deemed necessary to treat the runoff water before said water enters the streams of the drainage district.
- Buffer zones. Strips of undisturbed, original land or vegetation surrounding the land-disturbed site to reduce storm water velocities and filter pollutants.
- Grass swales and filter strips. Vegetative drainage conveyances, used in lieu of storm drains, designed to reduce flow rates and provide filtering/infiltration of storm water.
- Dry detention ponds. Dry surface storage areas designed to collect and store storm water runoff and to provide settling of pollutants.
- Wet detention ponds. Wet storage ponds designed to collect and store storm water runoff and to provide settling of pollutants.

- Wetland plantings. Areas designed to collect, store, and treat storm water runoff using appropriate wetland vegetation.

The SWMR and the BMP Plan shall be submitted to the Henry County Water and Sewerage Authority ("Authority") for its review and report to the Henry County Building and Engineering Departments. The Authority's report shall determine whether or not the SWMR and the BMP Plan meet the requirements of this ordinance. No development or building permit shall be issued until the SWMR and the BMP Plan has been approved by the Authority. If, during the course of the development the Henry County Water and Sewerage Authority finds that the developer is in violation of the SWMR or the BMP Plan, the Authority will notify the Henry County Building Department and a Stop Work Order will be issued. Upon the issuance of the Stop Work Order by the Henry County Building Department, all development and construction on the project shall immediately cease until the developer is in full compliance with the terms of this ordinance.

5.

All ordinances and parts of ordinances in conflict with this ordinance, to the extent of such conflict shall be and are hereby appealed.

6.

This Ordinance shall become effective immediately upon adoption by the Board of Commissioners of Henry County, Georgia.

SO ORDAINED, this 6th day of June, 2000.

HENRY COUNTY BOARD OF COMMISSIONERS

ATTEST:

By: _____
Jim L. Joyner, Chairman

_____
County Clerk

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NOISE ORDINANCE

ORDINANCE NO. 00-07

An Ordinance to amend Section 3-16-1 contained within Article I of Chapter 3-16 of the Code of Henry County, Georgia, as amended, by repealing Paragraph (b) (6) contained therein, and renumbering Paragraphs (b) (7) through (b) (11) as Paragraphs (b) (6) through (b) (10); and for other purposes.

Be it ordained by the Board of Commissioners of Henry County, Georgia, and it is hereby ordained by the authority of the same, as follows:

1.

Section 3-16-1 contained within Article I of Chapter 3-16 of the Code of Henry County, Georgia, as amended, is hereby amended by repealing Paragraph (b) (6) contained therein prohibiting "[a]ll unnecessary or unauthorized noises and annoying vibrations, including animal noises."

2.

In conjunction herewith, Paragraphs (b) (7) through (b) (11) as presently contained in the above referenced Section 3-16-1 of the Code of Henry County, Georgia are hereby renumbered as Paragraphs (b) (6) through (b) (10). They are otherwise unaltered by this Ordinance.

3.

This Ordinance shall become effective immediately upon adoption by the Board of Commissioners of Henry County, Georgia.

SO ORDAINED, this 1st day of August, 2000.

HENRY COUNTY BOARD OF COMMISSIONERS

BY: _____
Jim L. Joyner, Chairman

ATTEST:

_____
County Clerk

ORDINANCE NO. 00-08

An Ordinance for the purpose of creating Article IV of Chapter 3-17 of the Code of Henry County, Georgia, adopted May 1, 1984, as amended, by creating Sections 3-17-40 through 3-17-49 establishing Noise Control within Henry County with the purpose of such controls being to prevent excessive sound which may jeopardize the health, welfare, safety, or peace and tranquility of its citizens and degrade the quality of life, or constitute a nuisance.

I.

Be it ordained by the Board of Commissioners of Henry County, Georgia, and it is hereby ordained by the authority of same, that the Code of Henry County, Georgia, adopted May 1, 1984, as amended, is hereby amended creating article IV to be contained in Chapter 3-17 of the Code of Henry County, Georgia to provide as follows:

1.

ARTICLE IV. NOISE CONTROL

Sec. 3-17-40 Policy and Purpose.

It is the public policy of the county and purpose of this Article to prevent excessive sound which may jeopardize the health, welfare, safety, or peace and tranquility of its citizens, degrade the quality of human life, or constitute a nuisance.

Sec. 3-17-41 Definitions.

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

General: All definitions in all applicable publications of the American National Standards Institute (ANSI) (SI.1-1976, Acoustical Terminology) or its successor body.

A-weighted sound level (dBA): 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."

Construction: 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.

Daytime: That period of time covering the hours of 7:00 a.m. (0700) to 10:00 p.m. (2200).

dBA: See "A-weighted sound level."

Decibel (db): 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: Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Impulsive sound: 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.

Land use categories: 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 classification from the county 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 classification from the county 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 classification from the county zoning ordinance: M1 and M2 (for all industrial uses).

Level L (1): That noise (A-weighted sound level) exceeded one (1) percent of a measurement time equivalent to at least thirty (30) minutes.

Level L (10): That noise (A-weighted sound level) exceeded ten (10) percent of a measurement time equivalent to at least thirty (30) minutes.

Level L (50): That noise (A-weighted sound level) exceeded fifty (50) percent of a measurement time equivalent to at least thirty (30) minutes.

Motor vehicles: 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.

Nighttime: That period of time cover the hours from 10:00 p.m. (2200) to 7:00 a.m. (0700).

Noise: Any sound which endangers or injures the safety or health of humans or animals, which annoys or disturbs a reasonable person of normal sensitivities or endangers or damages real or personal property.

Real property boundary. 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: That parcel of real property onto which noise travels or is received from any source on another parcel of real property.

Sound: 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.

Sec. 3-17-42 Maximum permissible sound levels.

(a) 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 article.

(b) 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 1 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.

(c) 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 a minimum of thirty (30) minutes continuous duration.

(d) Impulsive sounds as herein defined shall be permitted provided such impulsive sounds do not create a sound level which exceeds the limits set forth in Table 1 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.

Sec. 3-17-43 Exemptions.

The following are exempt from the sound level limits of Table 1:

(1) Domestic power tools, chain saws, lawn mowers, blowers, agricultural equipment and other domestic power-operated equipment when operated with a property functioning muffler meeting manufacturer's standards, between the hours of 8:00 a.m. and 9:00 p.m. on weekdays and 10:00 a.m.

and 9:00 p.m. on weekends and holidays.

(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 county.

(4) Any noise resulting from activities of a temporary duration, for which a special permit has been granted pursuant to this article, 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.

Sec. 3-17-44 Specific prohibitions.

In addition to the general prohibitions set out above, the following specific acts are declared to be in violation of this article:

(1) *Horns, signaling devices.* The sounding of any horn or signaling device on any motor vehicle or any street or public place in the county 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 or playing of any radio, musical instrument or similar device which produces or reproduces sound on the public rights-of-way in such a manner as to be plainly audible to any person other than the operator of the device.

(3) *Street sales.* The offering for sale by shouting or outcry within any residential, commercial or noise-sensitive area except by permit issued by the county.

(4) *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 article, "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 hour or more to the disturbance of any person at any time of 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.

(5) *Emergency signaling devices.*

(a) Except in a case of an emergency, the intentional sounding of any alarm between the hours of 9:00 p.m. and 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 signaling 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 signaling system for a period in excess of fifteen (15) minutes.

Sec. 3-17-45 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 2. 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 or 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 3-17-42 and the levels specified in Table 1.

Sec. 3-17-46 Special temporary permits.

(a) Any person desiring temporary relief from any provision of this article may apply for a special permit to cause or create a noise at sound levels which would

otherwise be in violation of this article. Applications for a special permit shall be made in writing to the business license office on forms provided for that purpose. The business license office shall conduct an investigation and make a recommendation to the board of commissioners concerning such permit. In this connection, the business license office 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. A fee of twenty-five dollars ($25.00) shall accompany the application.

(b) The special permit herein provided may be granted to the applicant by the board of commissioners 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 article;

(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 article; or

(3) No reasonable economic or technological alternative, as determined by the board of commissioners 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-day intervals by the board of commissioners provided good cause is shown.

Sec. 3-17-47 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 article, the Henry County Code Enforcement Director, or his or her authorized designees, and all county law enforcement personnel, including members of the Henry County Police Department, shall be authorized to enforce the provisions of this article.

(b) The expenses of sound level testing performed by the county in checking the sound levels produced by a particular land use or activity may, at the discretion of the county, 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.

Sec. 3-17-48 Penalties.

(a) Any person who violates any provision of this article may be assessed a fine of up to one thousand dollars ($1,000.00) or imprisonment for sixty (60) days or both, as provided in O.C.G.A. section 36-1-20(b).

(b) Each day any violation of this article shall continue shall constitute a 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 article shall be deemed a public nuisance and may be abated by the county as provided by law or ordinance. Each day that such condition continues shall be regarded as new and separate offenses.

Sec. 3-17-49 Cooperation of all departments.

All departments and agencies of the county shall, to the fullest extent consistent with their authority, carry out their programs in such a manner as to further the policy of this article.

APPLICABLE NOISE LIMITS
TABLE 1

Measurement period is one-half hour (continuous), as measured at the property boundary of the receiving parcel.

Sound level in decibels
A-scale (dBA)

Zoning Classification	DAY (0700-2200 hours)			NIGHT (2200-0700 hours)		
	L1	L10	L50	L1	L10	L50
Residential	75	70	65	65	60	55
Commercial	80	75	70	70	65	60
Industrial	85	80	75	75	70	65

TABLE 2

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 6,000 pounds or more.	86	90

Motor Vehicle Category	35 mph or less	More than 35 mph
Any motorcycle or other than motor-driven cycle.	82	86
All other motor vehicles and any combination of vehicles towed by such vehicle.	72	76

Sec. 3-17-49 Severability.

Should any section or provision of this Article be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Article as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

II.

This ordinance shall take effect immediately upon its adoption.

IT IS SO ORDAINED this 1st day of August, 2000.

BY: _____
Jim L. Joyner, Chairman

ATTEST: _____
Susan Craig, Clerk

Model Soil Erosion And Sedimentation Control Ordinance

ORDINANCE NO. 01-01

An ordinance to amend Sections 3-6-31 through 3-6-39 contained within Article III of Chapter 3-6 of the Code of Henry County, Georgia, as amended;

Be it ordained by the Board of Commissioners of Henry County, Georgia, and it is hereby ordained by the authority of same, as follows:

1.

Sections 3-6-31 through 3-6-39 contained within Article III of Chapter 3-6 of the Coded o Henry County, Georgia, as amended, are hereby amended in their entirety to provide as set forth in Exhibit A attached hereto.

2.

This Ordinance shall become effective immediately upon adoption by the Board of Commissioners of Henry County, Georgia.

SO ORDAINED, this 16 day of January, 2001.

HENRY COUNTY BOARD OF COMMISSIONERS

BY: Lilard Mallap
Chairman

ATTEST: Susan B Craig
County Clerk

EXHIBIT A

Model Soil Erosion And Sedimentation Control Ordinance

NOW, THEREFORE, BE IT ORDAINED, BY THE HENRY COUNTY BOARD OF COMMISSIONERS

SEC. 3-6-31. TITLE

This ordinance will be known as " Henry County Soil Erosion and Sedimentation Control Ordinance."

SEC. 3-6-32. DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this ordinance, unless otherwise specifically stated:

1. **Best Management Practices (BMP's):** A collection of structural practices and vegetative measures which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control for all rainfall events up to and including a 25-year, 24-hour rainfall event.
2. **Board:** The Board of Natural Resources.
3. **Buffer:** The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.
4. **Commission:** The State Soil & Water Conservation Commission.
5. **Cut:** A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as excavation.
6. **Department:** The Department of Natural Resources.
7. **Director:** The Director of the Environmental Protection Division of the Department of Natural Resources.
8. **District:** The Henry County Soil and Water Conservation District.
9. **Division:** The Environmental Protection Division of the Department of Natural Resources.
10. **Drainage Structure:** A device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm-water management, drainage control, or flood control purposes.
11. **Erosion:** The process by which land surface is worn away by the action of wind, water, ice or gravity.
12. **Erosion and Sedimentation Control Plan:** A plan for the control of soil erosion and sedimentation resulting from a land-disturbing activity. Also known as the "plan"'.
13. **Ground Elevation:** The original elevation of the ground surface prior to cutting or filling.
14. **Fill:** A portion of land surface to which soil or other solid material has been added; the depth above the original ground.
15. **Finished Grade:** The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.
16. **Grading:** Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.
17. **Issuing Authority:** The governing authority of any county or municipality which has been certified by the Director of the Environmental Protection Division of the Department of Natural Resources as an Issuing Authority, pursuant to the Erosion and Sedimentation Act of 1975, as amended, or the Division in those instances where an application for a

permit is submitted to the Division.

18. **Land-Disturbing Activity:** Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in Section III, Paragraph 5.
19. **Metropolitan River Protection Act (MRPA):** A state law referenced as O.C.G.A. 12-5-440 et.seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.
20. **Natural Ground Surface**: The ground surface in its original state before any grading, excavation or filling.
21. **Nephelometric Turbidity Units (NTU):** Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloidally dispersed particles are present.
22. **Permit**: The authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.
23. **Person**: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this State, any interstate body or any other legal entity.
24. **Project**: The entire proposed development project regardless of the size of the area of land to be disturbed.
25. **Roadway Drainage Structure**: A device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.
26. **Sediment:** Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice, or gravity as a product of erosion.
27. **Sedimentation**: The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.
28. **Soil and Water Conservation District Approved Plan**: An erosion and sedimentation control plan approved in writing by the Henry County soil and water conservation district.
29. **Stabilization:** The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.
30. **State Waters**: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.
31. **Structural Erosion and Sedimentation Control Practices**: Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps and land grading, etc. Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia.*
32. **Trout Streams:** All streams or portions of streams within the watershed as

designated by the Game and Fish Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20 et. seq. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

33. **Vegetative Erosion and Sedimentation Control Measures**: Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:
    A. Permanent seeding, sprigging or planting, producing long-term vegetative cover; or
    B. Temporary seeding, producing short-term vegetative cover; or
    C. Sodding, covering areas with a turf of perennial sod-forming grass.

    Such measures can be found in the publication *Manual for Erosion and Sediment Control in Georgia.*
34. **Watercourse**: Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.
35. **Wetlands**: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

SEC. 3-6-33. EXEMPTIONS

This ordinance shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

A. 1. Surface mining, as the same is defined in O.C.G.A. 12-4-72, "Mineral Resources and Caves Act";
2. Granite quarrying and land clearing for such quarrying;
3. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, and other related activities which result in minor soil erosion;
4. The construction of single-family residences, when such are constructed by or under contract with the owner for his or her own occupancy, or the construction of single-family residences not a part of a platted subdivision, a planned community, or an association of other residential lots consisting of more than two lots and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in Section IV of this ordinance. For single-family residence construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of Section IV of this ordinance

and the buffer zones provided by this section shall be enforced by the issuing authority;

5. Agricultural operations as defined in O.C.G.A. 1-3-3, "definitions", to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;
6. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in paragraphs (15) and (16) of Section IV C. of this ordinance, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices;
7. Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture;
8. Any project involving one and one-tenth acres or less; provided, however, that this exemption shall not apply to any land-disturbing activity within 200 feet of the bank of any state waters, and for purposes of this paragraph, "State Waters" excludes channels and drainageways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves one and one-tenth acres or less, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainageway, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the Issuing Authority from regulating any such project which is not specifically exempted by paragraphs 1, 2, 3, 4, 5, 6, 7, 9 or 10 of this section;
9. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that such projects shall conform to the minimum requirements set forth in Section IV B. & C. of this ordinance; provided further that construction or maintenance projects of Department of Transportation or State Tollway Authority which disturb five or more contiguous acres of land shall be subject to provisions of Code Section 12-7-7.1; and;
10. Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, provided that any such land-disturbing activity shall conform to the minimum requirements set forth in Section IV B. & C.

B. Where this section requires compliance with the minimum requirements set forth in Section IV B. & C. of this ordinance, Issuing Authorities shall enforce compliance with the minimum requirements as if a permit had been issued and violations shall be subject to the same penalties as violations by permit holders.

SEC. 3-6-34. MINIMUM REQUIREMENTS. FOR EROSION AND SEDIMENTATION CONTROL USING BEST MANAGEMENT PRACTICES

A. GENERAL PROVISIONS

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities. Therefore, plans for

those land-disturbing activities which are not excluded by this ordinance shall contain provisions for application of soil erosion and sedimentation control measures and practices. The provisions shall be incorporated into the erosion and sedimentation control plans. Soil erosion and sedimentation control measures and practices shall conform to the minimum requirements of Section IV B. & C. of this ordinance. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion and sedimentation pollution during all stages of any land-disturbing activity.

B. MINIMUM REQUIREMENTS/BMP's

1. Best management practices as set forth in Section IV B. & C. of this ordinance shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to subsection (f) of Code Section 12-5-30, the "Georgia Water Quality Control Act". As used in this subsection the terms "proper design" and "properly designed" mean designed to control soil erosion and sedimentation for all rainfall events up to and including a 25-year, 24-hour rainfall event.
2. A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local Issuing Authority or by the Division or of any general permit for construction activities issued by the Division pursuant to subsection (f) of Code Section 12-5-30, the "Georgia Water Quality Control Act", for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries or by more than ten nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director.
3. Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a local Issuing Authority or by the Division or any general permit for construction activities issued by the Division pursuant to subsection (f) of Code Section 12-5-30, the "Georgia Water Quality Control Act", for each day on which such failure occurs.
4. The Director may require, in accordance with regulations adopted by the Board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.

C. The rules and regulations, ordinances, or resolutions adopted pursuant to this chapter for the purpose of governing land-disturbing activities shall require, as a minimum, best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the *Manual for Erosion and Sediment Control in Georgia* published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

1. Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;
2. Cut-fill operations must be kept to a minimum;

3. Development plans must conform to topography and soil type so as to create the lowest practical erosion potential;
4. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
5. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
6. Disturbed soil shall be stabilized as quickly as practicable;
7. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
8. Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
9. To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. 12-7-1 et. seq.;
10. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
11. Cuts and fills may not endanger adjoining property;
12. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
13. Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
14. Land-disturbing activity plans for erosion and sedimentation control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in Section IV B. 2. of this ordinance;
15. Except as provided in paragraph (16) of this subsection, there is established a 25 foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. 12-2-8, or where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; provided, however, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer:
    No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
16. There is established a 50 foot buffer as

measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act", except where a roadway drainage structure must be constructed ; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25 foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:

No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed: provided, however, that any person constructing a single–family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

D. Nothing contained in this chapter shall prevent an Issuing Authority from adopting rules and regulations, ordinances, or resolutions which contain requirements that exceed the minimum requirements in Section IV B. & C. of this ordinance.

E. The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.

SEC. 3-6-35. APPLICATION/PERMIT PROCESS

A. GENERAL

The property owner, developer and designated planners and engineers shall review the general development plans and detailed plans of the Issuing Authority that affect the tract to be developed and the area surrounding it. They shall review the zoning ordinance, stormwater management ordinance, subdivision ordinance, flood damage prevention ordinance, this ordinance, and other ordinances which regulate the development of land within the jurisdictional boundaries of the Issuing Authority. However, the property owner is the only party who may obtain a permit.

B. APPLICATION REQUIREMENTS

1. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of Henry County without first obtaining a permit from the Henry County Building Department to perform such activity.
2. The application for a permit shall be submitted to the Henry County Building Department and must include the applicant's erosion and sedimentation control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in Section V C. of this ordinance. Soil erosion and sedimentation control plans shall conform to the provisions of Section IV B. & C. of this ordinance. Applications for a permit will not be accepted unless accompanied by ten copies of the applicant's soil erosion and sedimentation control plans.

3. A fee, in the amount of $120.00 shall be charged for each project.
4. Immediately upon receipt of an application and plan for a permit, the Issuing Authority shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion and sedimentation control plan. The results of the District review shall be forwarded to the Issuing Authority. No permit will be issued unless the plan has been approved by the District, and any variances required by Section IV C. 15. & 16. and bonding, if required as per Section V B.5. (b), have been obtained. Such review will not be required if the Issuing Authority and the District have entered into an agreement which allows the Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the District.
5. (a) If a permit applicant has had two or more violations of previous permits, this ordinance section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing of the application under consideration, the Issuing Authority may deny the permit application.
   (b) The Issuing Authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, $3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this ordinance or with the conditions of the permit after issuance, the Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the Issuing Authority with respect to alleged permit violations.

A. PLAN REQUIREMENTS

1. Plans must be prepared to meet the minimum requirements as contained in Section IV B. & C. of this ordinance. Conformance with the minimum requirements may be attained through the use of design criteria in the current issue of the *Manual for Erosion and Sediment Control in Georgia*, published by the State Soil and Water Conservation Commission as a guide; or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The *Manual for Erosion and Sediment Control in Georgia* is hereby incorporated by reference into this ordinance. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances and State laws.
2. Data Required for Site Plan
   (a) Narrative or notes, and other information: Notes or narrative to be located on the site plan in general notes or in erosion and sediment control notes.
   (b) Description of existing land use at project site and description of proposed project.
   (c) Name, address, and phone number of the property owner.
   (d) Name and phone number of 24-hour local contact who is responsible for erosion and sedimentation controls.
   (e) Size of project, or phase under construction, in acres.

(f) Activity schedule showing anticipated starting and completion dates for the project. Include the statement in **bold letters**, that "the installation of erosion and sedimentation control measures and practices shall occur prior to or concurrent with land-disturbing activities."
(g) Stormwater and sedimentation management systems-storage capacity, hydrologic study, and calculations, including off-site drainage areas.
(h) Vegetative plan for all temporary and permanent vegetative measures, including species, planting dates, and seeding, fertilizer, lime, and mulching rates. The vegetative plan should show options for year-round seeding.
(i)Detail drawings for all structural practices. Specifications may follow guidelines set forth in the *Manual for Erosion and Sediment Control in Georgia*.
(j) Maintenance statement - "Erosion and sedimentation control measures will be maintained at all times. Additional erosion and sedimentation control measures and practices will be installed if deemed necessary by onsite inspection."

3. Maps, drawings, and supportive computations shall bear the signature/seal of a registered or certified professional in engineering, architecture, landscape architecture, land surveying, or erosion and sedimentation control. The certified plans shall contain:
(a)Graphic scale and north point or arrow indicating magnetic north.
(b) Vicinity maps showing location of project and existing streets.
(c) Boundary line survey.
(d) Delineation of disturbed areas within project boundary.
(e)Existing and planned contours, with an interval in accordance with with the following:

Map Scale	Ground Slope	Contour Interval, ft.
1 inch = 100 ft. or larger scale	Flat 0-2%	0.5 or 1
	Rolling 2-8%	1 or 2
	Steep 8% +	2, 5 or 10

(f) Adjacent areas and features areas such as streams, lakes, residential areas, etc. which might be affected should be indicated on the plan.
(g) Proposed structures or additions to existing structures and paved areas.
(h) Delineate the 25-foot horizontal buffer adjacent to state waters and the specified width in MRPA areas.
(i) Delineate the specified horizontal buffer along designated trout streams, where applicable.
(j) Location of erosion and sedimentation control measures and practices using coding symbols from the *Manual for Erosion and Sediment Control in Georgia*, Chapter 6.

4. Maintenance of all soil erosion and sedimentation control practices, whether temporary or permanent, shall be at all times the responsibility of the property owner.

D. PERMITS

1. Permits shall be issued or denied as soon as practicable but in any event not later than forty-five (45) days after receipt by the Issuing Authority of a completed application, providing variances and bonding are obtained, where necessary.
2. No permit shall be issued by the Issuing Authority unless the erosion and sedimentation control plan has been approved by the District and the Issuing Authority has affirmatively determined that the plan is in compliance with this ordinance, any variances required by Section IV

C. 15. & 16. are obtained, bonding requirements, if necessary, as per Section V B. 5. (b) are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the Issuing Authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.

3. If the tract is to be developed in phases, then a separate permit shall be required for each phase.
4. The permit may be suspended, revoked, or modified by the Issuing Authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this ordinance. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.
5. No permit shall be issued unless the applicant provides a statement by the Henry County Tax Commissioner_ certifying that allad valorem taxes levied against the property and due and owing have been paid.

SEC. 3-6-36. INSPECTION AND ENFORCEMENT

A. The Henry County Building Department will periodically inspect sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this ordinance, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance.

B. The Henry County Building Department shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.

C. No person shall refuse entry or access to any authorized representative or agent of the Issuing Authority, the Commission, the District, or Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

D. The Districts or the Commission or both shall periodically review the actions of counties and municipalities which have been certified as Issuing Authorities pursuant to O.C.G.A. 12-7-8 (a). The Districts or the Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion and sedimentation control program. The Districts or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.

E. The Division may periodically review the actions of counties and municipalities which have been certified as Issuing Authorities pursuant to Code Section 12-7-8 (a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority. If such review

indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. 12-7-8 (a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. 12-7-7 (d), the Division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 30 days within which to take the necessary corrective action to retain certification as an Issuing Authority. If the county or municipality does not take necessary corrective action within 30 days after notification by the division, the division may revoke the certification of the county or municipality as an Issuing Authority.

SEC. 3-6-37. PENALTIES AND INCENTIVES

A. FAILURE TO OBTAIN A PERMIT FOR LAND-DISTURBING ACTIVITY

If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this ordinance without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the Issuing Authority.

B. STOP-WORK ORDERS

1. For the first and second violations of the provisions of this ordinance, the Director or the Issuing Authority shall issue a written warning to the violator. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the Director or the Issuing Authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director or Issuing Authority shall issue an immediate stop-work order in lieu of a warning;
2. For a third and each subsequent violation, the Director or Issuing Authority shall issue an immediate stop-work order; and;
3. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.

C. BOND FORFEITURE

If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of Section V B. 5. (b). The Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

C. MONETARY PENALTIES

1. Except as provided in paragraph (2) of this subsection, any person who violates any provisions of this ordinance, the rules and regulations adopted pursuant hereto, or any permit condition or limitation established pursuant to this ordinance or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this ordinance shall be liable for a civil penalty not to exceed $2,500.00 per day. For the purpose of enforcing the provisions of this ordinance, notwithstanding any provisions in any City charter to the contrary, municipal courts shall be authorized to impose

penalty not to exceed $2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this ordinance under county ordinances approved under this ordinance shall be authorized to impose penalties for such violations not to exceed $2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

2. The following penalties shall apply to land-disturbing activities performed in violation of any provision of this ordinance, any rules and regulations adopted pursuant hereto, or any permit condition or limitation established pursuant to this ordinance;
   (A) There shall be a minimum penalty of $250.00 per day for each violation involving the construction of a single–family dwelling by or under contract with the owner for his or her own occupancy;
   (B) There shall be a minimum penalty of $1,000.00 per day for each violation involving land-disturbing activities other than as provided in subsection (A) of this paragraph; and
   (C) Any person who violates any provisions of this ordinance, the rules and regulations adopted or who negligently or intentionally fails or refuses to comply with any final order issued as provided in this ordinance, may be held liable for a sentence of imprisonment not to exceed 60 days in jail or monetary penalty of $2,500.00 per day or both.

SEC. 3-6-38 ADMINISTRATIVE APPEAL JUDICIAL REVIEW

A. ADMINISTRATIVE REMEDIES
The suspension, revocation, modification or grant with condition of a permit by the Issuing Authority upon finding that the holder is not in compliance with the approved erosion and sediment control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the Henry County Board of Commissioners within thirty days after receipt by the Issuing Authority of written notice of appeal.

B. JUDICIAL REVIEW
Any person, aggrieved by a decision or order of the Issuing Authority, after exhausting his administrative remedies, shall have the right to appeal denovo to the Superior Court of Henry County.

SEC. 3-6-39 EFFECTIVITY, VALIDITY AND LIABILITY

A. EFFECTIVITY
This ordinance shall become effective immediately upon its adoption.

B. VALIDITY
If any section, paragraph, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decisions shall not effect the remaining portions of this ordinance.

C. LIABILITY
1. Neither the approval of a plan under the provisions of this ordinance, nor the compliance with provisions of this ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Issuing Authority or District for damage to any person or property.
2. The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.
3. No provision of this ordinance shall

permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any Waters of the State as defined thereby.

SO ORDAINED this 16 day of January ~~2000~~ 2001.

HENRY COUNTY BOARD OF COMMISSIONERS:

BY: Leland Maddox
Leland Maddox, Chairman

ATTEST: Susan S. Craig
COUNTY CLERK

//

TRASH PIT ORDINANCE AMENDMENT

ORDINANCE NO. 01-03

An Ordinance for the purpose of amending Article I of Chapter 3-5 of the Code of Henry County, Georgia, adopted May 1, 1984, as amended, by creating Paragraph (10) within Section 3-5-109(c) providing that no trash pit, waste disposal area, or inert waste burial site shall be located within one hundred (100) linear feet of any property line or enclosed structure; and for other purposes.

I.

BE IT ORDAINED by the Board of Commissioners of Henry County, Georgia, and it is hereby ordained by the authority of same that Section 3-5-109(c) contained in Article I of Chapter 3-5 of the Code of Henry County, Georgia is hereby amended by creating Paragraph (10) therein stating as follows:

(10) No portion of any trash pit, waste disposal area, or inert waste burial site shall be located within one hundred (100) linear feet of any property line or enclosed structure.

II.

This Ordinance shall take effect immediately upon its adoption.

IT IS SO ORDAINED THIS 2nd DAY OF July, 2001.

HENRY COUNTY BOARD OF COMMISSIONERS

BY: Leland Maddox

LELAND MADDOX, CHAIRMAN

ATTEST:

Susan B. Craig

SUSAN B. CRAIG, CLERK

0409

COURT SUMMONS

STATE OF GEORGIA / COUNTY OF HENRY

CITY OF STOCKBRIDGE

Date AM

Month March Day 14 Yr. 2025 at _____ PM

Violator

Last Name: Raven

First Name: James MI: ____

Address: 1251 Ponder Pines Rd.

City: Madison State: Ga Zip: 30650 D.O.B. 12-29-54

YOU ARE HEREBY COMMANDED, to be and appear at the Municipal Court of Stockbridge at City Hall 4602 N. Henry Blvd. Stockbridge, Georgia at 9:00am on the 16th day of May, 2025 to answer the charge of Occupational tax certificate/Active OTC mandatory for operation

Vehicle Tag Number: _____ State: ____ Year: _____

Make: _____ Model: _____ Vin: _____

In violation of Stockbridge Ordinance/Code, 9.115.040

Reference Municode Stockbridge

Penalty 1st offense

Violation Location address: 123 Rock Quarry Rd.

City: Stockbridge State: Ga Zip: 30281

James Raven — Carter

Defendant — Officer Name / ID

WHITE-COURT COPY; CANARY-DEFENDANT COPY; PINK-OFFICE COPY

Filed in the Municipal Court
of Stockbridge, Georgia
this 8th day of May
at 12:12 a.m./p.m.
Clerk/Deputy Clerk

IN THE MUNINCIPAL COURT OF STOCKBRIDGE
STATE OF GEORGIA

CITY OF STOCKBRIDGE	)	
	)	
	)	
Plaintiff,	)	**CASE NO.**
	)	**MS0000409A**
v.	)	
	)	
JAMES RAVEN	)	
	)	
	)	
Defendant.	)	

ENTRY OF APPEARANCE

COMES NOW, JAMES RAVEN (hereinafter, the "Defendant"), and names as counsel Andrew J. "Andy" Welch, III of Smith, Welch, Webb & White, LLC, 2200 Keys Ferry Court, McDonough, Georgia 30253 and shows that said attorney has been authorized to act on behalf of Defendant, and moves that the Clerk enter the name of said attorney upon the docket as counsel of record for Defendant.

Respectfully submitted, this 8th day of May, 2025.

/s/Andrew J. "Andy" Welch, III
Andrew J. "Andy" Welch, III
Georgia State Bar No. 746801
Attorney for Defendant

SMITH, WELCH, WEBB & WHITE
2200 Keys Ferry Court
McDonough, Georgia 30253
Telephone: 770-957-3937
Facsimile: 678-583-4888
awelch@smithwelchlaw.com

CERTIFICATE OF SERVICE

This is to certify that I have this date served a copy of the within and foregoing *Entry of Appearance* upon all parties by e-mail and by placing the same in the United States mail, addressed to:

City of Stockbridge Municipal Court Clerk
4602 N Henry Blvd
Stockbridge, Georgia 30281
courtclerk@stockbridgega.org

This 8th day of May, 2025.

/s/Andrew J. "Andy" Welch, III
Andrew J. "Andy" Welch, III
Georgia State Bar No. 746801
Attorney for Defendant

SMITH, WELCH, WEBB & WHITE
2200 Keys Ferry Court
McDonough, Georgia 30253
Telephone: 770-957-3937
Facsimile: 678-583-4888
awelch@smithwelchlaw.com

Filed in the Municipal Court of Stockbridge, Georgia this 9th day of May at 12:13 a.m./p.m. Clerk/Deputy Clerk

IN THE MUNINCIPAL COURT OF STOCKBRIDGE
STATE OF GEORGIA

CITY OF STOCKBRIDGE	)	
	)	
	)	
Plaintiff,	)	**CASE NO. MS0000409**
	)	
v.	)	
	)	
JAMES RAVEN	)	
	)	
	)	
Defendant.	)	

MOTION FOR CONTINUANCE

COMES NOW, JAMES RAVEN (hereinafter, the "Defendant"), which, without waiving any defenses, moves this Court for a continuance from the calendar currently scheduled for May 16, 2025. In support thereof, Defendant show the Court as follows:

1.

This case involves an occupational tax certificate renewal for Defendant's business, Huddleston Concrete Company, located at 135 Rock Quarry Road, Stockbridge, Georgia 30281 (Tax Parcel Identification Numbers S27-01016000 and S27-01017000).

2.

Defendant has consulted with the undersigned regarding this matter and now wishes to retain the undersigned as counsel in this matter.

3.

The Court has not previously granted Defendant a continuance in this case. Defendant seeks a continuance of this matter to gather evidence and prepare the defense of the allegations.

4.

This continuance is being sought by the Defendant in good faith and for good cause and not for the purpose of delay. The Defendant seeks a continuance of at least sixty (60) days to provide the opportunity for counsel to review the case and gather evidence in support of his case.

5.

A Proposed Order Granting Defendant's *Motion for Continuance* is enclosed herewith.

WHEREFORE, the Defendant respectfully requests that this Court enter an order continuing the above-styled case until a future calendar.

This 8th day of May, 2025.

/s/Andrew J. "Andy" Welch, III
Andrew J. "Andy" Welch, III
Georgia State Bar No. 746801
Attorney for Defendant

SMITH, WELCH, WEBB & WHITE
2200 Keys Ferry Court
McDonough, Georgia 30253
Telephone: 770-957-3937
Facsimile: 678-583-4888
awelch@smithwelchlaw.com

From: **STOCKBRIDGE MUNICIPAL COURT**
4602 NORTH HENRY BLVD
STOCKBRIDGE GA 30281

To: **JAMES RAVEN**
1251 PONDER PINES RD.
MADISON GA 30650

Official Notice of Court Date Rescheduling

New Court-Date is : Friday, July 18, 2025 Time: 1:30 P.M.

Your Court Date has been changed to Friday, July 18, 2025. This is your official notification. Please be advised that a Bench Warrant may be issued and your license suspended by the State of Georgia if you fail to appear.

Defendant Signature / Phone Number | Clerk Signature | Attorney Signature

Comment: DEF RESET DUE TO CONTIUANCE FILED BY ATTY. WELCH.-KSS

Tickets that apply:	Violation
M00000409A	9.01.040: OCCUPATIONAL TAX LEVIED

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FILED IN OFFICE
CLERK OF MUNICIPAL COURT
STOCKBRIDGE, GEORGIA
This 8th day of July, 2025.
3 : 36 AM PM
Genea Stanley
Genea Stanley, Clerk of Court

IN THE MUNINCIPAL COURT OF STOCKBRIDGE
STATE OF GEORGIA

CITY OF STOCKBRIDGE	)	
	)	
	)	
Plaintiff,	)	**CITATION NO.**
	)	**M00000409A**
v.	)	
	)	
JAMES RAVEN	)	
	)	
	)	
Defendant.	)	

SECOND MOTION FOR CONTINUANCE

COMES NOW, JAMES RAVEN (hereinafter, the "Defendant"), which, without waiving any defenses, moves this Court for a continuance from the calendar currently scheduled for July 18, 2025. In support thereof, Defendant show the Court as follows:

1.

This case involves an occupational tax certificate renewal for Defendant's business, Huddleston Concrete Company, located at 135 Rock Quarry Road, Stockbridge, Georgia 30281 (Tax Parcel Identification Numbers S27-01016000 and S27-01017000).

2.

Defendant has filed an appeal application of Stockbridge Community Development's decision to deny occupational tax approval for Defendant (Stockbridge Appeal Case No. 2025.04.0499) ("Appeal").

3.

Defendant's Appeal was previously scheduled for a hearing before the Stockbridge City Council on July 15, 2025, but said hearing is being re-scheduled by the City to a later date in

August 2025.

4.

Since the above-styled case would be moot should the City grant Defendant's Appeal, Defendant requests that the July 18, 2025 hearing be continued until after Stockbridge City Council holds their hearing for the Appeal.

5.

This continuance is being sought by the Defendant in good faith and for good cause and not for the purpose of delay. The Defendant seeks a continuance of at least thirty (30) days.

6.

A Proposed Order Granting Defendant's *Second Motion for Continuance* is enclosed herewith.

WHEREFORE, the Defendant respectfully requests that this Court enter an order continuing the above-styled case until a future calendar.

This 8th day of July, 2025.

/s/Andrew J. "Andy" Welch, III
Andrew J. "Andy" Welch, III
Georgia State Bar No. 746801
Attorney for Defendant

SMITH, WELCH, WEBB & WHITE
2200 Keys Ferry Court
McDonough, Georgia 30253
Telephone: 770-957-3937
Facsimile: 678-583-4888
awelch@smithwelchlaw.com

CERTIFICATE OF SERVICE

This is to certify that I have this date served a copy of the within and foregoing *Second Motion for Continuance* upon all parties by e-mail and by placing the same in the United States mail, addressed to:

City of Stockbridge Municipal Court Clerk
4602 N Henry Blvd
Stockbridge, Georgia 30281
courtclerk@stockbridgega.org

This 8th day of July, 2025.

/s/Andrew J. "Andy" Welch, III
Andrew J. "Andy" Welch, III
Georgia State Bar No. 746801
Attorney for Defendant

SMITH, WELCH, WEBB & WHITE
2200 Keys Ferry Court
McDonough, Georgia 30253
Telephone: 770-957-3937
Facsimile: 678-583-4888
awelch@smithwelchlaw.com

From: **STOCKBRIDGE MUNICIPAL COURT**
4602 NORTH HENRY BLVD
STOCKBRIDGE GA 30281

To: **ANDREW J. (ANDY) WELCH, III**
2200 KEYS FERRY COIRT
MCDONOUGH GA 30253

Official Notice of Court Date Rescheduling

New Court-Date is : Friday, October 17, 2025 Time: 1:30 P.M.

Your Court Date has been changed to Friday, October 17, 2025. This is your official notification. Please be advised that a Bench Warrant may be issued and your license suspended by the State of Georgia if you fail to appear.

Comment: MOTION FOR CONTINUANCE FILED. CASE RESET TO OCTOBER 17TH AT 1:30 P.M.

Tickets that apply:	**Violation**	**RAVEN, JAMES**
M00000409A	9.01.040: OCCUPATIONAL TAX LEVIED	

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Stockbridge
Where Community Connects

POWERPOINT PRESENTATION FOR
APPEAL CASE #AP-2025-01

FOR 123 & 135 ROCK QUARRY ROAD, AND PARCEL #S27-01016000 (Council District 4)

CITY OF STOCKBRIDGE

COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING AND ZONING DIVISION

CITY COUNCIL MEETING—SEPTEMBER 8, 2025

SUBMITTAL OF THE APPEAL APPLICATION

Date—Submitted into SAGES on April 28, 2025.

Applicant: James Raven from Huddleston Concrete Company.

Agent: Andy Welch, an attorney with the law firm of Smith, Welch, Webb & White.

Letter of Intent—Also submitted by the attorney on the same date.

Property: Listed as 135 Rock Quarry Road for Parcel #S27-01017000, but the application actually concerns the adjacent Parcel S27-01016000, as well.

PURPOSE OF THE APPEAL APPLICATION (Slide #1)

Stated Purpose—To appeal a Zoning Review Form that was completed by the Community Development Staff on March 17, 2025. The Form recommended the denial of Huddleston Concrete Company's use of two parcels for truck parking. That led to a decision by the Business Services Division, in a March 28, 2025 letter, to state as follows:

> **"the application process for your business Huddleston Concrete 135 Rock Quarry Rd, Stockbridge, Ga 30281 is Denied for the following: Truck terminals, truck trailer storage lots, truck parking lots, and truck repair are only allowed in industrial zoning districts and are not allowed in the Parkway Mixed Use (PMU) District."**

Both actions occurred after a citation was issued on the subject property on March 14, 2025, as a result of the applicant not having an appropriate business license for truck parking.

PURPOSE OF THE APPEAL APPLICATION (Slide #2)

Preparation of the Zoning Review Form—It was completed as part of the Business Services' process for evaluating the applicant's 2025 business license application for the subject property. Its purpose was to assess the zoning compliance of the applicant's proposed use of the property for "truck parking", which currently exists on the property. The Form stated that the property was zoned 'C-3' (Heavy Commercial), and that it was located in the Parkway Mixed-Use (PMU) Overlay District, which does not allow truck parking uses.

Subsequent Actions:

~ A Citation was issued on the property on March 14, 2025 due to the applicant not having an appropriate occupational tax certificate (business license).

~ A Municipal Court Summons was issued on the same date. It required the applicant to appear in court on May 16, 2025.

~ A Letter was sent to the applicant by Business Services on March 28, 2025. It stated that "the application process for your business Huddleston Concrete 135 Rock Quarry Rd, Stockbridge, Ga 30281 is Denied for the following: Truck terminals, truck trailer storage lots, truck parking lots, and truck repair are only allowed in industrial zoning districts and are not allowed in the Parkway Mixed Use (PMU) District."

PURPOSE OF THE APPEAL APPLICATION (Slide #3)

~ **Letter from Code Enforcement—**On April 3, 2025, the Code Enforcement Division of the Stockbridge Police Department sent a letter to the applicant, stating that the truck parking on Parcel #S27-01016000 and Parcel #S27-01017000 was a violation, and that the applicant was given 45-60 days to rectify the situation.

~ **Applicant's Court Appearance—**The applicant appeared in Municipal Court on May 16 and asked for a "continuance" (rescheduling) of at least 60 days to allow his attorney time to prepare for the court hearing. The court then reschedule the applicant's hearing date to July 18, 2025.

~ **Applicant's Request—**To either be granted an appeal hearing before City Council, or that the Community Development Department decides that the 2025 business license which the applicant received does apply to the subject property (Parcel #S27-01017000).

DESCRIPTION OF THE SUBJECT PROPERTY

Subject Property--Parcel #S27-01017000 (referenced as 135 Rock Quarry Road) is the subject property for the appeal application, but Huddleston Concrete Company also owns the property at 123 Rock Quarry Road (Parcel #S27-01012000) and Parcel #S27-01016000. They are all located on the west side of Rock Quarry Road, south of Lee Street, but they are not contiguous.

Aerial Photos--The Aerial Photo of the Vicinity below shows all three parcels, followed by a separate aerial photograph for each parcel. The parcel at 123 Rock Quarry Road is occupied by a small building that is used as the office for Huddleston Concrete Company, while the other two parcels are occupied by truck parking for numerous 18-wheel trucks. Two other parcels with different owners are located between the office parcel and the two truck parking parcels.

Street Photos--Show the office building and truck parking.

Drone Photos—Show the presence of truck parking on two parcels.

Table of Property Facts--Provides property information and statistics.

FACTS ABOUT THE SUBJECT PROPERTY

Property Owners: James Raven and Huddleston Concrete Company.

Parcels:

~ 123 Rock Quarry Road (Parcel #S27-01012000)

~ 135 Rock Quarry Road (Parcel #S27-01017000)

~ Parcel #S27-01016000

Location: West side of Rock Quarry Road, south of South Lee Street and north of the Southern Railroad.

Current Zoning:

~ **Base Zoning—** Office parcel—SR; Truck parking parcels—LI.

~ **Overlay District—**Parkway Mixed-Use (PMU) Overlay District.

Future Land Use Designation: Light Industrial.

AERIAL PHOTO OF THE VICINITY

AERIAL PHOTO OF 123 ROCK QUARRY ROAD (SITE OF THE OFFICE BUILDING)

STREET PHOTO OF OFFICE BUILDING AT 123 ROCK QUARRY ROAD

AERIAL PHOTO OF PARCEL #S27-01016000 (ONE OF THE TRUCK PARKING PARCELS)

AERIAL PHOTO OF PARCEL #S27-01017000 (ONE OF THE TRUCK PARKING PARCELS)

STREET PHOTO OF TRUCK PARKING PARCELS, VIEWED FROM THE EAST (QUARRY ENTRANCE); 06/03/25

DRONE PHOTO OF TRUCK PARKING: VIEWED FROM THE WEST, TOWARD ROCK QUARRY ROAD (June 3, 2025)

TABLE OF PROPERTY FACTS (Slide #1)

DESCRIPTIVE FACTOR	RESEARCH FINDINGS
Proposed Use:	Continued operation of office and two truck parking lots.
Property Address:	123 Rock Quarry Road, plus two nearby parcels.
Parcel Number:	123 Rock Quarry Road—Parcel #S27-01012000. Truck parking lots: Parcel #S27-01016000 and Parcel #S27-01017000.
Parcel Acreage:	~ 123 Rock Quarry Road—1.55 +/- acres. ~ Parcel #S27-01016000—2.93 +/- acres. ~ Parcel #S27-01017000—3.44 +/- acres.
Land District and Land Lot:	District 12, Land Lots 35 and 36.
Applicant / Owner:	~ 123 Rock Quarry Road--Huddleston Concrete Company. ~ Parcel #S27-01016000—Huddleston Concrete Company. ~ Parcel #S27-01017000—James S. Raven, Jr. (an owner or employee of Huddleston Concrete Company).

TABLE OF PROPERTY FACTS (Slide #2)

Existing Zoning:	**123 Rock Quarry Road—SR (Suburban Residential).** **~ Parcel #S27-01016000—LI (Light Industrial).** **~ Parcel #S27-01017000—LI (Light Industrial).**
Surrounding Zoning:	**~ North –SR (Suburban Residential), MFR (Multiple Family Residential), and OI (Office-Institutional).** **~ South—N/A (railroad tracks).** **~ East—Heavy Industrial.** **~ West**
Property Location:	**West side of Rock Quarry Road, between South Lee Street to the north and the railroad tracks to the south.**
Property Conditions:	**Fairly level, with few trees.**
Current Use:	**Office building and two truck parking lots.**

TABLE OF PROPERTY FACTS (Slide #3)

Surrounding Land Uses:	**~ North –Apartments.** **~ South—Railroad tracks.** **~ East—The rock quarry.** **~ West –Single-family residential.**
Surrounding Future Land Use Designations:	**~ North—Downtown District.** **~ Northeast---Low-Density Mixed-Use.** **~ East—Heavy Industrial.** **~ West and South—Light Industrial.**
Road Classification:	**Minor arterial.**

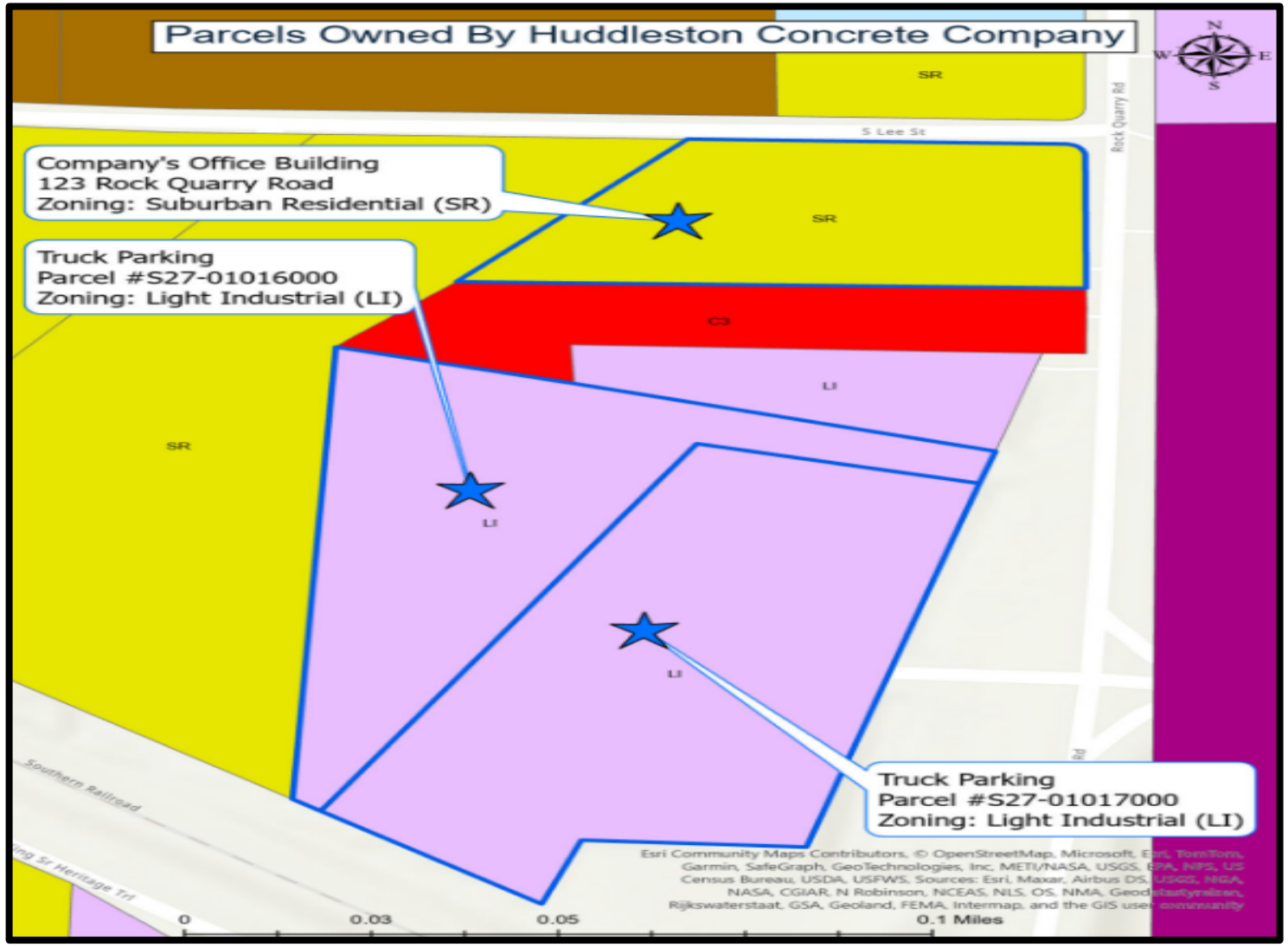
EXISTING ZONING AND LAND USE

Office Parcel--The property at 123 Rock Quarry Road is zoned 'SR' (Suburban Residential), and it is occupied by a small building that is being used by Huddleston Concrete Company for an office. The SR district, though, does not allow office uses since only residential uses are allowed in it.

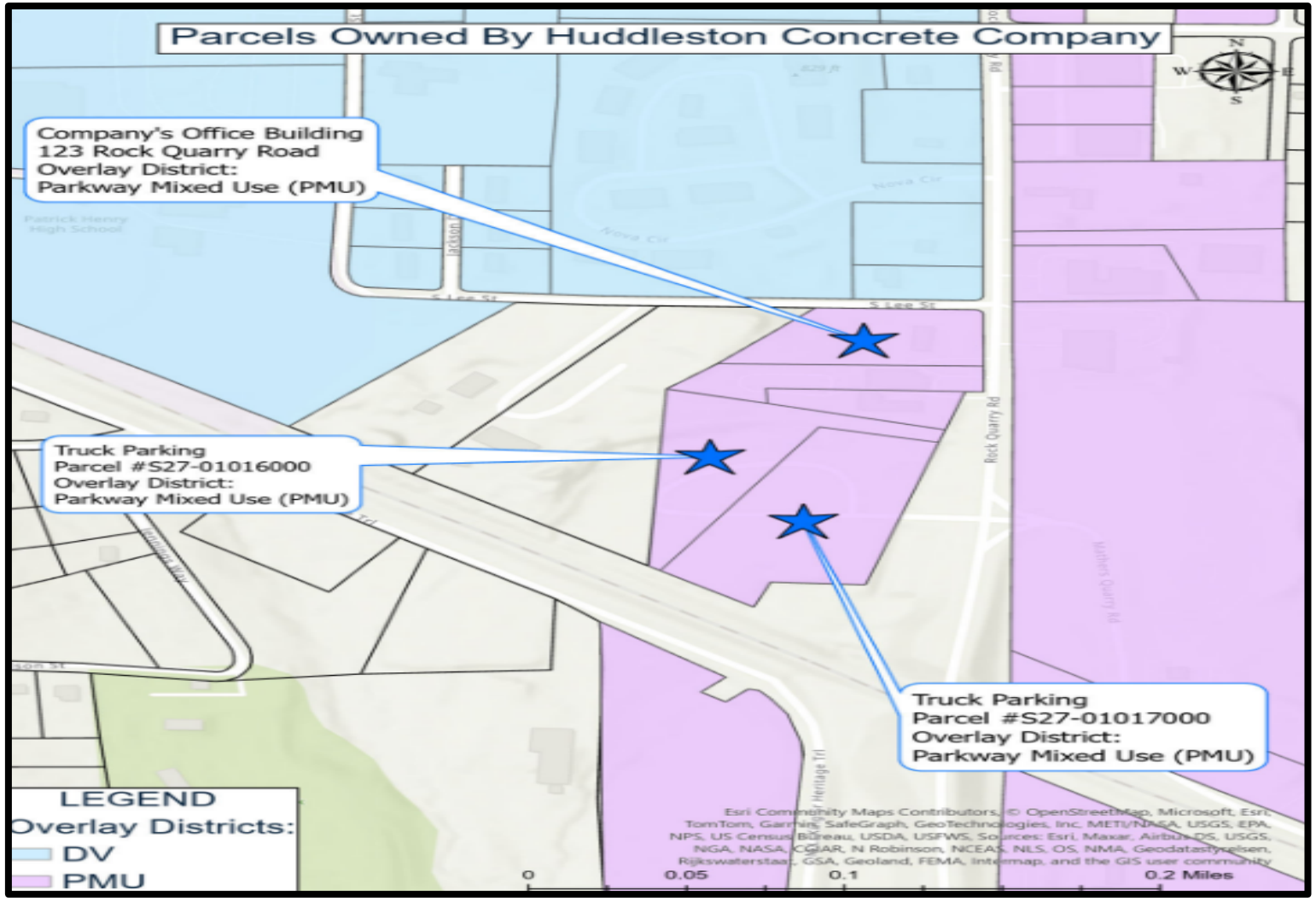
Truck Parking Parcels--The other two parcels are zoned 'LI' (Light Industrial), and they are being used for truck parking even though the LI district does not allow truck parking. The only zoning district within the City of Stockbridge where truck parking is allowed is the HI (Heavy Industrial) district.

All Three Parcels--All three parcels are located within the Parkway Mixed-Use (PMU) Overlay District. Section 2.5.2(D)(17) of the Stockbridge Unified Development Code (UDC) states that the following types of uses are prohibited within the PMU Overlay District: "Truck terminals, truck trailer storage lots, truck parking lots, and truck repair." In addition, all types of industrial uses are prohibited within the PMU Overlay District. All three parcels have a future land use designation of Light Industrial. Maps of the existing zoning, overlay district, and future land use for all three parcels are provided below.

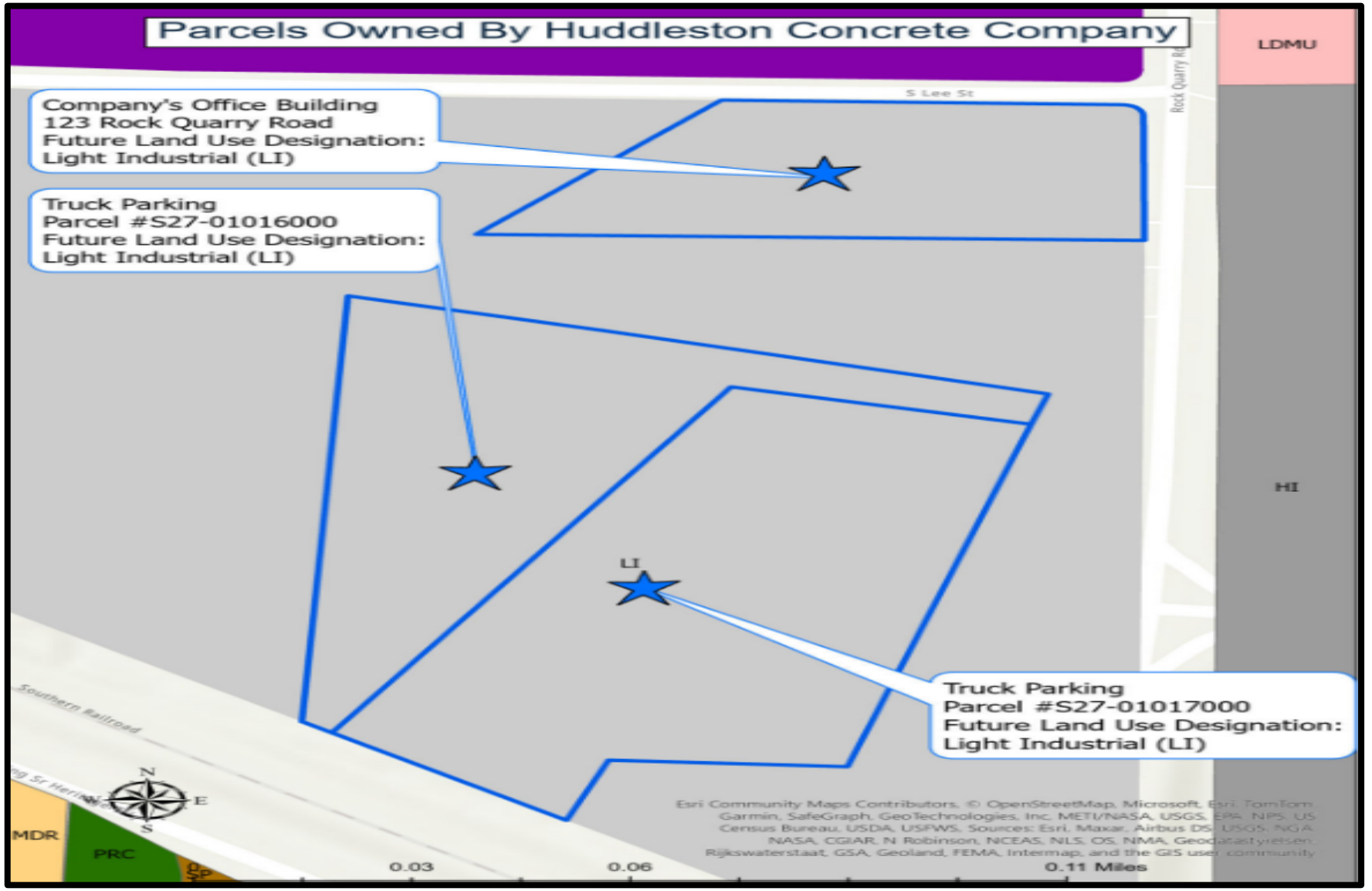
ZONING MAP FOR THREE PARCELS THAT ARE OWNED BY HUDDLESTON CONCRETE COMPANY



OVERLAY DISTRICT MAP FOR THREE PARCELS OWNED BY HUDDLESTON CONCRETE COMPANY



FUTURE LAND USE MAP FOR THREE PARCELS OWNED BY HUDDLESTON CONCRETE COMPANY

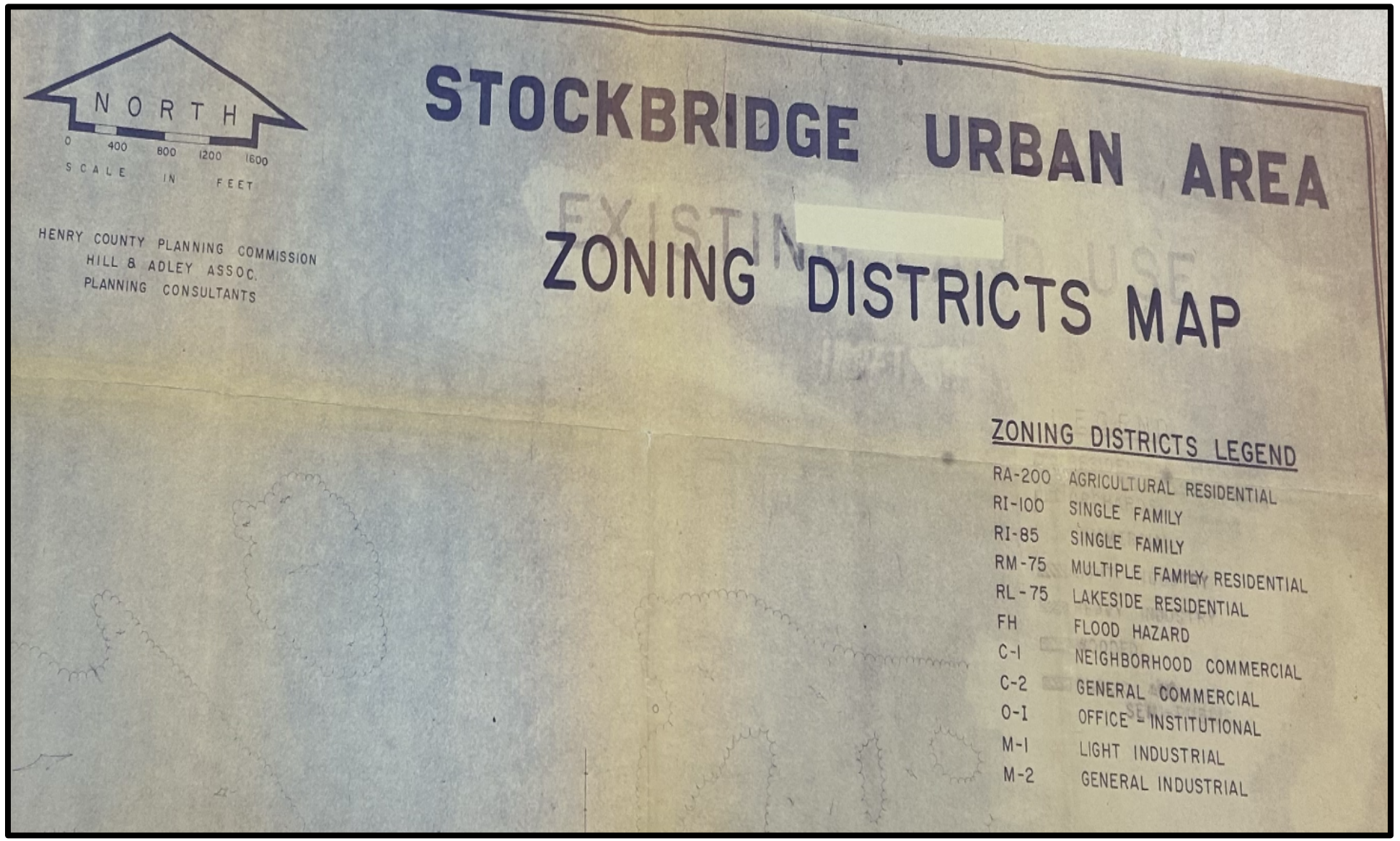


ZONING HISTORY OF THE PROPERTY (Slide #1)

Purpose of Zoning History Research--Research was conducted on historic zoning maps and ordinances to identify 1) the previous zoning districts for the three parcels that are currently owned by Huddleston Concrete Company; 2) whether the zoning changed at any time; and 3) whether truck parking was an allowable use at any time; and when any overlay zoning districts began. Planning and Zoning functions for the City of Stockbridge were handled by Henry County prior to 2019, so previous Henry County zoning maps and ordinances had to be researched.

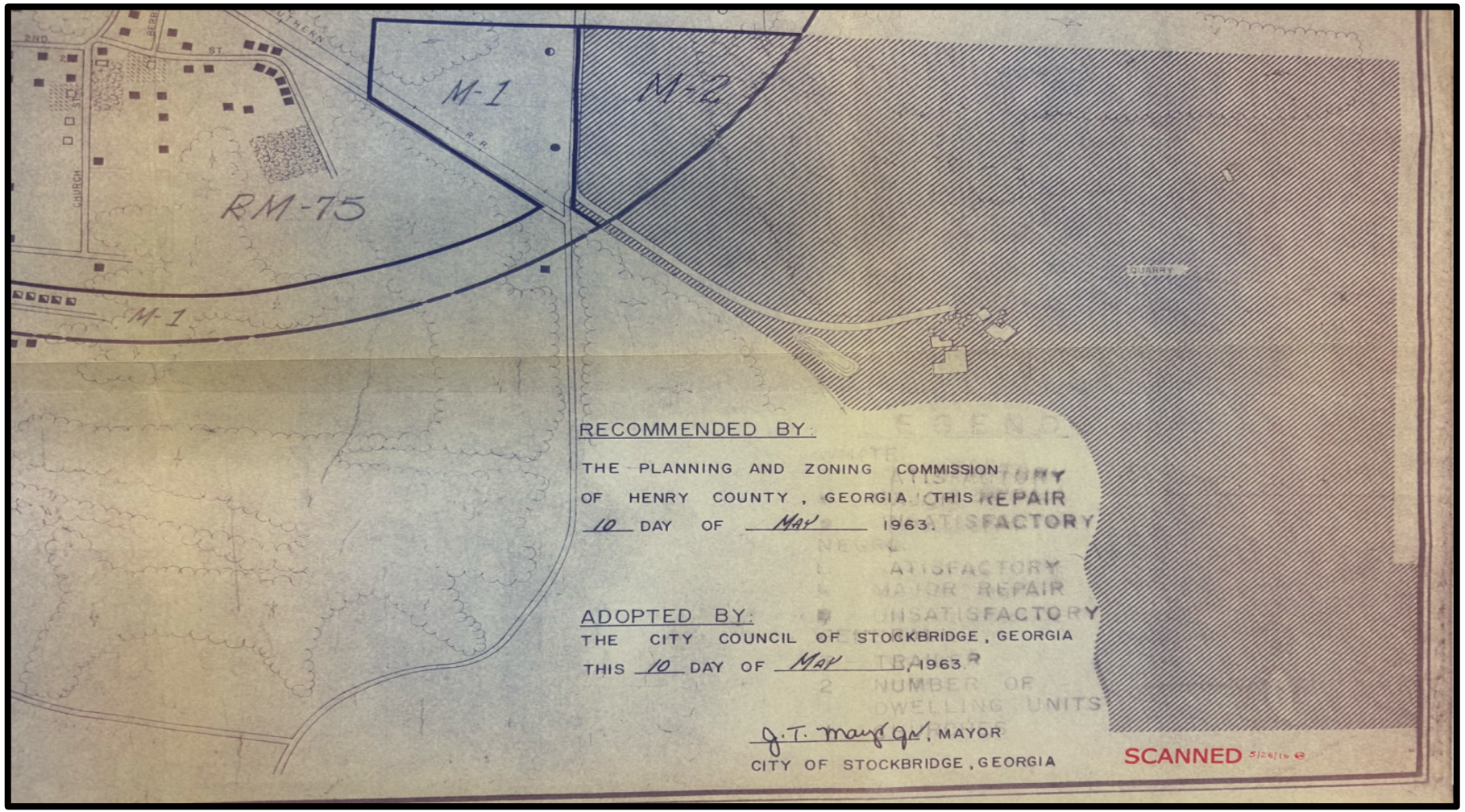
1963 Zoning Map--Shown below is a portion of the "Stockbridge Urban Area Zoning Districts Map", which was recommended by the Henry County Planning Commission and adopted by the Stockbridge City Council on May 10, 1963. It was prepared by Hill & Adley Associates, Planning Consultants, on the basis of a 1960 field survey. It clearly shows the area where the two existing truck parcels are located (Parcel #S27-01016000 and Parcel #S27-01017000), adjacent to the Southern Railroad, as being zoned 'M-1' (Light Manufacturing), while the area for Huddleston Concrete Company's current office at 123 Rock Quarry Road is zoned 'RM-75', a type of multifamily residential district.

STOCKBRIDGE ZONING MAP FROM MAY10,1963 — MAP TITLE AND LEGEND

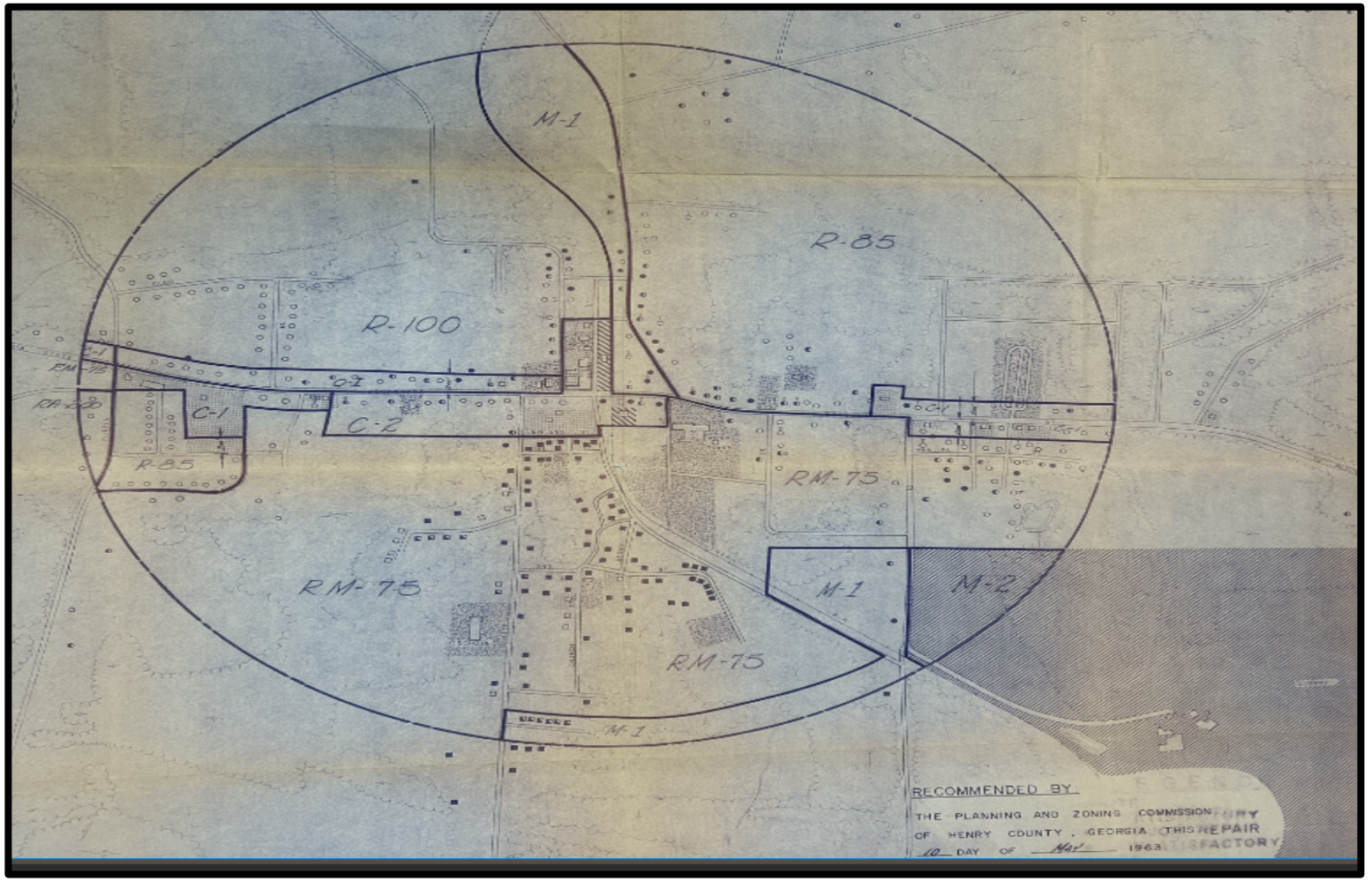


STOCKBRIDGE ZONING MAP FROM MAY10,1963 — MAP ADOPTION INFORMATION

(Recommended by the Henry County Planning Commission And Adopted by the Stockbridge City Council)

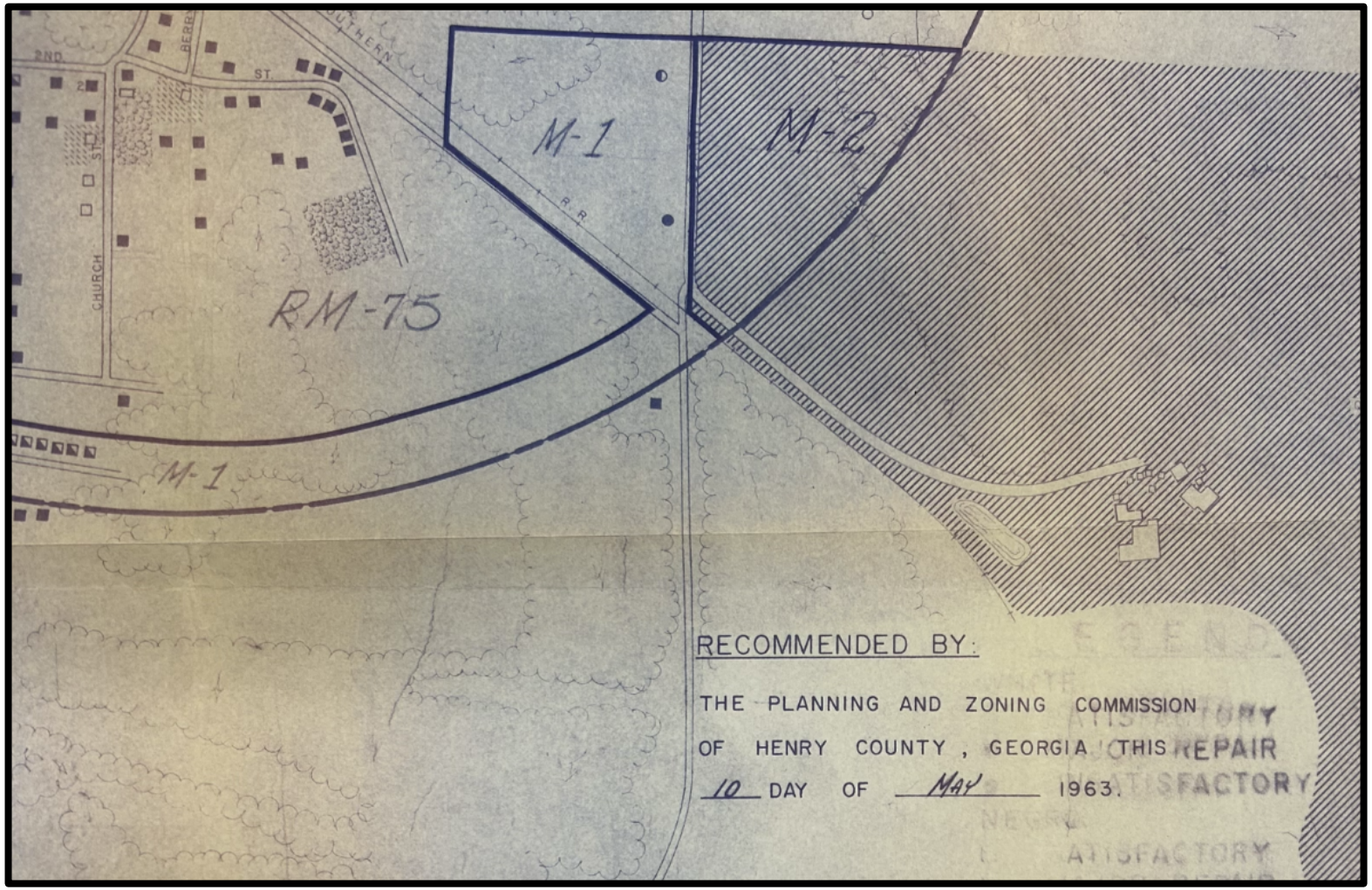


STOCKBRIDGE ZONING MAP FROM MAY10,1963 — SHOWS TRUCK PARKING PARCELS AS ZONED ‘M-1’ (LIGHT MANUFACTURING) (Based on a Field Survey from May 1960)



STOCKBRIDGE ZONING MAP FROM MAY10,1963, ENLARGED —SHOWS THE M-1 TRUCK PARKING PARCELS

STOCKBRIDGE ZONING MAP FROM MAY10,1963— CLOSEUP VIEW OF M-1 DISTRICT AND THE MAP DATE



ZONING HISTORY OF THE PROPERTY (Slide #2)

2003 and 2007 Zoning Maps--Historic zoning maps from 2003 and 2007 for the City of Stockbridge were recently obtained from Henry County, and they both show the truck parking parcels as being zoned 'M-1'. In addition, all other historic zoning maps which the City's Community Development Office has on file show the truck parking properties as being zoned 'M-1' or 'LI' (Light Industrial). The same is true for the office parcel. At some point, the office parcel was rezoned to 'SR' (Suburban Residential), its current zoning; but no maps or documents could be found which showed or stated that.

1986 Zoning Ordinance--The oldest available Henry County Zoning Ordinance is from June 3, 1986, and it stated that uses within the M-1 district were to be "nuisance-free." Although such uses included the storage of heavy materials, products, or equipment, nothing was mentioned about allowing outdoor storage, or the storage or parking of trucks or other vehicles. No such mention was made for the M-2 (Heavy Manufacturing) or C-3 (Heavy Commercial) zoning districts, either. The M-2 district, though, did allow "rock, sand, or gravel distribution", as well as "truck terminals." Excerpts from Henry County's 1986 Zoning District are provided below for the C-3, M-1, and M-2 districts. The C-3 and M-2 districts provided for commercial or industrial uses which required larger land areas and the need for the outside storage of materials, but the M-1 district had no such provision.

EXCERPT FROM HENRY COUNTY 1986 ZONING ORDINANCE—COVER PAGE

ZONING HISTORY OF THE PROPERTY (Slide #3)

Overlay Districts--Regarding overlay zoning districts, the City of Stockbridge's current Parkway Mixed-Use (PMU) Overlay District began in 2022 with the adoption of the Unified Development Code (UDC). Its precursor was the City's Highway Corridor Overlay District, which began in 2019 and was modeled after Henry County's Highway Corridor Overlay District, which began in 2017.

RELEVANT BUSINESS DOCUMENTS (Slide #1)

The business documents that are relevant to this appeal case are listed and presented below.

1. **Applicant's 2024 Business License Application, dated 08/25/23.** The applicant listed the business address as 123 Rock Quarry Road, and the proposed business use was "property rental."
2. **Applicant's 2024 Business License, issued 1/1/24.** The stated business type was "gravel hauling, local."
3. **Applicant's 2025 Business License Application; 07/17/24.** The applicant listed the business address as123 Rock Quarry Road, and the proposed business use was "property rental, truck parking."
4. **Applicant's 2025 Business License, issued 1/1/25.** The stated business type was "gravel hauling, local."
5. **Violation Notice (citation issued); 03/04/25.** The three listed violations were the presence of truck / car parts, the presence of multiple junk vehicles, and fence damage.

APPLICANT'S 2024 BUSINESS LICENSE RENEWAL APPLICATION (Page 1)

gave the copy to City 8-25-23

CITY OF STOCKBRIDGE
OCCUPATIONAL TAX
ANNUAL RENEWAL APPLICATION
4640 North Henry Blvd
Stockbridge, GA 30281
Phone number(s): 678-833-3302, 678-833-3318, or 678-833-3310
Fax number: 678-302-9732
Email Address: ot@cityofstockbridge-ga.gov

ALL INFORMATION MUST BE TYPED OR PRINTED. INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED.

Dear Business Owner,

In order for the Stockbridge Occupational Tax/ Business Services Department to calculate a fair and equitable fee for businesses to operate next year the following information is required. **Please complete and return this form** in its entirety no later than October 1 of current year. If the renewal paperwork is not received by the mentioned due date a penalty will be accessed.

- **EMAIL ADDRESS:** JRaven54@gmail.com
- **Tax ID # or SSN #:** 58-2977013 **E-verify #** _____
- **BUSINESS NAME (DBA IF APPLICABLE):** Huddleston Concrete Co Inc
- **BUSINESS STREET ADDRESS (no PO Box):** 125 Rock Quarry Rd.
- **CITY/STATE/ZIP:** Stockbridge, GA 30281
- **BUSINESS PHONE NUMBER:** 770-468-4886
- **MAILING ADDRESS:** (if different from above) 1251 Finder Pines Rd.
- **CITY/STATE/ZIP:** Madison, GA 30650
- **BUSINESS OWNERS:** James Raven
- **ALTERNATE/CELL PHONE:** 770-468-4886

- **Number of Employees: (Nationwide for the Company)** 1 **Number of Employees: (City of Stockbridge)** 1
- **Type of Business (ex: Retail, Salon, Physician)** Property Rental
- **Actual Gross Receipts for previous 12 months $** 287042

Attach proof to support this figure: Profit Report or First Page of Tax Return
If not attached, a penalty will be issued except for Professional Licenses*

(Applicable to Professionals SUCH AS PHYSICIAN'S, LAWYERS, CPAs, ETC.)
Please see Code of Ordinances 9.01.010 for the definition of Professionals

NAME ON STATE LICENSE _____
STATE LICENSE NUMBER _____
ATTACH COPY OF LICENSE(S)

___ **Professional Services Flat Rate** (please check) **If checked, how many professionals** _____
(such as physicians, lawyers, etc.)

PLEASE COMPLETE THE BACK PAGE →

APPLICANT'S 2024 BUSINESS LICENSE RENEWAL APPLICATION (Page 2)

Even if the business will **not** operate in the following year, sign, date, and return this form to prevent renewal fees.

___ **No longer in business as of** _____ (Date)

*** DO NOT SEND PAYMENT NOW, BILLS WILL BE MAILED IN NOVEMBER ***

I certify that I am the person duly authorized herein named to file this return, including accompanying schedules and statements and that the same are true, correct, and complete.

Signature: James Raven Date: 8-1-2023

Name (please print): James Raven

Important things to consider when renewing your business license:

Businesses with Alcohol Licenses:
Only *one* form need to be completed for each application and the alcohol license will be automatically renewed.

Outstanding Debt
If you owe the City money, then you may have outstanding debt holds on your account. You may still renew your business license, however, **the license certificate will NOT be mailed to you until all debt holds are resolved.** License fees not paid on time will incur late fees, and may be subject to interest charges.

"These changes should be filed before you renew your license (s)"

Changes to the Business Licensing Account
If you have changed your business legal entity of officers/owners, then **you are required to report the changes to us within 30 days.**

Insurance companies outside of the City of Stockbridge, please DISREGARD this application.

If you have changed your business location, DO NOT renew your current license. Licenses are specific to a location and are not transferable. **You must provide the new address of said business on the application.**

Home Occupation Business Owners **must** be in compliance with the City of Stockbridge reference **Home Occupations Regulation Chapter (8.36.170) Section 3-7-104.**

Please contact Stockbridge Business Services Department at 678-833-3302, 678-833-3318, or 678-833-3310 should you need further assistance.

APPLICANT'S 2025 BUSINESS LICENSE RENEWAL APPLICATION (Page 1)

CITY OF STOCKBRIDGE
OCCUPATIONAL TAX
ANNUAL RENEWAL APPLICATION
4640 North Henry Blvd
Stockbridge, GA 30281
Phone number(s): 678-833-3302, 678-833-3318, or 678-833-3310
Fax number: 678-302-9732
Email Address: ot@cityofstockbridge-ga.gov

ALL INFORMATION MUST BE TYPED OR PRINTED. INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED.

Dear Business Owner,

In order for the Stockbridge Occupational Tax/ Business Services Department to calculate a fair and equitable fee for businesses to operate next year the following information is required. **Please complete and return this form** in its entirety no later than October 1 of current year. If the renewal paperwork is not received by the mentioned due date a penalty will be accessed.

- *** EMAIL ADDRESS:** jraven54@gmail.com
- ***Tax ID # or SSN #:** 58-0917013 ***E-verify #** _____
- ***BUSINESS NAME (DBA IF APPLICABLE):** Huddleston Concrete Co Inc.
- ***BUSINESS STREET ADDRESS (no PO Box):** 123 Rock Quarry Rd.
- ***CITY/STATE/ZIP:** Stockbridge, GA 30281
- ***BUSINESS PHONE NUMBER:** 770-963-4886
- ***MAILING ADDRESS:** PO Box 506
- **(if different from above)**
- ***CITY/STATE/ZIP:** Stockbridge, GA 30281
- ***BUSINESS OWNERS:** James Raven
- ***ALTERNATE/CELL PHONE:** 770-963-4886

***Number of Employees: (Nationwide for the Company)** 1 ***Number of Employees: (City of Stockbridge)** 1

***Type of Business (ex: Retail, Salon, Physician)** property rental, truck parking

***Actual Gross Receipts for previous 12 months $** _____

***Attach proof to support this figure: Profit Report or First Page of Tax Return**
******If not attached, a penalty will be issued except for Professional Licenses******

(Applicable to Professionals SUCH AS PHYSICIANS, LAWYERS, CPAs, ETC.)
Please see Code of Ordinances 9.01.010 for the definition of Professionals

NAME ON STATE LICENSE _____

STATE LICENSE NUMBER _____
***ATTACH COPY OF LICENSE(S)**

___ **Professional Services Flat Rate** (please check) ***If checked, how many professionals** _____
(such as physicians, lawyers, etc.)

PLEASE COMPLETE THE BACK PAGE →

1

APPLICANT'S 2025 BUSINESS LICENSE RENEWAL APPLICATION (Page 2)

Even if the business will not operate in the following year, sign, date, and return this form to prevent renewal fees.

__ **No longer in business as of** _____ (Date)

*** DO NOT SEND PAYMENT NOW. BILLS WILL BE MAILED IN NOVEMBER ***

I certify that I am the person duly authorized herein named to file this return, including accompanying schedules and statements and that the same are true, correct, and complete.

Signature: James Raven Date: 7-17-2024

Name (please print): James Raven

Important things to consider when renewing your business license:

Businesses with Alcohol Licenses:
Only ***one*** form need to be completed for each application and the alcohol license will be automatically renewed.

Outstanding Debt
If you owe the City money, then you may have outstanding debt holds on your account. You may still renew your business license, however, the license certificate will NOT be mailed to you until all debt holds are resolved. License fees not paid on time will incur late fees, and may be subject to interest charges.

These changes should be filed before you renew your license (s)

Changes to the Business Licensing Account
If you have changed your business legal entity of officers/owners, then **you are required to report the changes to us within 30 days**.

Insurance companies outside of the City of Stockbridge, please DISREGARD this application.

If you have changed your business location, DO NOT renew your current license. Licenses are specific to a location and are not transferable. **You must provide the new address of said business on the application.**

Home Occupation Business Owners **must** be in compliance with the City of Stockbridge reference **Home Occupations Regulation Chapter (8.36.170) Section 3-7-104.**

Please contact Stockbridge Business Services Department at 678-833-3302, 678-833-3318, or 678-833-3310 should you need further assistance.

APPLICANT'S 2024 BUSINESS LICENSE, ISSUED 1/1/24

City of Stockbridge
4640 North Henry Boulevard Stockbridge, GA 30281
(770) 389 7900

OCCUPATIONAL TAX CERTIFICATE

Business Name:	HUDDLESTON CONCRETE	**Business Type(s):**	484220 Gravel hauling, local
Business Location:	123 ROCK QUARRY RD STOCKBRIDGE, GA 30281	**Mailing Address:**	PO BOX 506 STOCKBRIDGE, GA 30281
Owner:	RAVEN JR, JAMES		
License Number:	0087-2018	**License Type:**	Occupational Tax Certificate
Issued Date:	1/1/2024	**Classification:**	Commercial
Expiration Date:	12/31/2024	**Fees Paid:**	$253.00

Uneeda Smith-Sellers

Occupational Tax Department

If the business moves from the location listed then the occupational tax certificate is null and void

TO BE POSTED IN A CONSPICUOUS PLACE

APPLICANT'S 2025 BUSINESS LICENSE, ISSUED 1/1/25

City of Stockbridge
4640 North Henry Boulevard Stockbridge, GA 30281
(770) 389 7900

OCCUPATIONAL TAX CERTIFICATE

Business Name:	HUDDLESTON CONCRETE	**Business Type(s):**	484220 Gravel hauling, local
Business Location:	123 ROCK QUARRY RD STOCKBRIDGE, GA 30281	**Mailing Address:**	PO BOX 506 STOCKBRIDGE, GA 30281
Owner:	RAVEN JR, JAMES		
License Number:	0087-2018	**License Type:**	Occupational Tax Certificate
Issued Date:	1/1/2025	**Classification:**	Commercial
Expiration Date:	12/31/2025	**Fees Paid:**	$278.30

Uneeda Smith-Sellers

Occupational Tax Department

If the business moves from the location listed then the occupational tax certificate is null and void

TO BE POSTED IN A CONSPICUOUS PLACE

VIOLATION NOTICE (CITATION ISSUED) – MARCH 4, 2025

CODE ENFORCEMENT DIVISION
CITY OF STOCKBRIDGE, GEORGIA
4640 North Henry Blvd., Stockbridge, Georgia 30281
Phone: 770-389-7900 / www.cityofstockridge.com

NOTICE OF VIOLATION - WARNING

Violation address: 135 Rock Quarry (Truck Parking Lot)

The following violation(s) of City Ordinances, International Property Maintenance Codes or Unified Development Code were noted and must be corrected within 21 days.

- ☐ IMPC 302.4 Overgrown grass and weeds over 6 inches in height
- ☒ IMPC 301.01 Sanitation (commercial) Truck / Car parts
- ☐ OR 19-497 Sanitation (residential)
- ☐ City Ordinance 3.2.27 Outside storage
- ☐ City Ordinance 4.8.20 Commercial or heavy vehicle within residential zoning districts
- ☐ City Ordinance 3.2.1 Accessory Structures
- ☒ City Ordinance 4.8.10 Junked motor vehicles (Tag Info) multiple vehicles
- ☐ City Ordinance 15.3 Permit required
- ☐ City Ordinance 9.01.170/9.01.110 Occupational Tax Certificate Required/Displayed
- ☐ City Ordinance 5.11 Signs Requirements
- ☐ City Ordinance 5.11 (C) and (D) Window coverage over 25%
- ☒ Other Fence damage (90 days)

Comments: Please have fence repaired. Have trash removed and inoperable vehicles removed.

1. Failure to correct violation(s) may result in issuance of a citation to appear in Municipal Court.
2. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located, and a lien may be placed upon such real estate.
3. Property owners have the right to appeal this notice within ten days of issue by filing a Letter of Appeal with the City of Stockbridge's City Manager, the Community Development Director, or the City Clerk's Office.

You can contact the Code Enforcement Office at (770) 389-7867 or (770) 629-3998, if you have any questions or concerns.

Officer: Carter Date: 3-4-25 Time: 10:20 (am)/pm

Case #: _____
(Office use only)

RELEVANT BUSINESS DOCUMENTS (Slide #2)

6. **Municipal Court Summons; 03/14/25.** The stated charge was "Occupational tax certificate / OTC mandatory for operation", and the applicant was scheduled to appear in court on May 16, 2025.
7. **Zoning Review Form; 03/17/25.** The listed business address was 135 Rock Quarry Road, and the stated parcel was Parcel #S27-01015000. However, Parcel #S27 -01015000 is owned by Ambassadors for Christ Ministries, Inc., and it has three buildings on the property, with the address of 125, not 135, Rock Quarry Road. Further, although the stated zoning of 'C-3' (Heavy Commercial) is correct for 125 Rock Quarry Road, the form was supposed to be prepared for 135 Rock Quarry Road (Parcel #S27-01017000). There was also no mention of the second truck parking lot on Parcel #S17-01016000, nor Huddleston Concrete Company's office building at 123 Rock Quarry Road. Yet, the applicant relied upon this misinformation in filing his appeal.

ZONING REVIEW FORM FOR 135 ROCK QUARRY ROAD – COMPLETED ON MARCH 17, 2025 (PAGE 1)

ZONING REVIEW FORM (NEW BUSINESS)
CITY OF STOCKBRIDGE COMMUNITY DEVELOPMENT DEPARTMENT
4640 N. Henry Boulevard, Stockbridge, GA 30281
770-389-7900
www.cityofstockbridge.com

*Please allow the Planning and Zoning staff **3 to 5 business days** to complete this request*

To thoroughly research your request please do not leave any areas unanswered. The purpose of this form is to verify whether your proposed use is allowed based on the zoning of the property listed. This form does not approve your business or your permit request. This zoning review form does not guarantee provisions for parking and/or any other requirements of the City of Stockbridge Unified Development Code are accommodated; only that the zoning and use is appropriate.

Date Submitted: March 17, 2025

Owner/Applicant

Name/Title of Owner: James Raven Jr.
Address: 1251 Ponder Pilles Road
City, State, Zip: Madison, GA 30650
Phone Number: 770-46-4886
E-Mail Address: jravens54@gmail.com

Business Information

Business Name: Huddleston Concrete Co Inc
Address: 135 Rock Quarry Road
City, State, Zip: Stockbridge, GA 30281
Business Telephone Number: 770-468-4886
Business E-Mail: jravens54@gmail.com
Parcel ID #: S27-01015000
Detailed Description of Proposed Use/Activity to Occur: Truck parking
License Number: OTC-2445-2025

ZONING REVIEW FORM FOR 135 ROCK QUARRY ROAD – COMPLETED ON MARCH 17, 2025 (PAGE 1)

Office Use This Point Forward: Date Reviewed: March 28, 2025

Zoning of Subject Property:

- ☐ RR (Rural Residential District) - (See Section 2.4.1 of Stockbridge UDC)
- ☐ SR (Suburban Residential District) - (See Section 2.4.2 of Stockbridge UDC)
- ☐ CCR (City Center Residential District) - (See Section 2.4.2 of Stockbridge UDC)
- ☐ MFR (Multiple Family Residential District) - (See Section 2.4.2 of Stockbridge UDC)
- ☐ MHR (Mobile Home Residential District) - (See Section 2.4.5 of Stockbridge UDC)
- ☐ O-I (Office Institutional District) - (See Section 2.4.6 of Stockbridge UDC)
- ☐ DT (Downtown District) - (See Section 2.4.7 of Stockbridge UDC)
- ☐ C-1 (Neighborhood Commercial District) - (See Section 2.4.8 of Stockbridge UDC)
- ☐ C-2 (General Commercial District) - (See Section 2.4.9 of Stockbridge UDC)
- ☑ C-3 (Heavy Commercial District) - (See Section 2.4.10 of Stockbridge UDC)
- ☐ LI (Light Industrial District) - (See Section 2.4.11 of Stockbridge UDC)
- ☐ HI (Heavy Industrial District) - (See Section 2.4.12 of Stockbridge UDC)
- ☐ PUD (Planned Unit Development) - (See Section 2.4.13 of Stockbridge UDC)

Is the subject property part of the following overlay districts?

- ☑ PMU (Parkway Mixed Use Overlay District) - (See Section 2.5.2 of Stockbridge UDC)
- ☐ DT (Downtown Village Overlay District) - (See Section 2.5.3 of Stockbridge UDC)
- ☐ The subject property is not part of neither the PMU nor DT overlay district

Is the proposed use prohibited under either Section 2.5.2 (PMU) or 2.5.3 (DT) of the Stockbridge UDC?

- ☑ Yes
- ☑ No
- ☐ The subject property is not part of neither the PMU nor DT overlay district

Is the proposed use permitted per Section 2.4.10 of the City of Stockbridge Unified Development Code?
☑ Yes ☑ No (If no, please provide comments below)

Verified By: *Jordyn Bucholtz* Title: GIS Analyst

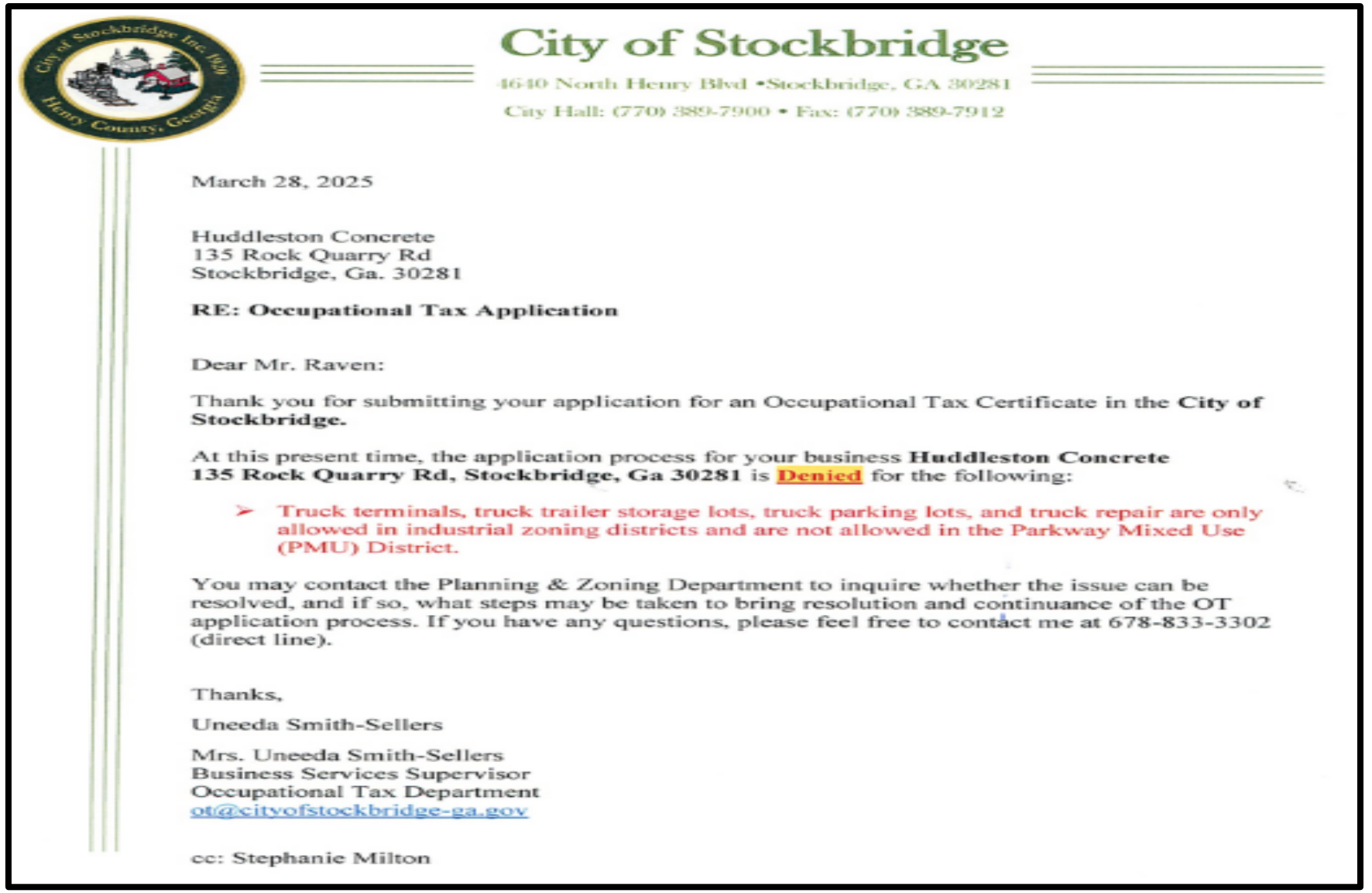
Approved: ☐ Approved with Conditions: ☐ Denied ☒

Results: Denied – Truck terminals, truck trailer storage lots, truck parking lots, and truck repair are only allowed in industrial zoning districts and are not allowed in the Parkway Mixed Use (PMU) District.

RELEVANT BUSINESS DOCUMENTS (Slide #3)

8. **Denial Letter from Business Services; 03/28/25.** The letter stated that the application process for a business license at 135 Rock Quarry Road was denied because truck parking is not allowed in the Parkway Mixed-Use Overlay District.
9. **Denial Message from Business Services; 03/28/25.** The e-mail message to James Raven stated that Business Services was not able to continue with Huddleston Concrete, and that the paid inspection fees would be refunded.
10. **Letter from Police Department; 04/03/25.** The letter stated that commercial vehicle parking was occurring on both Parcel #S27-01016000 and Parcel #S27-01017000, which was in violation of Code Section 2.5.2 for the Parkway Mixed-Use (PMU) Overlay District, and that the applicant needed to take steps to rectify the situation within 45-60 days.

DENIAL LETTER FROM BUSINESS SERVICES – MARCH 28, 2025



City of Stockbridge
4640 North Henry Blvd •Stockbridge, GA 30281
City Hall: (770) 389-7900 • Fax: (770) 389-7912

March 28, 2025

Huddleston Concrete
135 Rock Quarry Rd
Stockbridge, Ga. 30281

RE: Occupational Tax Application

Dear Mr. Raven:

Thank you for submitting your application for an Occupational Tax Certificate in the **City of Stockbridge.**

At this present time, the application process for your business **Huddleston Concrete 135 Rock Quarry Rd, Stockbridge, Ga 30281** is **Denied** for the following:

- Truck terminals, truck trailer storage lots, truck parking lots, and truck repair are only allowed in industrial zoning districts and are not allowed in the Parkway Mixed Use (PMU) District.

You may contact the Planning & Zoning Department to inquire whether the issue can be resolved, and if so, what steps may be taken to bring resolution and continuance of the OT application process. If you have any questions, please feel free to contact me at 678-833-3302 (direct line).

Thanks,

Uneeda Smith-Sellers

Mrs. Uneeda Smith-Sellers
Business Services Supervisor
Occupational Tax Department
ot@cityofstockbridge-ga.gov

cc: Stephanie Milton

DENIAL MESSAGE FROM BUSINESS SERVICES – MARCH 28, 2025

From: **OT** OT@cityofstockbridge-ga.gov
Subject: **City of Stockbridge- Business Services**
Date: **Mar 28, 2025 at 4:52:24 PM**
To: **jraven54@gmail.com**
Cc: **Uneeda Smith-Sellers** usmith-sellers@stockbridgega.org,
Starlett Bailey sbailey@stockbridgega.org

Good afternoon,

We are terribly sorry we **are not** able to continue with your Huddleston Concrete business. Please see attached. The administration and planning/zoning fees ($120.00) will not be refunded due to services rendered. However, the $200.00 for the inspections will be refunded in a form of a check, please allow 4-6 weeks for processing .

Stephanie Milton, Occupational Tax Clerk –
Department: Community Development
Division: Business Services
4640 North Henry Blvd.
Stockbridge, GA 30281
678-833-3310
Email: SMilton@stockbridgega.org

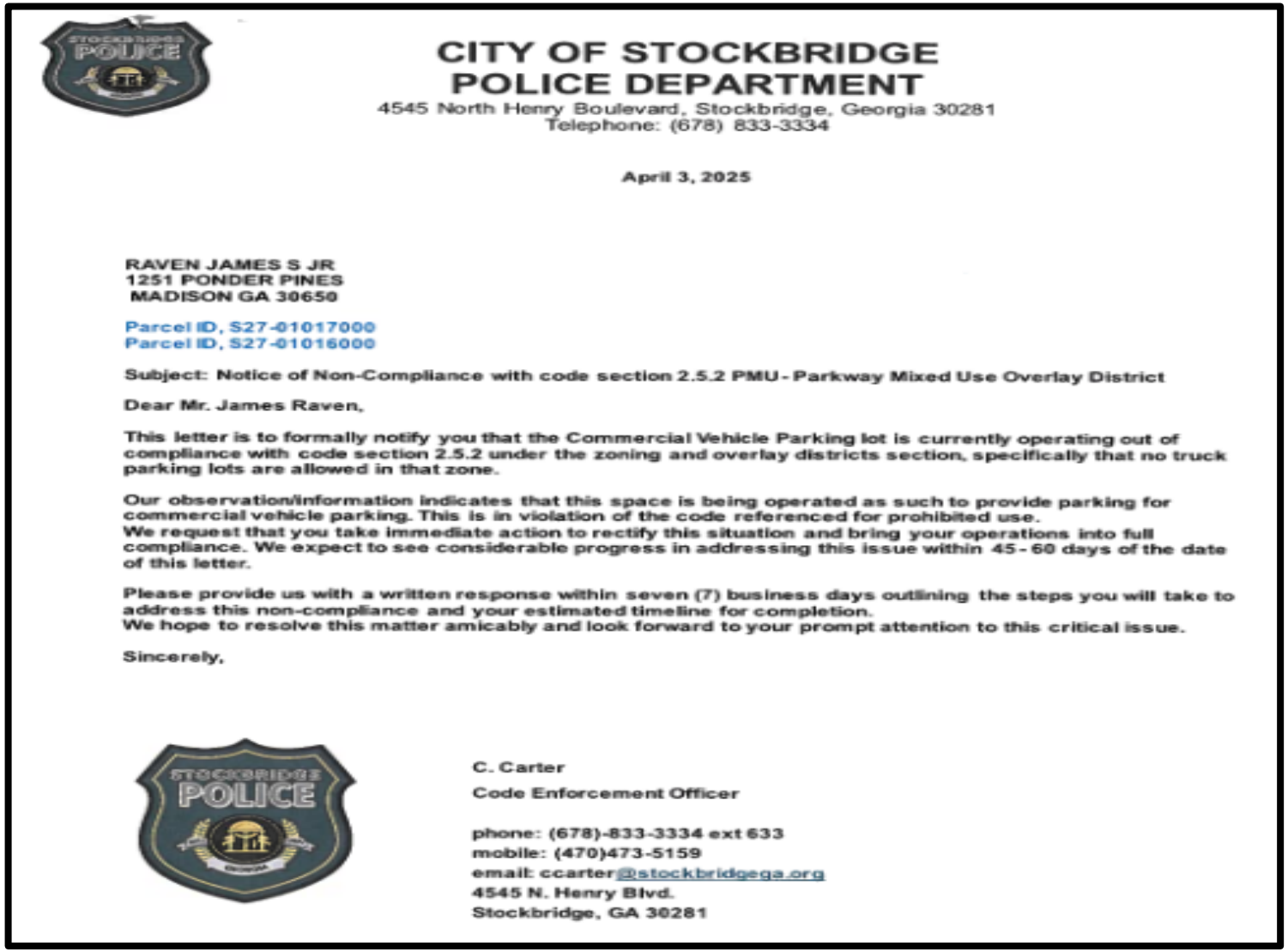
Stockbridge
Where Community Connects

pdf **Zoning and Verification-Letter-Huddleston**
174 KB

City of Stockbridge
4640 North Henry Blvd •Stockbridge, GA 30281
City Hall: (770) 389-7900 • Fax: (770) 389-7912

March 28, 2025

LETTER FROM POLICE DEPARTMENT (CODE ENFORCEMENT DIVISION) – APRIL 3, 2025 (PAGE 1)



CITY OF STOCKBRIDGE
POLICE DEPARTMENT
4545 North Henry Boulevard, Stockbridge, Georgia 30281
Telephone: (678) 833-3334

April 3, 2025

RAVEN JAMES S JR
1251 PONDER PINES
MADISON GA 30650

Parcel ID, S27-01017000
Parcel ID, S27-01016000

Subject: Notice of Non-Compliance with code section 2.5.2 PMU - Parkway Mixed Use Overlay District

Dear Mr. James Raven,

This letter is to formally notify you that the Commercial Vehicle Parking lot is currently operating out of compliance with code section 2.5.2 under the zoning and overlay districts section, specifically that no truck parking lots are allowed in that zone.

Our observation/information indicates that this space is being operated as such to provide parking for commercial vehicle parking. This is in violation of the code referenced for prohibited use.
We request that you take immediate action to rectify this situation and bring your operations into full compliance. We expect to see considerable progress in addressing this issue within 45 - 60 days of the date of this letter.

Please provide us with a written response within seven (7) business days outlining the steps you will take to address this non-compliance and your estimated timeline for completion.
We hope to resolve this matter amicably and look forward to your prompt attention to this critical issue.

Sincerely,

C. Carter
Code Enforcement Officer

phone: (678)-833-3334 ext 633
mobile: (470)473-5159
email: ccarter@stockbridgega.org
4545 N. Henry Blvd.
Stockbridge, GA 30281

LETTER FROM POLICE DEPARTMENT (CODE ENFORCEMENT DIVISION) – APRIL 3, 2025 (PAGE 2)

CITY OF STOCKBRIDGE
POLICE DEPARTMENT
4545 North Henry Boulevard, Stockbridge, Georgia 30281
Telephone: (678) 833-3334

2.5.2 - PMU—Parkway Mixed Use Overlay District.

Prohibited Uses.

1. Adult entertainment establishments.
2. Ambulance service.
3. Automobile broker (no vehicle storage), except for office uses.
4. Automobile rental and leasing facilities.
5. Automotive service repair and maintenance facilities major.
6. Building and lumber supply establishments, providing that there is no outside storage of materials or equipment.
7. Daycare centers.
8. Funeral home, mortuaries, and crematoriums.
9. Greenhouses and nurseries including landscape service.
10. Pawnshop, loan brokers, check cashing, and other than mortgage loan brokers.
11. Retail warehouses/wholesalers providing sales of merchandise with no outdoor storage.
12. Rooming and boarding houses.
13. Self-service storage, mini-warehouses, or warehousing and storage.
14. Specialized housing facilities.
15. Tattoo and piercing parlors.
16. Trade shops, including electrical plumbing, heating/cooling, and roofing siding, having no outside storage.
17. **Truck terminals, truck trailer storage lots, truck parking lots, and truck repair.**
18. Industrial uses, warehouses, and business distribution centers.
19. Vape stores.
20. Veterinary clinic.

PROHIBITED TRUCKING USES IN THE PARKWAY MIXED-USE (PMU) OVERLAY DISTRICT, PER SECTION 2.5.2(D)(17) OF THE U.D.C.

2.5.2 – PMU—Parkway Mixed Use Overlay District.

Prohibited Uses.

17. Truck terminals, truck trailer storage lots, truck parking lots, and truck repair.

RELEVANT BUSINESS DOCUMENTS (Slide #4)

11. **Applicant's Motion for a Continuance of at Least 60 Days.** The applicant appeared briefly in Municipal Court on May 16, 2025 and requested a "continuance" (rescheduling) of his court date for at least 60 days.
12. **Notice of Court Date Rescheduling from May 16, 2025 to July 18, 2025.** This was the Municipal Court's official rescheduling notice to the applicant.

NOTICE OF COURT DATE RESCHEDULING FROM MAY 16, 2025 TO JULY 18, 2025

From: **STOCKBRIDGE MUNICIPAL COURT**
4602 NORTH HENRY BLVD
STOCKBRIDGE GA 30281

To: **JAMES RAVEN**
1251 PONDER PINES RD.
MADISON GA 30650

Official Notice of Court Date Rescheduling

New Court-Date is : Friday, July 18, 2025 Time: 1:30 P.M.

Your Court Date has been changed to Friday, July 18, 2025. This is your official notification. Please be advised that a Bench Warrant may be issued and your license suspended by the State of Georgia if you fail to appear.

Defendant Signature / Phone Number | Clerk Signature | Attorney Signature

Comment: DEF RESET DUE TO CONTIUANCE FILED BY ATTY. WELCH.-KSS

Tickets that apply:	Violation
M00000409A	9.01.040: OCCUPATIONAL TAX LEVIED

APPLICANT'S MOTION FOR A CONTINUANCE (RESCHEDULING) OF THE COURT CASE FOR AT LEAST 60 DAYS (PAGE 1)

Filed in the Municipal Court of Stockbridge, Georgia this 9th day of May at 11:13 a.m./p.m.
Clerk/Deputy Clerk

IN THE MUNINCIPAL COURT OF STOCKBRIDGE
STATE OF GEORGIA

CITY OF STOCKBRIDGE	)	
	)	
Plaintiff,	)	CASE NO. MS0000409
v.	)	
JAMES RAVEN	)	
	)	
Defendant.	)	

MOTION FOR CONTINUANCE

COMES NOW, JAMES RAVEN (hereinafter, the "Defendant"), which, without waiving any defenses, moves this Court for a continuance from the calendar currently scheduled for May 16, 2025. In support thereof, Defendant show the Court as follows:

1.

This case involves an occupational tax certificate renewal for Defendant's business, Huddleston Concrete Company, located at 135 Rock Quarry Road, Stockbridge, Georgia 30281 (Tax Parcel Identification Numbers S27-01016000 and S27-01017000).

2.

Defendant has consulted with the undersigned regarding this matter and now wishes to retain the undersigned as counsel in this matter.

3.

The Court has not previously granted Defendant a continuance in this case. Defendant seeks a continuance of this matter to gather evidence and prepare the defense of the allegations.

APPLICANT'S MOTION FOR A CONTINUANCE (RESCHEDULING) OF THE COURT CASE FOR AT LEAST 60 DAYS (PAGE 2)

4.

This continuance is being sought by the Defendant in good faith and for good cause and not for the purpose of delay. The Defendant seeks a continuance of at least sixty (60) days to provide the opportunity for counsel to review the case and gather evidence in support of his case.

5.

A Proposed Order Granting Defendant's *Motion for Continuance* is enclosed herewith.

WHEREFORE, the Defendant respectfully requests that this Court enter an order continuing the above-styled case until a future calendar.

This 8th day of May, 2025.

/s/Andrew J. "Andy" Welch, III
Andrew J. "Andy" Welch, III
Georgia State Bar No. 746801
Attorney for Defendant

SMITH, WELCH, WEBB & WHITE
2200 Keys Ferry Court
McDonough, Georgia 30253
Telephone: 770-957-3937
Facsimile: 678-583-4888
awelch@smithwelchlaw.com

DISCREPANCIES IN BUSINESS DOCUMENTS (Slide #1)

Several discrepancies should be pointed out from the business documents that were presented above, as are listed and described below.

1. Unfound Address. First, the applicant's stated address of 135 Rock Quarry Road for the subject property is not listed in the Henry County Tax Assessors' property records via qpublic.net. Only the parcel number of S27-01017000 is given.

2. Errors on the Zoning Review Form. Second, the completed Zoning Review Form, which the applicant is appealing, was erroneously based upon a nearby parcel at 125 Rock Quarry Road (Parcel #S27-01015000), rather than the subject parcel (Parcel #S27-01017000). According to the Henry County Tax Assessors' property records, 125 Rock Quarry Road is owned by Ambassadors for Christ Ministries, Inc. It is zoned 'C-3' (Heavy Commercial), whereas the subject parcel (#S27-01017000) is zoned 'LI' (Light Industrial).

3. Wrong Zoning Listed on Appeal Application. Third, the applicant apparently relied upon the Zoning Review Form's stated zoning of 'C-3' for 135 Rock Quarry Road by listing it on the appeal application, whereas the C-3 zoning actually pertains to the Ambassadors for Christ Ministries' property at 125 Rock Quarry Road.

DISCREPANCIES IN BUSINESS DOCUMENTS (Slide #2)

4. Different Property Used for Business License Applications. Fourth, in applying for a business license (occupational tax certificate), the applicant, James Raven, listed on both his 2024 and 2025 business license applications the address of 123 Rock Quarry Road rather than 135 Rock Quarry Road (Parcel #S27-01017000). Huddleston Concrete Company owns three parcels on the west side of Rock Quarry Road, south of South Lee Street. The company has an office building at 123 Rock Quarry Road (Parcel #S27-01012000), and it owns two parcels, not just one, that are currently being used for truck parking. They include the subject property (Parcel #S27-01017000), as well as the adjacent parcel to the north (Parcel #S27-01016000). Yet, only Parcel #S27-01017000 was listed on the business license applications.

5. Misleading Proposed Uses. Fifth, the applicant listed only "property rental" as the proposed use on his application for a 2024 business license (dated 8/01/23), and "property rental, truck parking" as the proposed uses on his application for a 2025 business license (dated 7/17/24). There was no elaboration as to what "property rental" meant in terms of who the property was to be rented to, and for what purpose. Further, there was no explanation as to whether Huddleston Concrete Company itself would be doing the proposed truck parking, or whether the renter of the property would be doing the truck parking.

DISCREPANCIES IN BUSINESS DOCUMENTS (Slide #3)

6. No Business License for Parcel #S27-01016000. **Sixth, the applicant's business license did not include Parcel #S27-01016000, even though truck parking also exists on this parcel.**

7. No Business License for Office Use. **Seventh, although the applicant is appealing the denial of a business license for truck parking on Parcel #S27-01017000, no records could be found for the issuance of a business license for an office use of the property at 123 Rock Quarry Road, where Huddleston Concrete Company has an office building (with a sign placed on the front of the building).**

APPLICANT'S JUSTIFICATION FOR THE APPEAL (Slide #1)

The applicant's attorney provided three justifications for the appeal in his Letter of Intent, as follows:

1. Business License Including Three Parcels—The Letter of Intent claims as follows: " It has always been understood that the occupational tax certificate for my Client's business includes the property rental and truck parking uses of the Subject Property as evidenced by the fact that my Client also received an occupational tax certificate for 123 Rock Quarry Road in 2024 (attached hereto as Exhibit "B"), but he was given no citation for the Subject Property that year." Yet, Business Services requires that each parcel be accounted for in a business license application, and that non-contiguous parcels must have separate business licenses.

2. Nonconforming Uses—The Letter of Intent states that the truck parking uses are justified because they have operated "continuously, notoriously, and openly since the 1980s." However, the applicant has not produced any proof that the truck parking uses were previously, or ever, approved for a business license to operate on Parcel #S27-01017000 or on Parcel #S27-01016000.

APPLICANT'S JUSTIFICATION FOR THE APPEAL (Slide #2)

3. Non-Payment of Fees—The Letter of Intent states that since the City did not send the applicant any notice of delinquency for the non-payment of license fees by February 15, 2025 (as Section 3.16.040(B) of the City's Code requires), which would have required a hearing before the Mayor and City Council for the delinquency, that the applicant was not given an opportunity to correct the delinquency until after the citation on the subject property was issued on March 14, 2025. However, the issue at hand is not the non-payment of fees, but rather, the absence of a business license for a valid purpose on the appropriate property.

CONCLUSIONS (Slide #1)

The following conclusions have been made from the information that has been found and presented for Appeal Case #AP-2025-01:

1. **The applicant's two truck parking parcels (Parcel #S27-01016000 and Parcel #S27-01017000 (a.k.a.135 Rock Quarry Road) are currently zoned 'LI' (Light Industrial), which does not allow truck parking uses.**

2. **Historic zoning maps, including a City of Stockbridge zoning map from 1963, show the two truck parking parcels as being zoned either 'LI' (Light Industrial) or its precursor, M-1 (Light Manufacturing). No maps could be found which show the truck parking parcels as ever being zoned for anything but LI or M-1.**

3. **The historic Henry County zoning ordinances from 1986 and 2001 did not list truck parking or similar uses as being permitted within the M-1 (Light Manufacturing) district.**

CONCLUSIONS (Slide #2)

4. **The two truck parking parcels are located within the Parkway Mixed-Use (PMU) Overlay District, which prohibits all types of industrial uses. Thus, even if the current LI district allowed truck parking, it would still be prohibited on the two truck parking parcels because no industrial uses allowed within the PMU Overlay District.**

5. **The office parcel at 123 Rock Quarry Road is currently zoned 'SR', which does not allow office uses. No historic zoning maps showed this parcel as ever being zoned for office uses, and no business license has been found which would have allowed office uses on the property.**

CONCLUSIONS (Slide #3)

6. **Numerous discrepancies were found among the various business documents pertaining to the subject property, as was listed and described above. For instance, on the business license application (07-17-24), the applicant only listed the address of 123 Rock Quarry Road, not the parcel numbers for the two parcels which actually contain the truck parking. Each parcel must have its own business license. The applicant also listed different types of proposed uses on his 2025 versus 2024 business license applications.**

7. **The Zoning Review Letter from March 17, 2024 used the wrong address and was based on the wrong property, which is not owned by the applicant. Yet, the applicant relied upon it anyway in submitting his appeal application.**

CONCLUSIONS (Slide #4)

8. **No previous City of Stockbridge business license could be found which permitted truck parking uses to exist on the truck parking parcels, or even on the office parcel, at any time.**

9. **Although the Letter of Intent from the applicant's attorney states that the truck parking uses are justified on the basis that they are nonconforming uses due to the fact that they have existed since the 1980s, the applicant has not produced any records to show that a previous business license from the City of Stockbridge, or even from Henry County, was ever approved for the two truck parking parcels, nor for the office parcel.**

RECOMMENDATIONS

In view of the conclusions above that were made for Appeal Case #AP-2025-01, the Community Development staff makes the following three recommendations for this case:

1. **DENIAL of any business license applications for truck parking uses on Parcel #S27-01017000 (135 Rock Quarry Road) and Parcel #S27-01016000, since this is a prohibited use within both the LI (Light Industrial) zoning district and the Parkway Mixed-Use (PMU) Overlay District.**

2. **DENIAL of any business license applications for office uses at 123 Rock Quarry Road unless and until the property is rezoned to another type of zoning district which allows office uses.**

3. **DENIAL of any business license applications for any address or any parcel number which does not pertain to the actual piece of property where the proposed business use of the property would take place.**

APPENDIX

Applicant's Appeal Application

Attorney's Letter of Appeal

Zoning Review Form for 123 Rock Quarry Road--New

Zoning Review Form for Parcel #S27-01016000--New

Zoning Review Form for Parcel #S27-01017000--New

STREET PHOTO OF OFFICE BUILDING
FOR HUDDLESTONE CONCRETE COMPANY
123 ROCK QUARRY ROAD
PHOTO TAKEN ON JUNE 3, 2025

STREET PHOTO OF TRUCK PARKING,
VIEWED FROM QUARRY ENTRANCE
JUNE 3, 2025

CODE ENFORCEMENT DIVISION
CITY OF STOCKBRIDGE, GEORGIA
4640 North Henry Blvd., Stockbridge, Georgia 30281
Phone: 770-389-7900 / www.cityofstockridge.com

NOTICE OF VIOLATION - WARNING

Violation address: 135 Rock Quarry (Truck Parking lot)

The following violation(s) of City Ordinances, International Property Maintenance Codes or Unified Development Code were noted and must be corrected within 21 days.

- ☐ IMPC 302.4 Overgrown grass and weeds over 6 inches in height _____
- ☒ IMPC 301.01 Sanitation (commercial) Truck/Car parts
- ☐ OR 19-497 Sanitation (residential) _____
- ☐ City Ordinance 3.2.27 Outside storage _____
- ☐ City Ordinance 4.8.20 Commercial or heavy vehicle within residential zoning districts _____
- ☐ City Ordinance 3.2.1 Accessory Structures _____
- ☒ City Ordinance 4.8.10 Junked motor vehicles (Tag Info) multiple vehicles
- ☐ City Ordinance 15.3 Permit required _____
- ☐ City Ordinance 9.01.170/9.01.110 Occupational Tax Certificate Required/Displayed _____
- ☐ City Ordinance 5.11 Signs Requirements _____
- ☐ City Ordinance 5.11 (C) and (D) Window coverage over 25% _____
- ☒ Other Fence damage (90 days)

Comments: Please have fence repaired. Have trash removed and inoperable vehicles removed.

1. Failure to correct violation(s) may result in issuance of a citation to appear in Municipal Court.
2. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located, and a lien may be placed upon such real estate.
3. Property owners have the right to appeal this notice within ten days of issue by filing a Letter of Appeal with the City of Stockbridge's City Manager, the Community Development Director, or the City Clerk's Office.

You can contact the Code Enforcement Office at (770) 389-7867 or (770) 629-3998, if you have any questions or concerns.

Officer: Carter Date: 3-4-25 Time: 10:20 (am)/pm

Case #: _____
(Office use only)

COURT SUMMONS
STATE OF GEORGIA / COUNTY OF HENRY
CITY OF STOCKBRIDGE

Date AM

Month March Day 14 Yr. 2025 at _____ PM

Violator

Last Name: Raven

First Name: James MI: ____

Address: 1251 Ponder Pines Rd.

City: Madison State: Ga Zip: 30650 D.O.B. 12-29-54

YOU ARE HEREBY COMMANDED, to be and appear at the Municipal Court of Stockbridge at City Hall 4602 N. Henry Blvd. Stockbridge, Georgia at 9:00am on the 16th day of May, 2025 to answer the charge of Occupational tax certificate/Active OTC mandatory for operation

Vehicle Tag Number: _____ State: ____ Year: _____

Make: _____ Model: _____ Vin: _____

In violation of Stockbridge Ordinance/Code, 9.115.040

Reference Municode Stockbridge

Penalty 1st offense

Violation Location address: 123 Rock Quarry Rd.

City: Stockbridge State: Ga Zip: 30281

James Raven Carter

Defendant Officer Name / ID

CITY OF STOCKBRIDGE
POLICE DEPARTMENT

4545 North Henry Boulevard, Stockbridge, Georgia 30281
Telephone: (678) 833-3334

April 3, 2025

RAVEN JAMES S JR
1251 PONDER PINES
MADISON GA 30650

Parcel ID, S27-01017000
Parcel ID, S27-01016000

Subject: Notice of Non-Compliance with code section 2.5.2 PMU- Parkway Mixed Use Overlay District

Dear Mr. James Raven,

This letter is to formally notify you that the Commercial Vehicle Parking lot is currently operating out of compliance with code section 2.5.2 under the zoning and overlay districts section, specifically that no truck parking lots are allowed in that zone.

Our observation/information indicates that this space is being operated as such to provide parking for commercial vehicle parking. This is in violation of the code referenced for prohibited use.
We request that you take immediate action to rectify this situation and bring your operations into full compliance. We expect to see considerable progress in addressing this issue within 45-60 days of the date of this letter.

Please provide us with a written response within seven (7) business days outlining the steps you will take to address this non-compliance and your estimated timeline for completion.
We hope to resolve this matter amicably and look forward to your prompt attention to this critical issue.

Sincerely,

C. Carter
Code Enforcement Officer

phone: (678)-833-3334 ext 633
mobile: (470)473-5159
email: ccarter@stockbridgega.org
4545 N. Henry Blvd.
Stockbridge, GA 30281

CITY OF STOCKBRIDGE
POLICE DEPARTMENT

4545 North Henry Boulevard, Stockbridge, Georgia 30281
Telephone: (678) 833-3334

2.5.2 - PMU—Parkway Mixed Use Overlay District.

Prohibited Uses.

1. Adult entertainment establishments.
2. Ambulance service.
3. Automobile broker (no vehicle storage), except for office uses.
4. Automobile rental and leasing facilities.
5. Automotive service repair and maintenance facilities major.
6. Building and lumber supply establishments, providing that there is no outside storage of materials or equipment.
7. Daycare centers.
8. Funeral home, mortuaries, and crematoriums.
9. Greenhouses and nurseries including landscape service.
10. Pawnshop, loan brokers, check cashing, and other than mortgage loan brokers.
11. Retail warehouses/wholesalers providing sales of merchandise with no outdoor storage.
12. Rooming and boarding houses.
13. Self-service storage, mini-warehouses, or warehousing and storage.
14. Specialized housing facilities.
15. Tattoo and piercing parlors.
16. Trade shops, including electrical plumbing, heating/cooling, and roofing siding, having no outside storage.
17. **Truck terminals, truck trailer storage lots, truck parking lots, and truck repair.**
18. Industrial uses, warehouses, and business distribution centers.
19. Vape stores.
20. Veterinary clinic.

ZONING REVIEW FORM (NEW BUSINESS)

CITY OF STOCKBRIDGE COMMUNITY DEVELOPMENT DEPARTMENT
4640 N. Henry Boulevard, Stockbridge, GA 30281
770-389-7900
www.stockbridgega.org

*Please allow the Planning and Zoning staff **3 to 5 business days** to complete this request*

To thoroughly research your request, please do not leave any areas unanswered. The purpose of this form is to verify whether your proposed use is allowed based on the zoning of the property listed. This form does not approve your business or your permit request. This zoning review form does not guarantee that provisions for parking and/or any other requirements of the City of Stockbridge Unified Development Code are accommodated; only that the zoning and use is appropriate.

Date Submitted: March 17, 2025

Applicant

Name/Title of Owner: Huddleston Concrete Company
Address: 123 Rock Quarry Road
City, State, Zip: P.O. Box 506 Stockbridge, GA 30281
Phone Number: 770-468-4886
E-Mail Address: jravens54@gmail.com

Business Information

Business Name: Huddleston Concrete Co Inc
Address: 123 Rock Quarry Road
City, State, Zip: Stockbridge, GA 30281
Business Telephone Number: 770-468-4886
Business E-Mail: jravens54@gmail.com
Parcel ID #: S27-01012000
Detailed Description of Proposed Use/Activity to Occur: Office building for Huddleston Concrete Company
License Number: OTC-0087-2018

Office Use This Point Forward: Date Revised: June 3, 2025

Base Zoning of Subject Property: 123 Rock Quarry Road

☐ RR (Rural Residential District) - (See Section 2.4.1 of Stockbridge UDC)
☑ **SR (Suburban Residential District) - (See Section 2.4.2 of Stockbridge UDC)**
☐ CCR (City Center Residential District) - (See Section 2.4.2 of Stockbridge UDC)
☐ MFR (Multiple Family Residential District) - (See Section 2.4.2 of Stockbridge UDC)
☐ MHR (Mobile Home Residential District) - (See Section 2.4.5 of Stockbridge UDC)
☐ O-I (Office Institutional District) - (See Section 2.4.6 of Stockbridge UDC)
☐ DT (Downtown District) - (See Section 2.4.7 of Stockbridge UDC)
☐ C-1 (Neighborhood Commercial District) - (See Section 2.4.8 of Stockbridge UDC)
☐ C-2 (General Commercial District) - (See Section 2.4.9 of Stockbridge UDC)
☐ C-3 (Heavy Commercial District) - (See Section 2.4.10 of Stockbridge UDC)
☐ LI (Light Industrial District) - (See Section 2.4.11 of Stockbridge UDC)
☐ HI (Heavy Industrial District) - (See Section 2.4.12 of Stockbridge UDC)
☐ PUD (Planned Unit Development) - (See Section 2.4.13 of Stockbridge UDC)

Is the subject property part of the following overlay districts?

☑ **PMU (Parkway Mixed Use Overlay District) - (See Section 2.5.2 of Stockbridge UDC)**
☐ DT (Downtown Village Overlay District) - (See Section 2.5.3 of Stockbridge UDC)
☐ The subject property is not part of neither the PMU nor DT overlay district

Is the proposed use prohibited under either Section 2.5.2 (PMU) or 2.5.3 (DT) of the Stockbridge UDC?

☐ Yes
☑ **No**
☐ The subject property is not part of either the PMU or DT overlay districts.

Is the proposed use permitted per Section 2.4.2 of the City of Stockbridge Unified Development Code?
☐ Yes ☑ **No** (If no, please provide comments below)

Verified By: *Jordyn Bucholtz* Title: GIS Analyst

Approved: ☐ Approved with Conditions: ☐ **Denied** ☒

Results: **Denied** – Offices are not permitted in the SR District.

ZONING REVIEW FORM (NEW BUSINESS)

CITY OF STOCKBRIDGE COMMUNITY DEVELOPMENT DEPARTMENT
4640 N. Henry Boulevard, Stockbridge, GA 30281
770-389-7900
www.cityofstockbridge.com

*Please allow the Planning and Zoning staff **3 to 5 business days** to complete this request*

To thoroughly research your request please do not leave any areas unanswered. The purpose of this form is to verify whether your proposed use is allowed based on the zoning of the property listed. This form does not approve your business or your permit request. This zoning review form does not guarantee provisions for parking and/or any other requirements of the City of Stockbridge Unified Development Code are accommodated; only that the zoning and use is appropriate.

Date Submitted: March 17, 2025

Owner/Applicant

Name/Title of Owner: James Raven Jr.
Address: 1251 Ponder Pilles Road
City, State, Zip: Madison, GA 30650
Phone Number: 770-46-4886
E-Mail Address: jravens54@gmail.com

Business Information

Business Name: Huddleston Concrete Co Inc
Address: 135 Rock Quarry Road
City, State, Zip: Stockbridge, GA 30281
Business Telephone Number: 770-468-4886
Business E-Mail: jravens54@gmail.com
Parcel ID #: S27-01015000
Detailed Description of Proposed Use/Activity to Occur: Truck parking
License Number: OTC-2445-2025

Office Use This Point Forward: Date Reviewed: March 28, 2025

Zoning of Subject Property:
☐ RR (Rural Residential District) - (See Section 2.4.1 of Stockbridge UDC)
☐ SR (Suburban Residential District) - (See Section 2.4.2 of Stockbridge UDC)
☐ CCR (City Center Residential District) - (See Section 2.4.2 of Stockbridge UDC)
☐ MFR (Multiple Family Residential District) - (See Section 2.4.2 of Stockbridge UDC)
☐ MHR (Mobile Home Residential District) - (See Section 2.4.5 of Stockbridge UDC)
☐ O-I (Office Institutional District) - (See Section 2.4.6 of Stockbridge UDC)
☐ DT (Downtown District) - (See Section 2.4.7 of Stockbridge UDC)
☐ C-1 (Neighborhood Commercial District) - (See Section 2.4.8 of Stockbridge UDC)
☐ C-2 (General Commercial District) - (See Section 2.4.9 of Stockbridge UDC)
☑ **C-3 (Heavy Commercial District) - (See Section 2.4.10 of Stockbridge UDC)**
☐ LI (Light Industrial District) - (See Section 2.4.11 of Stockbridge UDC)
☐ HI (Heavy Industrial District) - (See Section 2.4.12 of Stockbridge UDC)
☐ PUD (Planned Unit Development) - (See Section 2.4.13 of Stockbridge UDC)

Is the subject property part of the following overlay districts?
☑ **PMU (Parkway Mixed Use Overlay District) - (See Section 2.5.2 of Stockbridge UDC)**
☐ DT (Downtown Village Overlay District) - (See Section 2.5.3 of Stockbridge UDC)
☐ The subject property is not part of neither the PMU nor DT overlay district

Is the proposed use prohibited under either Section 2.5.2 (PMU) or 2.5.3 (DT) of the Stockbridge UDC?
☑ **Yes**
☑ No
☐ The subject property is not part of neither the PMU nor DT overlay district

Is the proposed use permitted per Section 2.4.10 of the City of Stockbridge Unified Development Code? ☑ Yes ☑ **No** (If no, please provide comments below)
Verified By: *Jordyn Bucholtz* Title: GIS Analyst
Approved: ☐ Approved with Conditions: ☐ **Denied** ☒

Results: **Denied** – Truck terminals, truck trailer storage lots, truck parking lots, and truck repair are only allowed in industrial zoning districts and are not allowed in the Parkway Mixed Use (PMU) District.

City of Stockbridge

AGENDA ITEM

MEETING DATE

September 8, 2025

■	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
☐	CDBG
☐	GRANT FUNDING
☐	COUNCIL INITIATIVE
☐	PARTNER/SPONSOR
■	DEPARTMENT BUDGET
☐	BONDING

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER: Decius T. Aaron

DEPARTMENT: Public Works.

ITEM/PROJECT/EVENT:

Request For Proposals (RFP) No. 2025-0006, City of Stockbridge Annual On-Call Water And Sewer Emergency, Operational Repair, Maintenance, and Construction. The start date of the contract will be January 1, 2026.

BACKGROUND INFORMATION:

The Public Works Department requests approval to award a fixed contract to two (2) vendors:

Professional Pipeline, LLC (Primary)

Site Engineering, Inc. (Secondary)

SIGNATURES:

Mayor

CITY MANAGER _____

CITY TREASURER _____ 7/25/2025

CITY ATTORNEY _____

■ FINANCIAL IMPACT ☐ N/A

AMOUNT **$400,000.00**

ATTACHMENTS: ■

STAFF RECOMMENDATION:

The Public Works Department is requesting approval of the competitive solicited contract pursuant to Request For Proposals (RFP) No. 2025-0006, City of Stockbridge Annual On-Call Water And Sewer Emergency, Operational Repair, Maintenance, and Construction with Professional Pipeline, LLC and Site Engineering, Inc. and the City of Stockbridge, authorizing the Mayor to execute same; and authorizing the City Manager to execute all administrative and budgetary actions related to the agreement.

The Agreement is for one (1) year, with the option to renew for four (4) one (1) year periods, with such options in the City's sole discretion.

The Annual On-Call Water And Sewer Emergency, Operational Repair, Maintenance, and Construction scope of services consist of tasks assigned as individual tasks during the contract period. The type of work may include, but is not limited to, repair and/or replacement of the following: wastewater collection system and related infrastructure, water distribution system and related infrastructure and storm water system and related infrastructure and any other repair activities to be determined by the City.

The Procurement Division solicited Request for Proposals (RFP) No. 2025-0006, for the City of Stockbridge Annual On-Call Water And Sewer Emergency, Operational Repair, Maintenance, and Construction in accordance with the City's Ordinance and the State of Georgia Code.

Request for Proposals (RFP) No. 2025-0006, opened on May 1, 2025 and closed on June 1, 2025.

A total of two (2) vendors submitted proposals (Professional Pipeline, LLC and Site Engineering, Inc.). Each were determined to be in the competitive range.

The Evaluation Committee evaluated each proposal, and according to their assessment of the criteria listed in the RFP, Professional Pipeline, LLC was ranked the highest.

The Public Works Department requests Council's approval to have the second responder, Site Engineering, Inc. approved for a contract on an as needed basis if Professional Pipeline, LLC is not available for an emergency within the City.

Fiscal Impact: Funds will be provided from Account No. 510-42500-542515 and SPLOST V.

Stockbridge
Where Community Connects

Contract
RFP No. 2025-0006, Annual On-Call Water And Sewer Emergency Operational Repair, Maintenance and Construction

This **CONTRACT** made and entered into this ____ day of _____, 2025 by and between the City of Stockbridge, (Party of the First Part, hereinafter called the "City"), and **Professional Pipeline, LLC,** Party of the Second Part, hereinafter called the "Service Provider" or "Contractor").

NOW THEREFORE, for and in consideration of the mutual promises and obligations contained herein and under the conditions hereinafter set forth, the parties do hereby agree as follows:

1. **TERMS:**

This Agreement shall be effective upon its execution (the "Effective Date"). The services to be performed under this Contract shall commence upon the date stated in the notice to proceed letter. This Contract shall terminate absolutely and without further obligation on the part of the City on December 31, 2026, and each December 31 of each succeeding and renewed year, as required by O.C.G.A. §36-60-13, as amended, unless terminated earlier in accordance with the provisions of this Contract

OPTIONAL RENEWALS:

This Contract may be renewed at the sole discretion of the City for four (4) additional twelve-month terms, upon the same terms and conditions, as provided for in this Contract, unless terminated by the City, by notice to the service provider, or termination and non-renewal by December 31 of the Contract year.

Upon each renewal option, the contractor shall provide the City with updated contact information for the designated person responsible for overseeing the work. This information must include their name, telephone number, email address, cell phone number, and contact information for their immediate supervisor.

2. **ATTACHMENTS:**

The following documents are attached and are specifically incorporated herein by reference; and, along with this Contract and the General Conditions attached as Exhibit A encompass all of the **Contract documents:**

Exhibit A:	General Conditions.
Exhibit B:	Specifications and Scope of Work.
Exhibit C:	Request for Proposal.
Exhibit D:	Bond Documents.
Exhibit E:	Georgia Security And Immigration Compliance Act Affidavit..
Exhibit F:	Drug-Free Work Place.
Exhibit G:	Purchasing Policy Addendum.
Exhibit H:	Affidavit Verifying Status For Public Benefit Application.
Exhibit I:	Cost Proposal.

3. **PERFORMANCE:**

Service Provider agrees to furnish all skill and labor of every description necessary to carry out perform, perform the services in accordance with the Contract Documents (the "Work").

4. **PRICE:**
The City agrees to pay the Service Provider following receipt by the City of a detailed invoice reflecting the actual work performed by the Service Provider, provided, however, Service Provider guarantees that the maximum price for materials, labor and expenses, shall be the amount reflected in Exhibit I.

5. **INDEMINIFICATION AND HOLD HARMLESS:**
[See Section 13 of Exhibit A. --- General Conditions]
Service Provider further agrees to protect, defend, indemnify, and hold harmless the CITY, its council members, officers, agents, and employees from and against any and all claims or liability for compensation under the Worker's Compensation Act arising out of injuries sustained by any employee or subcontract of the Service Provider, as allowed under the law.

6. **TERMINATION FOR CAUSE:**
The City may terminate this Contract for cause upon ten (10) days prior written notice to the Service Provider of the Service Provider's default in the performance of any term of this Contract. Such termination shall be without prejudice to any City's rights or remedies provided by law.

7. **TERMINATION FOR CONVENIENCE:**
The City may terminate this Contract for its convenience at any time upon (30) days written notice to the Service Provider. In the event of the City's termination of this Contract for convenience, the Service Provider will be paid for those services actually performed. Partially completed performance of the Contract will be compensated based upon a signed statement of completion to be submitted by the Service Provider who shall itemize each element of performance.

8. **TERMINATION FOR FUND APPROPRIATION:**
The City may unilaterally terminate this Contract due to lack of funding at any time by written notice to the Service Provider. In the event of the City's termination of this Contract for fund appropriation, the Service Provider will be paid for those services actually performed. Partially completed performance of the Contract will be compensated based upon a signed statement of completion to be submitted by the Service Provider which shall itemize each element of performance.

9. **CONTRACT NOT TO DISCRIMINATE:**
During the performance of this Contract, the Service Provider will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, age, or disability which does not preclude the applicant or employee from performing the essential functions of the position. The Service Provider will also, in all solicitations or advertisements for employees placed by qualified applicants, consider the same without regard to race, creed, color, sex, national origin, age, or disability which does not preclude the applicant from performing the essential functions of the job. The Service Provider will cause the foregoing provisions to be inserted in all subcontracts for any work covered by this Contract so that such provision will be binding upon each subservice providers for standard commercial supplies of raw materials.

10. ASSIGNMENT:

The Service Provider shall not sublet, assign, transfer, pledge, convey, sell or otherwise dispose of the whole or any part of this Contract or his right, title, or interest therein to any person, firm, or corporation without the previous consent of the City in writing.

11. WAIVER:

A waiver by either party of any breach of any provision, term, covenant, or condition of this Contract shall not be deemed a waiver of any subsequent breach of the same or any other provision, term, covenant, or condition.

12. SEVERABILITY:

The parties agree that each of the provisions included in this Contract is separate, distinct and severable from the other and remaining provisions of this Contract, and that the invalidity of any Contract provision shall not affect the validity of any other provision or provisions of this Contract.

13. GOVERNING LAW:

The parties agree that this Contract shall be governed and construed in accordance with the laws of the State of Georgia. This Contract has been signed in DeKalb County, Georgia.

14. MERGER CLAUSE:

The parties agree that the terms of this Contract included the entire Contract between the parties, and as such, shall exclusively bind the parties. No other representations, either oral or written, may be used to contradict the terms of this Contract.

IN WITNESS WHEREOF, the parties hereto, acting through their duly authorized agents, have caused this **CONTRACT** to be signed, sealed and delivered.

Signatures on following page.

Stockbridge
Where Community Connects

STOCKBRIDGE, GEORGIA

By: _____
Anthony S. Ford
Mayor, City of Stockbridge, Georgia

ATTEST: _____
Vanessa Holiday
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

SERVICE PROVIDER:

Signature _____ Date 7-3-2025

Print Name Christopher A. Opolka

Print Title president

ATTEST:

_____ Date 7-3-2025
Signature

Print Name Pete Opolka

Print Title Controller

PROPOSAL LETTER

We propose to furnish and deliver all the deliverables and services named in the attached Request for Proposal (RFP). The price or prices offered herein shall apply for the period stated in the RFP.

We further agree to strictly abide by all the terms and conditions contained in the City of Stockbridge Procurement Manual as modified by any attached special terms and conditions, all of which are made a part hereof. Any exceptions are noted in writing and included with this bid.

It is understood and agreed that this statement of Proposal and proposal constitutes an offer, which when accepted in writing by Purchasing Office, City of Stockbridge, and subject to the terms and conditions of such acceptance, will constitute a valid and binding contract between the undersigned and the City of Stockbridge.

It is understood and agreed that we have read the City's specifications shown or referenced in the RFP and that this statement is made in accordance with the provisions of such specifications. By our written signature on this proposal, we guarantee and certify that all items included in this statement meet or exceed all such City specifications. We further agree, if awarded a contract, to deliver goods and services which meet or exceed the specifications. The City of Stockbridge reserves the right to reject any or all offers, waive technicalities, and informalities, and to make an award in the best interest of the city.

It is understood and agreed that this statement of Proposal and proposal shall be valid and held open for a period of one hundred twenty (120) days from opening date.

PROPOSAL SIGNATURE AND CERTIFICATION
(Proposer to sign and return)

I certify that this offer is made without prior understanding, agreement, or connection with any corporation, firm, or person submitting a proposal for the same materials, supplies, equipment, or services and is in all respects fair and without collusion or fraud. I understand collusive bidding is a violation of State and Federal Law and can result in fines, prison sentences, and civil damage awards. I agree to abide by all conditions of the proposal and certify that I am authorized to sign this proposal for the proposer. I further certify that the provisions of the Official Code of Georgia Annotated, Sections 45-10-20 et. seq. have not been violated and will not be violated in any respect.

Authorized Signature _____ Date 6/3/2025

Print/Type Name Christopher A. Opolka

Print/Type Company Name Here Professional Pipeline LLC

Email Chris@professionalpipeline.net

Stockbridge
Where Community Connects

Request For Proposal (RFP) No. 2025-0006 Annual On-Call Water & Sewer Emergency, Operational Repair Maintenance And Construction

Project Criteria

Criteria	Points	Description
A - Technical Approach	**40 pts**	
A-1 - 1. Methodology(ies)	10 pts	Does the offeror's proposal describe the methodology or methodologies planned to be used to carry out the specific tasks described in the Scope of Work with clarity and thoroughness in addressing the task(s) that are required?
A-2 - 2. Work Plan	10 pts	Does the offeror's proposal indicate all key deliverables and their contents?
A-3 - 3. Project Schedule	20 pts	Does the Offeror's proposal provide an outline for each performance metric listed in the Scope of Work, and does the proposal demonstrate the firm's ability to perform the work requested within and allotted schedule?
B - Qualifications and Experience of the Firm	**15 pts**	
B-1 - 1.	5 pts	Did the offeror list 3-5 similar projects completed in the last five years?
B-2 - 2.	5 pts	Does the offeror's proposal contain the number of contracts on hand, detailing the schedules, the gross of each contract amount, and approximate completion of timeline?

B-3 - 3.	5 pts	Did the offeror's proposal indicate any failures to complete work awarded to them? If so, did they provide details as to where and why?
C - Qualifications and Experience of Key Staff	**10 pts**	
C-1 - 1.	5 pts	Does the offeror's proposal identify key individuals to be assigned to this project, to include the function and/or responsibility of each identified individual?
C-2 - 2.	5 pts	Does the offeror provide experience or summaries of these key individuals with emphasis on previous experience in similar roles on comparable projects and a copy of their resumes if applicable?
D - Cost	**35 pts**	
D-1 -	35 pts	
Total	**100 pts**	

Stockbridge
Where Community Connects

Request For Proposal (RFP) No. 2025-0006, Annual On-Call Water & Sewer Emergency, Operational Repair, Maintenance And Construction

Professional Pipeline LLC - Scoring Summary (Primary Vendor)

Evaluation Group 1 - Main Evaluators

	Total	A - Technical Approach	A-1 - 1. Methodology(ies)	A-2 - 2. Work Plan	A-3 - 3. Project Schedule
Reviewer	**/ 65 pts**	**/ 40 pts**	**/ 10 pts**	**/ 10 pts**	**/ 20 pts**
Kevin Miller	54 pts	33 pts	8 pts	8 pts	17 pts
Decius Aaron	60 pts	35 pts	8 pts	9 pts	18 pts
Scott Mask	65 pts	40 pts	10 pts	10 pts	20 pts
Adam Daniel	49 pts	24 pts	6 pts	7 pts	11 pts
Leslie Norsworthy	54 pts	31 pts	8 pts	7 pts	16 pts
		Average:	**8 pts**	**8.2 pts**	**16.4 pts**

Stockbridge
Where Community Connects

Request For Proposal (RFP) No. 2025-0006, Annual On-Call Water & Sewer Emergency, Operational Repair, Maintenance And Construction

	Total	A - Technical Approach	A-1 - 1. Methodology(ies)	A-2 - 2. Work Plan	A-3 - 3. Project Schedule
Reviewer	**/ 65 pts**	**/ 40 pts**	**/ 10 pts**	**/ 10 pts**	**/ 20 pts**
		Consensus:	-	-	-
			↓	↓	↓
Calculated:	**56.4 pts**	**32.6 pts**	**8 pts**	**8.2 pts**	**16.4 pts**

	B - Qualifications and Experience of the Firm	B-1 - 1.	B-2 - 2.	B-3 - 3.	C - Qualifications and Experience of Key Staff
Reviewer	**/ 15 pts**	**/ 5 pts**	**/ 5 pts**	**/ 5 pts**	**/ 10 pts**
Kevin Miller	12 pts	2 pts	5 pts	5 pts	9 pts
Decius Aaron	15 pts	5 pts	5 pts	5 pts	10 pts
Scott Mask	15 pts	5 pts	5 pts	5 pts	10 pts

Stockbridge

Where Community Connects

Request For Proposal (RFP) No. 2025-0006, Annual On-Call Water & Sewer Emergency, Operational Repair, Maintenance And Construction

	B - Qualifications and Experience of the Firm	B-1 - 1.	B-2 - 2.	B-3 - 3.	C - Qualifications and Experience of Key Staff
Reviewer	**/ 15 pts**	**/ 5 pts**	**/ 5 pts**	**/ 5 pts**	**/ 10 pts**
Adam Daniel	15 pts	5 pts	5 pts	5 pts	10 pts
Leslie Norsworthy	15 pts	5 pts	5 pts	5 pts	8 pts
	Average:	**4.4 pts**	**5 pts**	**5 pts**	**Average:**
	Consensus:	-	-	-	**Consensus:**
		↓	↓	↓	
Calculated:	**14.4 pts**	**4.4 pts**	**5 pts**	**5 pts**	**9.4 pts**

Stockbridge
Where Community Connects

Request For Proposal (RFP) No. 2025-0006, Annual On-Call Water & Sewer Emergency, Operational Repair, Maintenance And Construction

	C-1 - 1.	C-2 - 2.
Reviewer	**/ 5 pts**	**/ 5 pts**
Kevin Miller	5 pts	4 pts
Decius Aaron	5 pts	5 pts
Scott Mask	5 pts	5 pts
Adam Daniel	5 pts	5 pts
Leslie Norsworthy	4 pts	4 pts
	4.8 pts	**4.6 pts**
	-	-
	↓	↓
Calculated:	**4.8 pts**	**4.6 pts**

Stockbridge
Where Community Connects

Request For Proposal (RFP) No 2025-0006 Annual On-Call Water & Sewer Emergency, Operational Repair, Maintenance And Construction

Evaluation Group 2 - Procurement Division

	Total	D - Cost	D-1 -
Reviewer	**/ 35 pts**	**/ 35 pts**	**/ 35 pts**
Wanda Cooley	35 pts	35 pts	$272,634.00
		Average:	**$272,634.00**
		Consensus:	**$272,634.00**
			↓
Calculated:	**35 pts**	**35 pts**	**35 pts ($272,634.00)**

Stockbridge
Where Community Connects

Request For Proposal (RFP) No. 2025-0006, Annual On-Call Water & Sewer Emergency, Operational Repair, Maintenance And Construction

STAFF COMMENTS:

Signature:

Date: mm/dd/yyyy 6/14/2024

Stockbridge
Where Community Connects

Contract
RFP No. 2025-0006, Annual On-Call Water And Sewer Emergency, Operational Repair, Maintenance and Construction

This **CONTRACT** made and entered into this ____ day of _____, 2025 by and between the City of Stockbridge, (Party of the First Part, hereinafter called the "City"), and **Site Engineering, Inc.,** Party of the Second Part, hereinafter called the "Service Provider" or "Contractor").

NOW THEREFORE, for and in consideration of the mutual promises and obligations contained herein and under the conditions hereinafter set forth, the parties do hereby agree as follows:

1. **TERMS:**

   This Agreement shall be effective upon its execution (the "Effective Date"). The services to be performed under this Contract shall commence upon the date stated in the notice to proceed letter. This Contract shall terminate absolutely and without further obligation on the part of the City on December 31, 2026, and each December 31 of each succeeding and renewed year, as required by O.C.G.A. §36-60-13, as amended, unless terminated earlier in accordance with the provisions of this Contract

   OPTIONAL RENEWALS:

   This Contract may be renewed at the sole discretion of the City for four (4) additional twelve-month terms, upon the same terms and conditions, as provided for in this Contract, unless terminated by the City, by notice to the service provider, or termination and non-renewal by December 31 of the Contract year.

   Upon each renewal option, the contractor shall provide the City with updated contact information for the designated person responsible for overseeing the work. This information must include their name, telephone number, email address, cell phone number, and contact information for their immediate supervisor.

2. **ATTACHMENTS:**
   The following documents are attached and are specifically incorporated herein by reference; and, along with this Contract and the General Conditions attached as Exhibit A encompass all of the **Contract documents:**

Exhibit A:	General Conditions.
Exhibit B:	Specifications and Scope of Work.
Exhibit C:	Request for Proposal.
Exhibit D:	Bond Documents.
Exhibit E:	Georgia Security And Immigration Compliance Act Affidavit..
Exhibit F:	Drug-Free Work Place.
Exhibit G:	Purchasing Policy Addendum.
Exhibit H:	Affidavit Verifying Status For Public Benefit Application.
Exhibit I:	Cost Proposal.

3. **PERFORMANCE:**
   Service Provider agrees to furnish all skill and labor of every description necessary to carry out perform, perform the services in accordance with the Contract Documents (the "Work").

4. **PRICE:**
The City agrees to pay the Service Provider following receipt by the City of a detailed invoice reflecting the actual work performed by the Service Provider, provided, however, Service Provider guarantees that the maximum price for materials, labor and expenses, shall be the amount reflected in Exhibit I.

5. **INDEMINIFICATION AND HOLD HARMLESS:**
[See Section 13 of Exhibit A. --- General Conditions]
Service Provider further agrees to protect, defend, indemnify, and hold harmless the CITY, its council members, officers, agents, and employees from and against any and all claims or liability for compensation under the Worker's Compensation Act arising out of injuries sustained by any employee or subcontract of the Service Provider, as allowed under the law.

6. **TERMINATION FOR CAUSE:**
The City may terminate this Contract for cause upon ten (10) days prior written notice to the Service Provider of the Service Provider's default in the performance of any term of this Contract. Such termination shall be without prejudice to any City's rights or remedies provided by law.

7. **TERMINATION FOR CONVENIENCE:**
The City may terminate this Contract for its convenience at any time upon (30) days written notice to the Service Provider. In the event of the City's termination of this Contract for convenience, the Service Provider will be paid for those services actually performed. Partially completed performance of the Contract will be compensated based upon a signed statement of completion to be submitted by the Service Provider who shall itemize each element of performance.

8. **TERMINATION FOR FUND APPROPRIATION:**
The City may unilaterally terminate this Contract due to lack of funding at any time by written notice to the Service Provider. In the event of the City's termination of this Contract for fund appropriation, the Service Provider will be paid for those services actually performed. Partially completed performance of the Contract will be compensated based upon a signed statement of completion to be submitted by the Service Provider which shall itemize each element of performance.

9. **CONTRACT NOT TO DISCRIMINATE:**
During the performance of this Contract, the Service Provider will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, age, or disability which does not preclude the applicant or employee from performing the essential functions of the position. The Service Provider will also, in all solicitations or advertisements for employees placed by qualified applicants, consider the same without regard to race, creed, color, sex, national origin, age, or disability which does not preclude the applicant from performing the essential functions of the job. The Service Provider will cause the foregoing provisions to be inserted in all subcontracts for any work covered by this Contract so that such provision will be binding upon each subservice providers for standard commercial supplies of raw materials.

10. ASSIGNMENT:

The Service Provider shall not sublet, assign, transfer, pledge, convey, sell or otherwise dispose of the whole or any part of this Contract or his right, title, or interest therein to any person, firm, or corporation without the previous consent of the City in writing.

11. WAIVER:

A waiver by either party of any breach of any provision, term, covenant, or condition of this Contract shall not be deemed a waiver of any subsequent breach of the same or any other provision, term, covenant, or condition.

12. SEVERABILITY:

The parties agree that each of the provisions included in this Contract is separate, distinct and severable from the other and remaining provisions of this Contract, and that the invalidity of any Contract provision shall not affect the validity of any other provision or provisions of this Contract.

13. GOVERNING LAW:

The parties agree that this Contract shall be governed and construed in accordance with the laws of the State of Georgia. This Contract has been signed in DeKalb County, Georgia.

14. MERGER CLAUSE:

The parties agree that the terms of this Contract included the entire Contract between the parties, and as such, shall exclusively bind the parties. No other representations, either oral or written, may be used to contradict the terms of this Contract.

IN WITNESS WHEREOF, the parties hereto, acting through their duly authorized agents, have caused this **CONTRACT** to be signed, sealed and delivered.

Signatures on following page.

Stockbridge
Where Community Connects

STOCKBRIDGE, GEORGIA

By: _____
Anthony S. Ford
Mayor, City of Stockbridge, Georgia

ATTEST: _____
Vanessa Holiday
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

SERVICE PROVIDER:

Signature Dwight A Voyles Date 7.3.2025

Print Name Dwight A Voyles

Print Title Vice President

SITE ENGINEERING INC. CORPORATE SEAL 1983 GEORGIA

ATTEST:

Diane Belisario Date 7.3.2025
Signature

Print Name Diae Belisario

Print Title Corporate Secretary

PROPOSAL LETTER

We propose to furnish and deliver all the deliverables and services named in the attached Request for Proposal (RFP). The price or prices offered herein shall apply for the period stated in the RFP.

We further agree to strictly abide by all the terms and conditions contained in the City of Stockbridge Procurement Manual as modified by any attached special terms and conditions, all of which are made a part hereof. Any exceptions are noted in writing and included with this bid.

It is understood and agreed that this statement of Proposal and proposal constitutes an offer, which when accepted in writing by Purchasing Office, City of Stockbridge, and subject to the terms and conditions of such acceptance, will constitute a valid and binding contract between the undersigned and the City of Stockbridge.

It is understood and agreed that we have read the City's specifications shown or referenced in the RFP and that this statement is made in accordance with the provisions of such specifications. By our written signature on this proposal, we guarantee and certify that all items included in this statement meet or exceed all such City specifications. We further agree, if awarded a contract, to deliver goods and services which meet or exceed the specifications. The City of Stockbridge reserves the right to reject any or all offers, waive technicalities, and informalities, and to make an award in the best interest of the city.

It is understood and agreed that this statement of Proposal and proposal shall be valid and held open for a period of one hundred twenty (120) days from opening date.

PROPOSAL SIGNATURE AND CERTIFICATION
(Proposer to sign and return)

I certify that this offer is made without prior understanding, agreement, or connection with any corporation, firm, or person submitting a proposal for the same materials, supplies, equipment, or services and is in all respects fair and without collusion or fraud. I understand collusive bidding is a violation of State and Federal Law and can result in fines, prison sentences, and civil damage awards. I agree to abide by all conditions of the proposal and certify that I am authorized to sign this proposal for the proposer. I further certify that the provisions of the Official Code of Georgia Annotated, Sections 45-10-20 et. seq. have not been violated and will not be violated in any respect.

Authorized Signature Dwight A Voyles Date 6.2.2025

Print/Type Name Dwight A Voyles

Print/Type Company Name Here Site Engineering Inc.

Email dwight@siteengineeringinc.com

Project Criteria

Criteria	Points	Description
A - Technical Approach	**40 pts**	
A-1 - 1. Methodology(ies)	10 pts	Does the offeror's proposal describe the methodology or methodologies planned to be used to carry out the specific tasks described in the Scope of Work with clarity and thoroughness in addressing the task(s) that are required?
A-2 - 2. Work Plan	10 pts	Does the offeror's proposal indicate all key deliverables and their contents?
A-3 - 3. Project Schedule	20 pts	Does the Offeror's proposal provide an outline for each performance metric listed in the Scope of Work, and does the proposal demonstrate the firm's ability to perform the work requested within and allotted schedule?
B - Qualifications and Experience of the Firm	**15 pts**	
B-1 - 1.	5 pts	Did the offeror list 3-5 similar projects completed in the last five years?

B-2 - 2	5 pts	Does the offeror's proposal contain the number of contracts on hand, detailing the schedules, the gross of each contract amount, and approximate completion of timeline?
B-3 - 3	5 pts	Did the offeror's proposal indicate any failures to complete work awarded to them? If so, did they provide details as to where and why?
C - Qualifications and Experience of Key Staff	**10 pts**	
C-1 - 1	5 pts	Does the offeror's proposal identify key individuals to be assigned to this project, to include the function and/or responsibility of each identified individual?
C-2 - 2	5 pts	Does the offeror provide experience or summaries of these key individuals with emphasis on previous experience in similar roles on comparable projects and a copy of their resumes if applicable?
D - Cost	**35 pts**	
D-1 -	35 pts	
Total	**100 pts**	

Stockbridge
Where Community Connects

Request For Proposals (RFP) No. 2025-0006, COS Annual On-Call Water & Sewer Emergency, Operational Repair, Maintenance and Construction

Proposal Scores

Site Engineering Inc. (to be used as needed) - Scoring Summary

Evaluation Group 1 - Main Evaluators

	Total	A - Technical Approach	A-1 - 1. Methodology(ies)	A-2 - 2. Work Plan	A-3 - 3. Project Schedule
Reviewer	/ 65 pts	/ 40 pts	/ 10 pts	/ 10 pts	/ 20 pts
Kevin Miller	52 pts	27 pts	7 pts	8 pts	12 pts
Decius Aaron	62 pts	37 pts	9 pts	9 pts	19 pts
Scott Mask	65 pts	40 pts	10 pts	10 pts	20 pts
Adam Daniel	47 pts	23 pts	8 pts	7 pts	8 pts

Stockbridge
Where Community Connects

Request For Proposals (RFP) No. 2025-0006, COS Annual On-Call Water & Sewer Emergency, Operational Repair, Maintenance and Construction

	Total	A - Technical Approach	A-1 - 1. Methodology(ies)	A-2 - 2. Work Plan	A-3 - 3. Project Schedule
Reviewer	**/ 65 pts**	**/ 40 pts**	**/ 10 pts**	**/ 10 pts**	**/ 20 pts**
Leslie Norsworthy	60 pts	35 pts	9 pts	8 pts	18 pts
		Average:	**8.6 pts**	**8.4 pts**	**15.4 pts**
		Consensus:	-	-	-
			↓	↓	↓
Calculated:	**57.2 pts**	**32.4 pts**	**8.6 pts**	**8.4 pts**	**15.4 pts**

Stockbridge
Where Community Connects

Request For Proposals (RFP) No. 2025-0006, COS Annual On-Call Water & Sewer Emergency, Operational Repair, Maintenance and Construction

	B - Qualifications and Experience of the Firm	B-1 - 1.	B-2 - 2.	B-3 - 3.	C - Qualifications and Experience of Key Staff
Reviewer	**/ 15 pts**	**/ 5 pts**	**/ 5 pts**	**/ 5 pts**	**/ 10 pts**
Kevin Miller	15 pts	5 pts	5 pts	5 pts	10 pts
Decius Aaron	15 pts	5 pts	5 pts	5 pts	10 pts
Scott Mask	15 pts	5 pts	5 pts	5 pts	10 pts
Adam Daniel	15 pts	5 pts	5 pts	5 pts	9 pts
Leslie Norsworthy	15 pts	5 pts	5 pts	5 pts	10 pts
	Average:	**5 pts**	**5 pts**	**5 pts**	**Average:**
	Consensus:	-	-	-	**Consensus:**
		↓	↓	↓	

Stockbridge
Where Community Connects

Request For Proposals (RFP) No. 2025-0006, COS Annual On-Call Water & Sewer Emergency, Operational Repair, Maintenance and Construction

	B - Qualifications and Experience of the Firm	B-1 - 1.	B-2 - 2.	B-3 - 3.	C - Qualifications and Experience of Key Staff
Reviewer	**/ 15 pts**	**/ 5 pts**	**/ 5 pts**	**/ 5 pts**	**/ 10 pts**
Calculated:	**15 pts**	**5 pts**	**5 pts**	**5 pts**	**9.8 pts**

	C-1 - 1.	C-2 - 2.
Reviewer	**/ 5 pts**	**/ 5 pts**
Kevin Miller	5 pts	5 pts
Decius Aaron	5 pts	5 pts
Scott Mask	5 pts	5 pts
Adam Daniel	4 pts	5 pts
Leslie Norsworthy	5 pts	5 pts

	C-1 - 1.	C-2 - 2.
Reviewer	/ 5 pts	/ 5 pts
	4.8 pts	5 pts
	-	-
	↓	↓
Calculated:	4.8 pts	5 pts

Evaluation Group 2 - Procurement Division

	Total	D - Cost	D-1 -
Reviewer	/ 35 pts	/ 35 pts	/ 35 pts
Wanda Cooley	24.3 pts	24.3 pts	$392 746.00

Stockbridge
Where Community Connects

Request For Proposals (RFP) No. 2025-0006, COS Annual On-Call Water & Sewer Emergency, Operational Repair, Maintenance and Construction

	Total	D - Cost	D-1 -
Reviewer	/ 35 pts	/ 35 pts	/ 35 pts
		Average:	$392,746.00
		Consensus:	$392,746.00
			↓
Calculated:	24.3 pts	24.3 pts	24.3 pts ($392,746.00)

Stockbridge
Where Community Connects

Request For Proposals (RFP) No. 2025-0006, COS Annual On-Call Water & Sewer Emergency, Operational Repair, Maintenance and Construction

STAFF COMMENTS

Signature

Date: mm/dd/yyyy

City of Stockbridge

AGENDA ITEM

MEETING DATE

September 8, 2025

■	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
☐	CDBG
☐	GRANT FUNDING
☐	COUNCIL INITIATIVE
☐	PARTNER/SPONSOR
☐	DEPARTMENT BUDGET
☐	BONDING

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER: Decius T. Aaron

DEPARTMENT: Public Works.

ITEM/PROJECT/EVENT:

Request For Proposals (RFP) No. 2025-0004, City of Stockbridge Annual On-Call Sidewalk Repairs And Replacement - CGS, LLC.

BACKGROUND INFORMATION:

The City of Stockbridge Procurement Division requests approval to award a fixed contract to CGS, LLC, Request for Proposal (RFP) Number 2025-0004, for the City of Stockbridge Annual On-Call Sidewalk Repairs And Replacement. The start date of the contract will be January 1, 2026.

SIGNATURES:

~~MAYOR~~ **CITY MANAGER** _____

CITY TREASURER Frank S. Milazi

CITY ATTORNEY _____

■ FINANCIAL IMPACT ☐ N/A

AMOUNT **$300,000.00**

ATTACHMENTS: ■

STAFF RECOMMENDATION:

The work to be performed, in general, consists of removing and replacing damaged sections of existing concrete sidewalk, curb, gutter, curb ramp, and driveway; repairing sections of failed asphalt concrete pavement; and replacement of curb inlets and concrete repair of adjacent sidewalk flags. The work shall include traffic control, saw cutting, excavation, backlifting, compaction; installation of root barriers, patching asphalt conforms adjacent to new gutters, and clearing and grubbing. Locations of work will be throughout the City of Stockbridge.

The initial term of this Agreement is for one (1) year, with the option to renew for up to four (4) one (1) year periods.

The Procurement Division solicited Request for Proposals (RFP) No. 2025-0004, for the City of Stockbridge Annual On-Call Sidewalk Repairs and Replacement in accordance with the City's Ordinance and the State of Georgia Code.

Request for Proposals (RFP) No. 2025-0004, opened on April 28, 2025 and closed on May 29, 2025.

A total of ten (10) vendors submitted proposals (CGS, LLC, Blount Construction Company, Inc., DAF Concrete, Inc., Construction, Limitless Concrete & Works, Inc., Peachstate Construction Company, LLC, A&S Paving, Inc., The Mitchell Group, LLC, HJF Concrete, and CSTE, Inc. Of the ten (10) submittals, one (1) was deemed non-responsive and nine (9) were evaluated and were determined to be in the competitive range.

The Evaluation Committee evaluated each proposal, and according to their assessment of the criteria listed in the RFP, CGS, LLC was ranked the highest.

Fiscal Impact: Funds will be provided from SPLOST VI.

Stockbridge
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To:	Decius Aaron
From:	Shakera Hall, *Procurement Manager* **email:** shall@stockbridgega.org
Date:	June 17, 2025
Subject:	RFP No. 2025-0004, City of Stockbridge Annual On-Call Sidewalk Repairs And Replacement

The purpose of this memorandum is to provide you with information to be used in determining your selection for the above-referenced Request for Proposal (RFP). The following information is provided:

a) **Evaluators**
b) **Evaluation Factors and Evaluation Results**

We request that you select from the list presented your recommendation of award for the subject solicitation. Please note that ten (10) proposals were received. One (1) was deemed non-responsive and nine (9) were evaluated and were determined to be in the competitive range.

The Evaluation Committee evaluated each proposal, and according to their assessment of the RFP criteria listed in the RFP, the following vendor was ranked the highest: CGS, LLC in the amount of $6,441.41.

Please identify your recommendation in the space provided on the attached document. Sign and date the document and return it to the Procurement Department. If you have any questions, please contact me at (678) 833-3322.

Evaluators:

Al Barnes, Public Works Operations Manager
Jeff Greenway, Public Operations Analyst
Leslie Norsworthy, Public Works Executive Assistant
Demetrius Well, Fire Chief
Dedric McClain, Stormwater Supervisor
Wanda J. Cooley, Procurement Division

Attachments:

Project Criteria

Criteria	Points	Description
A - Approach	**40 pts**	
A-1 - 1. Methodology(ies)	10 pts	Does the offeror's proposal describe the methodology or methodologies planned to be used to carry out the specific tasks described in the Scope of Wok with clarity and thoroughness in addressing the task required?
A-2 - 2. Work Plan	10 pts	Does the offeror's proposal indicate all key deliverables and their contents?
A-3 - 3. Project Schedule	20 pts	Does the offeror's proposal provide an outline for each performance metric listed in the Scope of Work, and does the proposal demonstrate the team's ability to perform the work requested within an established schedule?
B - Qualifications and Experience of the Firm(s)	**20 pts**	
B-1 - 1.	5 pts	Did the offeror list 3-5 similar projects completed in the last five years?
B-2 - 2.	5 pts	Does the offeror's proposal contain the number of contracts on hand, detailing the schedules, the gross of each contract amount, and approximate timelines?

B-3 - 3.	5 pts	Did the offeror's proposal indicate any failures to complete work awarded to them? If so, did they provide where and why?
B-4 - 4.	5 pts	Does the offeror's proposal include a warranty?
C - Qualifications and Experience of Key Staff	**10 pts**	
C-1 - 1.	5 pts	Does the offeror's proposal identify key individuals to be assigned to this project and include the function and/or responsibility of each identified individual?
C-2 - 2.	5 pts	Does the offeror's provide experience summaries of these key individuals with emphasis on previous experience in similar roles on comparable projects and a copy of their resumes if applicable?
D - Cost	**30 pts**	
D-1 -	30 pts	
Total	**100 pts**	

CGS Waterproofing LLC - Scoring Summary

Evaluation Group 1 - Evaluation Team

	Total	A - Approach	A-1 - 1. Methodology(ies)	A-2 - 2. Work Plan	A-3 - 3. Project Schedule
Reviewer	**/ 70 pts**	**/ 40 pts**	**/ 10 pts**	**/ 10 pts**	**/ 20 pts**
Al Barnes	45 pts	30 pts	10 pts	10 pts	10 pts
Jeff Greenway	70 pts	40 pts	10 pts	10 pts	20 pts
Demetries Wells	50 pts	27 pts	10 pts	8 pts	9 pts
Dedric McClain	70 pts	40 pts	10 pts	10 pts	20 pts
Leslie Norsworthy	62 pts	35 pts	9 pts	9 pts	17 pts
		Average:	**9.8 pts**	**9.4 pts**	**15.2 pts**

Stockbridge
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REQUEST FOR PROPOSALS (RFP) NO. 2025-0004, COS ANNUAL ON-CALL SIDEWALK REPAIRS AND REPLACEMENT

	Total	A - Approach	A-1 - 1. Methodology(ies)	A-2 - 2. Work Plan	A-3 - 3. Project Schedule
Reviewer	**/ 70 pts**	**/ 40 pts**	**/ 10 pts**	**/ 10 pts**	**/ 20 pts**
		Consensus:	-	-	-
			↓	↓	↓
Calculated:	**59.4 pts**	**34.4 pts**	**9.8 pts**	**9.4 pts**	**15.2 pts**

	B - Qualifications and Expreience of the Firm(s)	B-1 - 1.	B-2 - 2.	B-3 - 3.	B-4 - 4.
Reviewer	**/ 20 pts**	**/ 5 pts**	**/ 5 pts**	**/ 5 pts**	**/ 5 pts**
Al Barnes	8 pts	2 pts	2 pts	2 pts	2 pts
Jeff Greenway	20 pts	5 pts	5 pts	5 pts	5 pts
Demetries Wells	13 pts	5 pts	5 pts	2 pts	1 pts

Stockbridge
Where Community Connects

REQUEST FOR PROPOSALS (RFP) NO. 2025-0004, COS ANNUAL ON-CALL SIDEWALK REPAIRS AND REPLACEMENT

	B - Qualifications and Expreience of the Firm(s)	B-1 - 1.	B-2 - 2.	B-3 - 3.	B-4 - 4.
Reviewer	**/ 20 pts**	**/ 5 pts**	**/ 5 pts**	**/ 5 pts**	**/ 5 pts**
Dedric McClain	20 pts	5 pts	5 pts	5 pts	5 pts
Leslie Norsworthy	19 pts	4 pts	5 pts	5 pts	5 pts
	Average:	**4.2 pts**	**4.4 pts**	**3.8 pts**	**3.6 pts**
	Consensus:	-	-	-	-
		↓	↓	↓	↓
Calculated:	**16 pts**	**4.2 pts**	**4.4 pts**	**3.8 pts**	**3.6 pts**

	C - Qualifications and Experience of Key Staff	C-1 - 1.	C-2 - 2.
Reviewer	**/ 10 pts**	**/ 5 pts**	**/ 5 pts**
Al Barnes	7 pts	5 pts	2 pts
Jeff Greenway	10 pts	5 pts	5 pts
Demetries Wells	10 pts	5 pts	5 pts
Dedric McClain	10 pts	5 pts	5 pts
Leslie Norsworthy	8 pts	4 pts	4 pts
	Average:	**4.8 pts**	**4.2 pts**
	Consensus:	-	-
		↓	↓
Calculated:	**9 pts**	**4.8 pts**	**4.2 pts**

Evaluation Group 2 - Procurement Department

	Total	D - Cost	D-1 -
Reviewer	**/ 30 pts**	**/ 30 pts**	**/ 30 pts**
Wanda Cooley	16 02 pts	16 02 pts	$6 441 41
		Average:	**$6,441.41**
		Consensus:	-
			↓
Calculated:	**16.02 pts**	**16.02 pts**	**16.02 pts ($6,441.41)**

Stockbridge
Where Community Connects

REQUEST FOR PROPOSALS (RFP) NO. 2025-0004, COS ANNUAL ON-CALL SIDEWALK REPAIRS AND REPLACEMENT

STAFF COMMENTS:

Decius T. Aaron

Decius Aaron, Public Works Department

6 / 18 / 2025

Date mm/dd/yyyy

Contract
RFP No. 2025-0004, Annual On-Call Sidewalk Repairs And Replacement

This **CONTRACT** made and entered into this ____ day of _____, 2025 by and between the City of Stockbridge, (Party of the First Part, hereinafter called the "City"), and **CGS, LLC,** Party of the Second Part, hereinafter called the "Service Provider" or "Contractor").

NOW THEREFORE, for and in consideration of the mutual promises and obligations contained herein and under the conditions hereinafter set forth, the parties do hereby agree as follows:

1. **TERMS:**

   This Agreement shall be effective upon its execution (the "Effective Date"). The services to be performed under this Contract shall commence upon the date stated in the notice to proceed letter. This Contract shall terminate absolutely and without further obligation on the part of the City on December 31, 2026, and each December 31 of each succeeding and renewed year, as required by O.C.G.A. §36-60-13, as amended, unless terminated earlier in accordance with the provisions of this Contract

   OPTIONAL RENEWALS:

   This Contract may be renewed at the sole discretion of the City for four (4) additional twelve-month terms, upon the same terms and conditions, as provided for in this Contract, unless terminated by the City, by notice to the service provider, or termination and non-renewal by December 31 of the Contract year.

   Upon each renewal option, the contractor shall provide the City with updated contact information for the designated person responsible for overseeing the work. This information must include their name, telephone number, email address, cell phone number, and contact information for their immediate supervisor.

2. **ATTACHMENTS:**
   The following documents are attached and are specifically incorporated herein by reference; and, along with this Contract and the General Conditions attached as Exhibit A encompass all of the **Contract documents:**

Exhibit A:	General Conditions.
Exhibit B:	Specifications and Scope of Work.
Exhibit C:	Request for Proposal.
Exhibit D:	Bond Documents.
Exhibit E:	Georgia Security And Immigration Compliance Act Affidavit..
Exhibit F:	Drug-Free Work Place.
Exhibit G:	Purchasing Policy Addendum.
Exhibit H:	Affidavit Verifying Status For Public Benefit Application.
Exhibit I:	Cost Proposal.

3. **PERFORMANCE:**
   Service Provider agrees to furnish all skill and labor of every description necessary to carry out perform, perform the services in accordance with the Contract Documents (the "Work").

4. **PRICE:**
The City agrees to pay the Service Provider following receipt by the City of a detailed invoice reflecting the actual work performed by the Service Provider, provided, however, Service Provider guarantees that the maximum price for materials, labor and expenses, shall be the amount reflected in Exhibit I.

5. **INDEMINIFICATION AND HOLD HARMLESS:**
[See Section 13 of Exhibit A. --- General Conditions]
Service Provider further agrees to protect, defend, indemnify, and hold harmless the CITY, its council members, officers, agents, and employees from and against any and all claims or liability for compensation under the Worker's Compensation Act arising out of injuries sustained by any employee or subcontract of the Service Provider, as allowed under the law.

6. **TERMINATION FOR CAUSE:**
The City may terminate this Contract for cause upon ten (10) days prior written notice to the Service Provider of the Service Provider's default in the performance of any term of this Contract. Such termination shall be without prejudice to any City's rights or remedies provided by law.

7. **TERMINATION FOR CONVENIENCE:**
The City may terminate this Contract for its convenience at any time upon (30) days written notice to the Service Provider. In the event of the City's termination of this Contract for convenience, the Service Provider will be paid for those services actually performed. Partially completed performance of the Contract will be compensated based upon a signed statement of completion to be submitted by the Service Provider who shall itemize each element of performance.

8. **TERMINATION FOR FUND APPROPRIATION:**
The City may unilaterally terminate this Contract due to lack of funding at any time by written notice to the Service Provider. In the event of the City's termination of this Contract for fund appropriation, the Service Provider will be paid for those services actually performed. Partially completed performance of the Contract will be compensated based upon a signed statement of completion to be submitted by the Service Provider which shall itemize each element of performance.

9. **CONTRACT NOT TO DISCRIMINATE:**
During the performance of this Contract, the Service Provider will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, age, or disability which does not preclude the applicant or employee from performing the essential functions of the position. The Service Provider will also, in all solicitations or advertisements for employees placed by qualified applicants, consider the same without regard to race, creed, color, sex, national origin, age, or disability which does not preclude the applicant from performing the essential functions of the job. The Service Provider will cause the foregoing provisions to be inserted in all subcontracts for any work covered by this Contract so that such provision will be binding upon each subservice providers for standard commercial supplies of raw materials.

10. ASSIGNMENT:

The Service Provider shall not sublet, assign, transfer, pledge, convey, sell or otherwise dispose of the whole or any part of this Contract or his right, title, or interest therein to any person, firm, or corporation without the previous consent of the City in writing.

11. WAIVER:

A waiver by either party of any breach of any provision, term, covenant, or condition of this Contract shall not be deemed a waiver of any subsequent breach of the same or any other provision, term, covenant, or condition.

12. SEVERABILITY:

The parties agree that each of the provisions included in this Contract is separate, distinct and severable from the other and remaining provisions of this Contract, and that the invalidity of any Contract provision shall not affect the validity of any other provision or provisions of this Contract.

13. GOVERNING LAW:

The parties agree that this Contract shall be governed and construed in accordance with the laws of the State of Georgia. This Contract has been signed in DeKalb County, Georgia.

14. MERGER CLAUSE:

The parties agree that the terms of this Contract included the entire Contract between the parties, and as such, shall exclusively bind the parties. No other representations, either oral or written, may be used to contradict the terms of this Contract.

IN WITNESS WHEREOF, the parties hereto, acting through their duly authorized agents, have caused this **CONTRACT** to be signed, sealed and delivered.

Signatures on following page.

STOCKBRIDGE, GEORGIA

By: _____
Anthony S. Ford
Mayor, City of Stockbridge, Georgia

ATTEST: _____
Vanessa Holiday
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

SERVICE PROVIDER:

Signature _____ Date 7/2/25

Print Name Joaquin Contreras

Print Title owner

ATTEST:

_____ Date 7/2/25
Signature

Print Name Natalie Serna

Print Title Office admin

Request for Proposal No. 2025-0004
On-Call Sidewalk Repairs and Replacement

Date: April 28, 2025

Optional Pre-bid Conference – In Person
Monday, May 12, 2025, at 1:30 p.m. EST.
4640 N. Henry Boulevard, Levi Conference Room
Stockbridge, Georgia 30281

PROPOSAL DUE DATE:
Thursday, May 29, at 3:00 p.m. EST.
.

Bids shall only be accepted online through the Bonfire Portal at:
City of Stockbridge Annual On-Call Sidewalk Repairs and Replacement

Any bid submitted in any other format (email, paper, fax, mail, etc.) will not be accepted.

Instructions to Offerors:

1. All communications regarding this solicitation must be with the Contract Specialist, Wanda J. Cooley, Wcooley@stockbridgega.org.

2. All questions or requests for clarification must be sent via Bonfire under Message - Opportunity Q&A: City of Stockbridge Annual On-Call Sidewalk Repairs and Replacement. Questions are due no later than **Friday, May 16, at 2:30 p.m. EST**. Questions received after this date and time may not be answered.

3. Questions and clarifications will be answered in the form of an addendum. Any addenda, schedule changes, and other important information regarding or related to the solicitation will be posted on Bonfire website at City of Stockbridge Annual On-Call Sidewalk Repairs and Replacement and it is the Offeror's responsibility to check the Bonfire portal for any addendum or other communications related to this solicitation.

4. The City of Stockbridge reserves the right to reject all bids and to waive technicalities and informalities, and to make award in the best interest of the City of Stockbridge.

5. The City of Stockbridge is not responsible for any technical difficulties. It is highly recommended that all potential contractors submit their quotes prior to the due date of this solicitation.

PROPOSAL LETTER
Request for Proposal No. 2025-0004
Annual On-Call Sidewalk Repairs and Replacement

We propose to furnish and deliver all the deliverables and services named in the attached Request for Proposal (RFP). The price or prices offered herein shall apply for the period stated in the RFP.

We further agree to strictly abide by all the terms and conditions contained in the City of Stockbridge Procurement Manual as modified by any attached special terms and conditions, all of which are made a part hereof. Any exceptions are noted in writing and included with this bid.

It is understood and agreed that this statement of Proposal and proposal constitutes an offer, which when accepted in writing by Purchasing Office, City of Stockbridge, and subject to the terms and conditions of such acceptance, will constitute a valid and binding contract between the undersigned and the City of Stockbridge.

It is understood and agreed that we have read the City's specifications shown or referenced in the RFP and that this statement is made in accordance with the provisions of such specifications. By our written signature on this proposal, we guarantee and certify that all items included in this statement meet or exceed all such City specifications. We further agree, if awarded a contract, to deliver goods and services which meet or exceed the specifications. The City of Stockbridge reserves the right to reject any or all offers, waive technicalities, and informalities, and to make an award in the best interest of the city.

It is understood and agreed that this statement of Proposal and proposal shall be valid and held open for a period of one hundred twenty (120) days from opening date.

PROPOSAL SIGNATURE AND CERTIFICATION
(Proposer to sign and return)

I certify that this offer is made without prior understanding, agreement, or connection with any corporation, firm, or person submitting a proposal for the same materials, supplies, equipment, or services and is in all respects fair and without collusion or fraud. I understand collusive bidding is a violation of State and Federal Law and can result in fines, prison sentences, and civil damage awards. I agree to abide by all conditions of the proposal and certify that I am authorized to sign this proposal for the proposer. I further certify that the provisions of the Official Code of Georgia Annotated, Sections 45-10-20 et. seq. have not been violated and will not be violated in any respect.

Authorized Signature_____Date_____

Print/Type Name_____

Print/Type Company Name Here_____

Email _____

Contract
RFP No. 2025-0004, Annual On-Call Sidewalk Repairs & Replacement

This **CONTRACT** made and entered into this ____ day of _____, 2025 by and between the City of Stockbridge, (Party of the First Part, hereinafter called the "City"), and_____. Party of the Second Part, hereinafter called the "Service Provider" or "Contractor").

NOW THEREFORE, for and in consideration of the mutual promises and obligations contained herein and under the conditions hereinafter set forth, the parties do hereby agree as follows:

1. **TERMS:**
   The services to be performed under this Contract shall commence upon the date stated in the notice to proceed letter. The contract period for this contract is for the duration of the project. Upon the completion of the full scope of work the contract shall terminate absolutely and without further obligation as required by O.C.G.A. §36-60-13, as amended, unless terminated earlier in accordance with the provisions of this Contract.

   OPTIONAL RENEWALS:
   This Contract may be renewed at the sole discretion of the City for four (4) additional twelve-month terms, upon the same terms and conditions, as provided for in this Contract, unless terminated by the City, by notice to the service provider or termination and non-renewal by December 31 of the Contract year.

2. **ATTACHMENTS:**
   The following documents are attached and are specifically incorporated herein by reference; and, along with this Contract and the General Conditions attached as Exhibit A encompass all of the **Contract documents:**

Exhibit A:	General Conditions.
Exhibit B:	Scope of Work and Specifications.
Exhibit C:	Request for Proposal.
Exhibit D:	Bond Documents.
Exhibit E:	Georgia Security and Immigration Compliance Affidavit.
Exhibit F:	Drug-Free Workplace.
Exhibit G:	Purchasing Policy Addendum.
Exhibit H:	Affidavit Verifying Status for Public Benefit Application.
Exhibit I:	General Concrete Work Bid Form/Cost Proposal.

3. **PERFORMANCE:**
   Service Provider agrees to furnish all skill and labor of every description necessary to carry out perform, perform the services in accordance with the Contract Documents (the "Work").

4. **PRICE:**
   The City agrees to pay the Service Provider following receipt by the City of a detailed invoice reflecting the actual work performed by the Service Provider, provided, however, Service Provider guarantees that the maximum price for materials, labor and expenses, shall be the amount reflected in Exhibit I.

5. INDEMINIFICATION AND HOLD HARMLESS:

[See Section 13 of Exhibit A. --- General Conditions]

Service Provider further agrees to protect, defend, indemnify, and hold harmless the CITY, its council members, officers, agents, and employees from and against any and all claims or liability for compensation under the Worker's Compensation Act arising out of injuries sustained by any employee or subcontract of the Service Provider, as allowed under the law.

6. TERMINATION FOR CAUSE:

The City may terminate this Contract for cause upon ten (10) days prior written notice to the Service Provider of the Service Provider's default in the performance of any term of this Contract. Such termination shall be without prejudice to any City's rights or remedies provided by law.

7. TERMINATION FOR CONVENIENCE:

The City may terminate this Contract for its convenience at any time upon (30) days written notice to the Service Provider. In the event of the City's termination of this Contract for convenience, the Service Provider will be paid for those services actually performed. Partially completed performance of the Contract will be compensated based upon a signed statement of completion to be submitted by the Service Provider who shall itemize each element of performance.

8. TERMINATION FOR FUND APPROPRIATION:

The City may unilaterally terminate this Contract due to lack of funding at any time by written notice to the Service Provider. In the event of the City's termination of this Contract for fund appropriation, the Service Provider will be paid for those services actually performed. Partially completed performance of the Contract will be compensated based upon a signed statement of completion to be submitted by the Service Provider which shall itemize each element of performance.

9. CONTRACT NOT TO DISCRIMINATE:

During the performance of this Contract, the Service Provider will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, age, or disability which does not preclude the applicant or employee from performing the essential functions of the position. The Service Provider will also, in all solicitations or advertisements for employees placed by qualified applicants, consider the same without regard to race, creed, color, sex, national origin, age, or disability which does not preclude the applicant from performing the essential functions of the job. The Service Provider will cause the foregoing provisions to be inserted in all subcontracts for any work covered by this Contract so that such provision will be binding upon each subservice providers for standard commercial supplies of raw materials.

10. ASSIGNMENT:

The Service Provider shall not sublet, assign, transfer, pledge, convey, sell or otherwise dispose of the whole or any part of this Contract or his right, title, or interest therein to any person, firm, or corporation without the previous consent of the City in writing.

11. **WAIVER:**
A waiver by either party of any breach of any provision, term, covenant, or condition of this Contract shall not be deemed a waiver of any subsequent breach of the same or any other provision, term, covenant, or condition.

12. **SEVERABILITY:**
The parties agree that each of the provisions included in this Contract is separate, distinct and severable from the other and remaining provisions of this Contract, and that the invalidity of any Contract provision shall not affect the validity of any other provision or provisions of this Contract.

13. **GOVERNING LAW:**
The parties agree that this Contract shall be governed and construed in accordance with the laws of the State of Georgia. This Contract has been signed in Henry County, Georgia.

14. **MERGER CLAUSE:**
The parties agree that the terms of this Contract included the entire Contract between the parties, and as such, shall exclusively bind the parties. No other representations, either oral or written, may be used to contradict the terms of this Contract.

IN WITNESS WHEREOF, the parties hereto, acting through their duly authorized agents, have caused this **CONTRACT** to be signed, sealed and delivered.

Signatures on following page.

STOCKBRIDGE, GEORGIA

By: _____
Anthony S. Ford
Mayor, City of Stockbridge, Georgia

ATTEST: _____
Vanessa Holiday
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

SERVICE PROVIDER:

Signature_____ Date _____

Print Name_____

Print Title _____

ATTEST:

_____ Date _____
Signature

Print Name_____

Print Title _____

EXHIBIT A
GENERAL CONDITIONS

1. SCOPE OF WORK

The Contract will be to provide services to the City in accordance with the Contract Documents. All work shall be performed in accordance with the Scope of Services attached hereto as Exhibit B

2. REGULATIONS

2.1 The Service Provides shall comply with all applicable federal, state and local laws, ordinances, rules and regulations pertaining to the performance of the work specified herein.

2.2 The Service Provider shall obtain all permits, licenses and certificates, or any such approvals of plans or specifications as may be required by Federal, State and local laws, ordinance, rules and regulations, for the proper execution of the work specified herein.

2.3 During the performance of this Contract, the Service Provider shall keep current and, if requested by the City, provide copies of any and all licenses, registrations or permits required by applicable governing agencies, The Service Provider shall keep a copy of any and all licenses, registrations and permits on the job site while performing the Contract work.

2.4 The Service Provider will comply with the City of Stockbridge's purchasing policies.

2.5 Service Provider will complete all work in accordance with all applicable legal requirements, including but not limited to O.C.G.A. § 50-5-63, as applicable.

3. SERVICE PROVIDER'S PERSONNEL

3.1 The Service Provider will abide by all State and Federal regulations on wages and hours of an employee dealing with the employment relationship between the Service Provider and its subsidiaries or related parties and its employees, including but not limited to the Federal National Labor Relations Act, the Federal Fair Labor Standards Act, the Federal Civil Rights Act of 1964, as amended, and the Americans with Disabilities Act.

3.2 The Service Provider shall require all prospective employees to show proof of citizenship, or proof from the United States Immigration and Naturalization Service of valid entry permits and/or work permits for legal aliens and proof that such legal aliens are eligible to be employed in the United States. This includes any requirement for participation in the DHS E-Verify or SAVE program.

3.3 Should the Service Provider engage employees who are illiterate in English, it will be the Service Provider's responsibility and obligation to train such employees to be able to

identify and understand all signs and notices in and /or around the areas that relate to them or the services being performed by them pursuant to this Contract. In addition, the Service Provider will have someone in attendance at all time who can communicate instructions to said employees.

3.4 The Service Provider shall maintain a drug-free workplace within the meaning of the Georgia Drug-free Workplace Act. No employee shall be hired by a Service Provider for work on the City's premises prior to such employee having tested negative for drugs. In addition, existing employees having tested negative for drugs. In addition, existing employees of the Service Provider must be subject to drug testing by the Service Provider upon reasonable suspicion of drug use. Results of all such drug tests are to be retained by the Service Provider. Copies shall be provided to the City, if requested.

3.5 The Service Provider shall transfer promptly from the City any employee or employees that the City advises are not satisfactory and replace such personnel with employees satisfactory to the City; but in no event shall the City be responsible for monitoring or assessing the suitability of any employee or agent of the Service Provider.

3.6 The Service Provider's employees shall be instructed that no gratuities shall be solicited or accepted for any reason whatsoever from the tenants, customers or other persons at the City.

3.7 A valid driver license (Commercial Driver License, if applicable) will be required of all personnel operating motor vehicles or motorized equipment on roadways in or around the City.

3.8 While working on city property all Service Provider's employees shall wear neat-appearing business casual attire or uniforms with the company name and/ or logo and footwear of a style that the complies with all legal and safety requirements, including and without limitation, the requirements of OSHA.

3.9 Designation of Supervisor-the Service Provider shall designate an experienced Supervisor ("Supervisor") acceptable to the City for all purpose related to the work. The initial Supervisor shall be (TBD).

3.9.1 The Supervisor shall be fully responsible for the Service Provider meeting all of its obligations under this Contract. The Supervisor shall provide the City with an appropriate status report on the progress of the project.

3.9.2 The Supervisor shall be available, as reasonably required, to be on-site during necessary times. Such times shall be discussed between the

Supervisor and the City, but the final required times will be the City's discretion.

3.9.3 In the event that the designated Supervisor terminates employment with the Service Provider or is requested by the City to be removed from the role of Supervisor (as provided in Section 3.5), the position shall be assumed by an individual with equivalent qualifications, experience, and knowledge. Such replacement shall require the City's prior approval.

3.10 The process by which the implementation partner requests the removal of a team member from the project. If a Service Provider replaces a proposed team member, the Service Provider shall replace that team member of similar experience. The City reserves the right to accept or reject any proposed or replacement team member, with or without cause, at any time during the duration of the project.

4. TOOLS AND EQUIPMENT

It shall be the sole responsibility of the Service Provider to provide for all tools, parts, and equipment necessary to perform work under this Contract.

5. PERFORMANCE REQUIREMENTS

5.1 The Service Provider shall perform all of its obligations and functions under the Contract in accordance with the Contract specifications and industry standards. The Service Provider shall adjust and coordinate its activities to the needs and requirements of the City and perform its activities so as not to annoy, disturb, endanger, unreasonably interfere with or delay the operations or activities of the City.

5.2 The Service Provider's personnel shall perform work in compliance with all Federal, State, and City of Stockbridge regulations.

5.3 Dates for commencement and completion of work shall be coordinated with the City's Authorized Representative (CAR).

5.4 Any work required beyond that which is specified herein shall be reported in advance to the City. At no time shall work beyond the scope be performed without prior written authorization from the City.

5.5 The Service Provider shall utilize maximum safety procedures. Tools and equipment will be in a good state of repair, safe to use, and be used in the manner in which they were intended. The Service Provider is required to inform all workers and concerned persons of the Material Safety Data on all products being utilized on this project. No materials or equipment will be left unattended at any time.

EXHIBIT A
GENERAL CONDITIONS

6. CONFIDENTIAL INFORMATION

6.1 In the curse of performing the Contract work, the Service Provider may gain access to security-sensitive and other sensitive information of the City.

6.2 The Service Provider agrees to hold all City data and information in confidence and to make such information known only to its employees and subcontracts who have a legitimate need to know such information and only after advising such persons of the Service Provider's non-disclosure obligations.

6.3 The Service Provider shall seek the City's prior written consent before using for any purpose other than the fulfillment of the Service Provider's obligations hereunder, or before releasing, disclosing, or otherwise making such information available to any other person.

6.4 The Service Provider shall employ such practices and take such actions to protect the City's information from unauthorized use or disclosure as the Service Provider employs and takes to protect its own information, but in no event shall the Service Provider use less than reasonable efforts to protect the City's information.

6.5 The provisions of this Section shall survive the expiration or earlier termination of the Contract.

7. USE OF PREMISES

During the progress of the work specified herein, to the extent any work is performed on the City's premises, the Service Provider shall keep the premises free from accumulation of waste materials, and other debris resulting from, work and about the premises as well as tools, equipment, machinery and surplus material, and leave the site clean and ready for occupancy by the City.

8. SAFETY AND PROTECTION

The Service Provider shall be solely and completely responsible for initiating, maintaining and supervising all safety precautions for the safety of, and shall provide the necessary protection to prevent damage, injury or loss to all employees on the worksite and other persons including, but not limited to, the general public who may be affected thereby.

9. COMPENSATION – INVOICE AND PAYMENT FOR SERVICES

9.1 The City shall pay the Service Provider, subject to any authorized deductions, the applicable prices set forth for each service authorized by the City, and actually delivered or performed, as the case may be, by the Service Provider to the satisfaction and acceptance, as appropriate, of the City. The timing of such payments shall be as set forth below in the Section.

9.2 The Service Provider shall invoice with such supporting documentation and other backup material as the City may reasonably require. The Service Provider shall provide the Proof of Payment indicating all subcontractors have paid, with each invoice.

9.3 The Service Provider shall deliver to the City approval and acceptance, and before eligible for final payment of any amounts due, all documents and material prepared by the Service Provider for the City under this Contract.

9.4 The City shall pay the undisputed amount of the Service Provider's invoice, as it may be reduced to reflect unsubstantiated or unsatisfactory service. Items in dispute shall be paid upon the resolution of the dispute. No verification or payment of any amounts invoiced shall preclude the City from recovering any money paid in excess of that due under the terms of this Contract.

9.5 The Service Provider shall be obligated to pay promptly all proper charges and costs incurred by the Service Provider for labor and expenses incurred for the work performed hereunder. The City shall have the right, but not the obligation, to pay directly to third parties (including subcontractors) all past due amounts owed by the Service Provider to third parties for labor and materials used for the work hereunder, based on invoices submitted by such third party, and all such amounts paid by the City shall be applied toward, and shall reduce, amount owed to Service Provider hereunder.

9.6 The Service Provider shall submit all invoices with purchase order number to: City of Stockbridge, GA, Accounts Payable, 4640 N. Henry Blvd Stockbridge, GA. 30281.

9.7 The Service Provider will agree to comply with the City of Stockbridge's Financial Policies and Purchasing Policy, to the extent applicable.

9.8 The Service Provider agrees that the compensation provided herein shall be full and final settlement of all claims arising against Stockbridge for work done, materials furnished, costs incurred or otherwise arising out of this contract and shall release the City from any and all further claims related to the payment for services and materials furnished in connection with this Agreement.

9.9 The Service Provider and City agree that in any event a provision of this Contract pertaining to the time of payment, the rate of payment, and any rates of interest differs from any provision of the Prompt Pay Act, such provision of the Prompt Pay Act is hereby waived and said Contract provision shall control. The City shall not be responsible for any interest penalty or for any late payment.

10. COMPLIANCE WITH LAWS AND REGULATIONS

10.1 The Service Provider shall perform its obligations and functions hereunder in compliance with the applicable laws of the United States, the State of Georgia, Henry County, the

City of Stockbridge, any applicable rules, regulations or directives of any agency thereof, and the applicable regulations of the City. OSHA rules and regulations shall be followed at all times. The City shall have the right (but not the obligation) to contest or challenge by any means whatsoever any law, regulation, rule or directive which in any way affects or otherwise impacts upon the Service Provider's performance of its obligations and functions hereunder; the Service Provider shall cooperate to the fullest extent and take whatever action (including becoming a party in any litigation) the City should reasonable request in connection with any such challenge or contest by the City.

10.2 The Service Provider shall obtain and keep current all licenses, permits and authorizations, whether municipal, county, state or deferral, required for the performance of its obligations and functions hereunder and shall pay promptly when due all fees therefore.

10.3 The Service Provider shall abide by all applicable state and federal regulations pertaining to wages and hours of an employees; including but not limited to the Service Provider's compliance with requirements of O.C.G.A. 13-10-91 AND Rule 300-104-1-.02.

11. SERVICE PROVIDER'S LIABILITY

The Service Provider shall be responsible for the prompt payment of any fines imposed on the city or the Service Provider by any other federal, state or local governmental agency as a result of the Service Provider's, or its subcontractor's (or the officers' directors', employees' or agents' of either), failure to comply with the requirements of any law or any governmental agency rule, regulation, order or permit. The liability of the Service Provider under this Section 11 is in addition to and in no way a limitation upon any other liabilities and responsibilities which may be imposed by applicable law or by the indemnification provision of Section 12 hereof, and such liability shall survive the expiration or earlier termination of this Contract.

12. INDEMNIFICATION AND INSURANCE

12.1 This section omitted.

12.2 In addition to indemnification provisions stated above, if the City's use of any service, software, firmware, programming, or other item provided by or on behalf of the Service Provider is enjoined due to infringement of another person or entity's intellectual property rights, the Service Provider shall promptly, at its sole cost and expense, modify the infringing item so that it no longer infringes, procure for the City the legal right to continue using the infringing item, or procure for the City a non-infringing item, or procure for the City a non-infringing replacement item having equal or greater functional capabilities as the infringing item.

12.3 To the extent allowed under Georgia law, the Service Provider shall indemnify and hold harmless the City, and the City's officers, directors, partners, agents, consultants, and employees from and against any and all claims, costs, losses, and damages (including but not limited to all fees and charges of engineers, architects, attorneys, and other professionals, and all court, arbitration, or other dispute resolution costs) arising out of or relating to the Project, provided that any such claim, cost, loss, or damage is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property (other than the Work itself), including the loss of use resulting therefrom, but only to the extent caused by any negligent act or omission of Service Provider or Service Provider's officers, directors, partners, employees, or Consultants. The Service Provider will notify the City in writing of any claim made or suit instituted against the Service Provider because of its activities in the performance of the Contract.

12.4 No recourse under or upon any obligation, covenant or agreement contained in this Contract, or any other agreement or document pertaining to the work or services of the Service Provider hereunder, as such may from time to time be altered or amended in accordance with the provisions hereof, or any judgment obtained against the City, or by the enforcement of any assessment or by any legal or equitable proceeding by virtue of any statute or otherwise, under or independent of this Contract, shall be had against any member (including without limitation members of the City's Council, or members of the citizens advisory committees of each), any officer, employee or agent, as such, past, present, or future of the City, either directly or through the City or otherwise for any claim arising out of or in connection with this Contract or the work or services conducted pursuant to it, or for any sum that may be due and unpaid by the City. Any and all personal liability of every nature, whether at common law or in equity, or by statue or by constitution or otherwise, of any such member, officer, employee, or agent, as such, to respond by reason of any act or omission on his or her part or otherwise for any claim arising out of or in connection with this Contract or the work or services conducted pursuant to it, or for the payment for or to the City, or any receiver therefore or otherwise, or any sum that may remain due and unpaid by the City, is expressly waived and released as a condition of and in consideration of the execution of this Contract and the promises made to the Service Provider pursuant to this Contract.

12.5 In any and all claims against the City, or any of their officers, members, agents, servants or employees, by any employee of the Service Provider, any subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, the indemnification obligation of the Service Provider under this Section 12 shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefit payable by or for the Service Provider or any subcontractor under Workers' Compensation Acts, disability benefit acts or other employee benefit acts.

12.6 No provisions of Section 12 herein shall be construed to negate, abridge, or otherwise reduce any other right of indemnity that the City may have as to any party or person described therein.

12.7 Insurance

12.7.1 General Liability and Automobile Liability. The Service Provider shall purchase and maintain in force during the term of the Contract, at its own cost and expense, to protect the Service Provider, the City, and the members (including, without limitation, all members of the governing City's Council and the citizens' advisory committees of each), officers agents, and employees of each, from and against any and all liabilities arising out of or in connection with the Service Provider's performance of the Contract work:

(1) Commercial general liability insurance with coverage of not less than ONE MILLION DOLLARS ($1,000,000.00) combined single limit per occurrence, and with contractual liability coverage for Service Provider's covenants to and indemnification of the City under the Contract, and

(2) Automobile liability insurance with policy limits of not less than ONE MILLION DOLLORS ($1,000,000.00) combined single limit per accident or occurrence covering each motor vehicle operated on City property.

12.7.1.1 Self-Insured Retention. Service Provider's commercial general liability insurance policies shall not be subject to a self-insured retention exceeding $10,000, if the value of the Contract is less than $1,000,000, and not be subject to a self-insured retention exceeding $100,000, if the Contract is $1,000,000 or more, unless approved by the City Manager. Service Provider's automobile liability insurance policies shall not be subject to a self-insured retention exceeding $10,000, unless approved by the City Manager.

12.7.1.2 Additional Insured Endorsement. Service Provider agrees and shall cause the City their member (including, without limitation, members of the City's Council and members of the citizens' advisory committees of each), officers, employees, and agents to be named as additional insured under such policy or policies of commercial general and automobile liability insurance.

12.7.1.2 Workers' Compensation and Employer's Liability. If Service Provider has any employee working on City property, Service Provider shall procure and maintain in force during the term of the Contract (i) workers' compensation insurance, and (ii) employer's liability insurance. The policy limits of the Service

Provider's employer's liability insurance shall not be less than $100,000 for "each employee." If the Service Provider is self-insured, the Service Provider shall provide proof of self-insurance and authorization to self-insure as required by applicable state laws and regulations.

12.7.1.3 Professional Liability Insurance. The Service Provider shall purchase and maintain in force during the term of the Contract, Professional Liability insurance which will pay for damages arising out of errors or omissions in the rendering, or failure to render professional services under the Contract in the amount of at least ONE MILLION DOLLARS ($1,000,000.00) per claim. Such insurance must contain nose and tail coverage to include work performed by the Service Provider from the project's inception date and until such time as the Statue of Limitations has run for the work done on the project.

12.7.4 Health Insurance. Not applicable.

12.7.5 Garage Liability Insurance. Not applicable.

12.7.6 Garage Keeper's Legal Liability Insurance. Not applicable.

12.7.7 Crime Coverage. Not applicable.

12.7.8 Pollution Liability Insurance. Not applicable.

12.7.9 Deductibles. The Service Provider's policies of insurance required by this Section 12.7may require the Service Provider's payment of a deductible, provided the Service Provider's insurer is required to pay claims from the first dollar at 110% of the claim value without any requirement that the Service Provider pay the deductible prior to its insurer's payment of the claim.

12.7.10 Other Insurance Requirements. All insurance policies required by this Section 12.7 shall provide that they are primary insurance with respect to any other valid insurance the City may possess, and that any other insurance the City does possess shall be considered excess insurance only. All such insurance shall be carried with a company or companies which meet the requirements of Section 13.2 of these General Conditions and said policies shall be in a form satisfactory to the City. A properly completed and executed Certificate of Insurance on a form provided or approved by the City (such as a current ACORD certificate of insurance) evidencing the insurance coverage required by this Section shall be furnished to the City upon the Service Provider shall provide the City with at least thirty (30) days' prior written notice of any adverse material change in the Service Provider's required insurance coverage except that ten (10) days' notice of cancellation for non-payment is required. For purposes of this Section 12.7.10, and "adverse material change" shall mean any reduction in the limits of the insurer's liability,

any reduction, non-renewal or cancellation of any insurance coverage, or any increase in the Service Provider's self-insured retention. Prior to the expiration of any such policy, the Service Provider shall file with the City a certificate of insurance showing that such insurance coverage has been renewed. If the insurance coverage is canceled or reduced, the Service Provider shall, within five (5) days after such cancellation or reduction in coverage, file with the City a certificate showing that the required insurance has been reinstated or provided through another insurance company or companies approved by the City. If the Service Provider fails to obtain or have such insurance reinstated, the City may, if it so elects, and without waiving any other remedy it may have against the Service Provider, immediately terminate this Contract upon written notice to the Service Provider. The City Manager shall have the right to alter the monetary limits or coverage herein specified from time to time during the term of this Contract, and the Service Provider shall comply with all reasonable requests of the City Manager with respect thereto.

13. LIABILITY INSURANCE

13.1 N/A

13.2 Liability Insurance Companies furnishing insurance coverage required by these General Conditions shall (a) be approved to issue insurance policies in the State of Georgia, and (b) must have no less that a "B+" Financial Rating and a Financial Size Category of "Class VI" or higher according to the most current edition of A.M. Best's Insurance Reports. If the liability insurer is rated by A.M. Best's Insurance Reports at an "A-Financial Rating and a Financial Size Category of "Class VIII" or higher that the City Manager may waive the requirement for the insurer to be approved by the State of Georgia.

14. CONTRACT ADJUSTMENTS

14.1 Notwithstanding any provision herein to the contrary, the City reserves the right to modify at any time the nature, method, scope, frequency, or timing of the Service Provider's obligations under this Contract (Contract Adjustments) in whatever manner it determines to be reasonably necessary for the proper completion of the Service Provider's work hereunder. Both parties agree that, should any Contract Adjustments be made, the Service Provider's compensation will be adjusted accordingly, in such amount or amounts as will be mutually agreed to by means of good faith negotiation by the City and Service Provider and, to the extent possible, by reference to any unit costs already established in the Proposal. Without exception, all deletion or additions to the scope of work will be set forth in a written Amendment to this Contract.

14.2 Notwithstanding the foregoing, the City shall have the right to terminate this Contract herein should the Service Provider and the City fail to reach agreement on the adjusted compensation within thirty (30) days after the date of the Contract Adjustment.

14.3 Notwithstanding the foregoing, there shall be no upward adjustment of the compensation on account of any Contract Adjustment made necessary or appropriate as a result of the mismanagement, improper act, or other failure of the Service Provider, its employees, agents, or its subcontractors to properly perform its obligations and functions under this Contract.

15. SUBCONTRACTORS

15.1 The Service Provider shall perform all of its obligations and functions under this Contract by means of its own employees, or by a duly qualified subcontractor which is approved in advance by the City. Such subcontractor which is an affiliate, parent, or subsidiary company; or had principal owners, relative, management, or employees common to the Service Provider; or any other party that has the ability to significantly influence the management or daily business operations of the subcontractor must be disclosed in writing to the City Manager. Goods and services provided by subcontractors which are reimbursed by the City must be bona fide arm's-lengths transactions. In the event a subcontractor is employed, the Service Provider shall continuously monitor the subcontractor's performance, shall remain fully responsible to ensure that the subcontractor performs as required and itself perform or remedy any obligations or functions which the subcontractor fails to perform properly. Nothing contained herein shall be construed to prevent the Service Provider from using the services of a common carrier for delivering goods to the City. The City approves the sub-Service Providers listed in the Statement of Qualifications.

15.2 This Contract shall be referred to and incorporated within any contractual arrangement between the Service Provider and a subcontractor and, in such contractual arrangement; the subcontractor shall give its express written consent to the provisions of this Section 15. To the extent feasible, the provisions of this Contract shall apply to any such subcontractor in the same manner as the apply to the Service Provider. However, such application shall neither make any subcontractor a party to this Contract, nor make such subcontractor a third-party beneficiary hereof.

15.3 In the event that the Service Provider employs a subcontractor, then the City may require that copies of invoices for all work (including invoices submitted to the Service Provider for work performed by a subcontractor) shall be submitted to the City by the Service Provider and the City shall pay all compensation to the Service Provider. It shall be the sole responsibility of the Service Provider to deal with a subcontractor with respect to the collection ang submission of invoices and the

payment of compensation. In no event shall the City have any obligation or liability hereunder to any subcontractor, including, in particular, any obligations of payment.

16. DEFAULT AND TERMINATION

16.1 In the event that:

16.1.1 the Service Provider shall fail to keep, perform or observe any of the promises, covenants or agreements set forth in this Contract (provided that notice of the first failure shall have been given to the Service Provider, but whether or not the Service Provider shall have remedied any such failure); or

16.1.2 the Service Provider shall fail to keep, perform or observe any promise, covenant, or agreement set forth in this Contract, and such failure shall continue for a period of more than five (5) days after delivery to the Service Provider of a written notice of such breach or default; or

16.1.3 the Service Provider's occupational or business license shall terminate, or the Service Provider shall fail to provide the City with any bond, letter of credit, or evidence of insurance as required by the Contract Documents, for any reason; or

16.1.4 the Service Provider fails for any reason to provide the City with an acceptable renewal or replacement bond or letter of credit within the time period specified by a provision for this Contract; or

16.1.5 the Service Provider shall become insolvent, or shall take the benefit of any present or future insolvency statute, or shall make a general assignment for the benefit of creditor, or file a voluntary petition in bankruptcy or a petition or answer seeking an arrangement for its reorganization, or the readjustment of its indebtedness under the Federal Bankruptcy laws, or under any other law or statute of the United States or any State thereof, or shall consent to the appointment of a receiver, trustee or liquidator of all or substantially all of its property; or

16.1.6 the Service Provider shall have a petition under any part of the Federal Bankruptcy laws, or an action under any present or future insolvency laws or statute filed against it, which petition is not dismissed within thirty (30) days after the filing thereof; or

16.1.7 there is any assignment by the Service Provider of this Contract or any of the Service Provider's rights and obligations hereunder for which the City has not consented in writing; or

16.1.8 the Service Provider shall default on any other agreement entered into by and between Service Provider and the City, then, in its discretion, the City shall have

the right to terminate this Contract for default, which termination shall be effective upon delivery of written notice of such termination to the Service Provider. In the event that the City terminates this Contract for default, or the Service Provider abandons or wrongfully terminates the Contract, the Service Provider shall be paid for compensation earned to the date of termination or abandonment (but the City shall have the right to reduce by off-set any amounts owed to the Service Provider hereunder or under any other Contract or obligation by the amount of the City's damages and any amounts owed by the Service Provider to the City), but the Service Provider shall not be compensated for any profits earned or claimed after the receipt of the City's notice of termination by default or after abandonment or wrongful termination. The City's election to terminate or not to terminate this Contract in part or whole for the Service Provider's default shall in no way be construed to limit the City's right to pursue and exercise any other right or remedy available to it pursuant to the terms of the Contract or otherwise provided by law or equity.

16.2 Notwithstanding anything else herein contained, the City may terminate this Contract in whole or in part at any time for its convenience by giving the Service Provider thirty (30) days written notice. In that event, the Service Provider shall proceed to complete any part of the work, as directed by the City, and shall settle all its claims and obligations under the Contract, as directed by the City. The Service Provider shall be compensated by the City in accordance with the provisions hereof, including in particular Section 2 of these General Conditions, provided, however, that in no event shall Service Provider be entitled to compensation for work not performed or for anticipatory profits. Service Provider shall justify its claims, as requested by the City, with accurate records and data.

16.3 Bankruptcy and Liquidation – In the event the Service Provider (1) makes an assignment for the benefit of creditors, or petition or apply to any tribunal for the appointment pf a custodian, receiver, or trustee for all or a substantial part of its assts; (2) commences any proceeding under any bankruptcy, reorganization, arrangement, readjustment of debt, dissolution, or liquidation law or statute of any jurisdiction whether now or hereafter in effect; (3) has had any such petition or application filed or any such proceeding commenced against it in which an order for relief is entered or an adjudication or appointment is made, and which remains undismissed for a period of sixty(60) days or more; (4) takes any corporate action indicating its consent to, approval of, or acquiescence in any such petition, application, proceeding, or order for relief or the appointment of a custodian, receiver, or trustee for all or substantial part of its assets; or (5) permits any such custodianship, receivership, or trusteeship to continue undischarged for a period of sixty (60) days or more causing the Service Provider or any third party,

including, without limitation, a trustee in bankruptcy, to be empowered under state or federal law to reject this Contract or any agreement supplementary hereto, the City shall have the following rights:

(i) In the event of a rejection of this Contract or any agreement supplementary hereto, the City shall be permitted to retain and use any back-up or archival copies of the software licensed hereunder under this Agreement for the purpose of enabling it to mitigate damages caused to the City because of the rejection of this Contract. The City shall exert reasonable efforts to mitigate such damage by use of such back-up or archival copies.

(ii) In the event of rejection of this Contract or any agreement supplementary hereto, the City may elect to retain its rights under this Contract or any agreement supplementary hereto as provided in Section 365(n) of the Bankruptcy Code.
Upon written request of the City to, as applicable, the Service Provider or the bankruptcy trustee or receiver. The Service Provider or such bankruptcy trustee or receiver shall not interfere with the rights of the City as licensee as provided in this Contract or in any agreement supplementary hereto to obtain the Source Material(s) form the bankruptcy trustee and shall, if requested, cause a copy of such Source Material (s) to be available to the City.

(iii) In the event of rejection of this Contract or any agreement supplementary hereto, the City may elect to retain its rights under this Contract or any agreement supplementary hereto as provided in section 365(n) of the Bankruptcy Code without prejudice to any of its rights of setoff with respect to this Contract under the Bankruptcy Code or applicable non-bankruptcy law; or In the event of a rejection of this Contract or any agreement supplementary hereto, the City may retain its rights under this Contract or any agreement supplementary hereto as provided in section 365(n) of the Bankruptcy Code without prejudice to any of its right under section 503(b) of the Bankruptcy Code.

17. CITY'S AUTHORIZED REPRESENTATIVE

During the term of this Contract, the City Mor designee may from time to time designate an individual to serve as the City's Authorized Representative (CAR) and an Assistant CAR designated to serve in that capacity in the absence of the CAR, who shall have such authority to act on the City's behalf as the City Manager may from time to time actually delegate to such person, but in no event shall the CAR have authority to modify or terminate this Contract, or make final decisions with respect to amendments, time extensions, assignments, cost or payment adjustments or payment disputes.

EXHIBIT A
GENERAL CONDITIONS

18. ASSIGNMENT

Neither this Contract nor any of the Service Provider's rights or obligations hereunder may be assigned by the Service Provider without the City's prior written consent, which consent may be granted or withheld at the City's sole discretion. Any transfer of this Contract by merger, consolidation or liquidation (unless the stock of the Service Provider is traded on a national stock exchange or in a generally recognized over the counter securities market) any change in ownership of a power to vote a majority of the outstanding voting stock or ownership interests of the Service Provider shall constitute an assignment of this Contract for purposes of this Section. In the event the Service Provider assigns or subcontracts or attempts to assign or subcontract any right or obligation arising under this Contract without City's prior written consent, the City shall be entitled to terminate this Contract pursuant to the provisions of Section 17 hereof.

19. NOTICES

19.1 Unless otherwise stated herein, all notices or other writings which the City is required or permitted to give to the Service Provider may be hand delivered, mailed via U.A Certified Mail or sent next-day delivery by a nationally-recognized overnight delivery service to the Service Provider's address set forth in the Proposal. Any such notice shall be deemed to have been delivered upon actual delivery, or one (1) day following submission to a nationally-recognized overnight delivery service for next day delivery to the Service Provider, or three (3) days following submission to the Service Provider by U.S. Certified Mail.

19.2 Unless otherwise stated herein, all notices or other writings which the Service Provider is required or permitted to give to the City may be hand delivered to the City Manager, mail via U.S. Certified Mail. Or sent next-day delivery by a nationally-recognized overnight delivery service for next day delivery to City, or three (3) days following submission to the City by U.S. Certified Mail. Any such notice shall be sent to:

City of Stockbridge, GA
ATTN: City Manager
4640 N. Henry Blvd.
Stockbridge, GA 30281

Service Provider: _____
_____
_____

19.3 Either party may change its notice address by written notice to the other given as provided in this section.

EXHIBIT A
GENERAL CONDITIONS

20. NONDISCRIMINATION

20.1 During the performance of this Contract, the Service Provider, for itself, its assignees and successors in interest agrees as follows:

20.1.1 Compliance with Regulations. The Service Provider shall comply with the Law and Regulations as they may be amended from time to time (hereafter referred to as the "Regulations"), which are herein incorporated by reference and made a part of this Contract.

20.1.2 Nondiscrimination. The Service Provider, with regard to the work performed by it during the Contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of any subcontractor, including procurement of materials and leases of equipment. The Service Provider shall not participate either directly or indirectly in the discrimination prohibited by the Regulations.

20.1.3 Solicitations for Subcontracts, Including Procurement of Materials and Equipment. In all solicitations either by competitive proposing or negotiation made by the Service Provider for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Service Provider of the Service Provider's obligations under this Contract and the Regulation relative to nondiscrimination on the grounds of race, color or national origin.

20.1.4 Information and Reports. The Service Provider shall provide all information and reports required by the Regulations or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources or information, and its facilities as may be determined by the City to be pertinent to ascertain compliance with such Regulations, orders and instructions, the Service Provider shall so certify to the City , as appropriate, and shall set forth what efforts it has made to obtain the information.

20.1.5 Sanctions for Noncompliance. In the event of the Service Provider's noncompliance with the nondiscrimination provisions of this Contract, the City shall impose such Contract Sanctions as it may determine to be appropriate, including but not limited to:

20.1.5.1 Withholding of payments to the Service Provider under the Contract until the Service Provider complies, and/or

20.1.5.2 Cancellation, termination or suspension of the Contract, in whole or in part.

20.1.6 Incorporation of Provisions, The Service Provider shall include the provisions of subsections 20.1.1 through 20.1.5 in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The Service Provider shall take such action with respect to any subcontract or procurement as the City may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event the Service Provider becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Service Provider may request the City to enter into such litigation to protect the interest of the City and, in addition, the Service Provider may request the interest of the City and, in addition, the Service Provider may request the United States to enter into such litigation to protect the interests of the United States.

20.2 The Service Provider assures the City that it will comply with the pertinent statutes, Executive Orders and such rules as are promulgated to assure that no person shall, on the grounds of race, creed, color, national origin sex, age, marital status, or handicap be excluded from participating in any activity conducted with or benefiting from Federal assistance. This provision shall bind the Service Provider from the period beginning with the initial solicitation through the completion of the Contract.

21. COPYING DOCUMENTS

The Service Provider hereby grants the City and its agent's permission to copy and distribute any and all materials and documents contained in, comprising, or which are otherwise submitted to the City with or in connection with the Service Provider's Proposal or which are contained in the Contract Documents (the "Submittals"). The permission granted by the Service Provider shall be on behalf of the Service Provider and any and all other parties who claim any rights to any of the materials or documents comprising the Submittals. Such permission specifically authorizes the City and its agents to make and distribute such copies of the Submittals or portions thereof as may be deemed necessary or appropriate by the City for its own internal purposes or for responding to requests for copies from any member of the public regardless of whether the request is specifically characterized as a public records request pursuant to Georgia Cod. This provision shall survive the expiration or termination of the Contract.

22. GENERAL PROVISIONS

22.1 The Contract Documents consist of the Contract, the Proposal Forms, the Instructions to Proposers, Request for Qualifications, all Addendum(s) issued prior to execution of this Contract, these General Conditions and Specifications. Together, these documents comprise the Contract and all the documents are fully a part of the Contract as if attached to the Contract or repeated herein. Precedence of the Contract Documents shall

be as follows: (i) addendum(s) to the Contract Documents, (ii) the Contract, (iii) the General Conditions, (iv) the Scope of Work in Exhibit B, (v) the Request for Proposal, and (vii) the Bid Form.

22.2 This Contract represents the entire agreement between the parties in relation to the subject matter hereof and supersedes all prior agreements and understandings between such parties relation to such subject matter, and there are no contemporaneous written or oral agreements, terms or representation made by any party other than those contained herein. No verbal or written representations shall be relied upon outside the Contract terms and amendments. Without exception, all deletions or additions to the scope of work will be set forth in a written amendment to this Contract. No amendment, modification, or waiver of this Contract, or any part thereof, shall be valid or effective unless in writing signed by the party or parties sought to be bound or charged therewith; and no waiver of any breach or condition of this Contract shall be deemed to be a waiver of any other subsequent breach or condition, whether of a like or different nature.

22.3 The Service Provider shall, during the term of this Contract, repair any damage caused t real or personal property of the City and/or its tenants, wherever situated, caused by the intentional, reckless, or negligent acts or omissions of the Service Provider's officers, agents, or employees, and any subcontractors and their officers, agents, or employees, or , at the option of the City, the Service Provider shall reimburse the City for the cost of repairs thereto and replacement thereof accomplished by or on behalf of the City.

22.4 The Service Provider warrants to the City that no work performed or materials purchased pursuant to the Contract, whether by, from, or through the Service Provide or a subcontractor, shall cause any claim, lien or encumbrance to be made against any property of the City, and the Service Provider shall indemnify and save the City harmless from and against any and all losses, damages and const, including attorneys' fees, with respect thereto. If any such claim, lien or encumbrance shall be filed, the Service Provider shall, within thirty (30) days after notice of the filing thereof, cause the same to be discharged of record by payment, deposit, bond, order of a court of competent jurisdiction or otherwise. This provision shall survive the expiration or termination of the Contract.

22.5 The language of this Contract shall be construed according to its fair meaning, and not strictly for or against either the City or the Service Provider. This Contract shall be deemed to be made, construed and performed according to the laws of the State of Georgia. Any suit or proceeding initiate for the purpose of interpreting or enforcing any provision of this Contract or any matter in connection therewith shall be brought exclusively in a court of competent jurisdiction in Henry County, Georgia, and the

Service Provider waives any venue objection, including, but not limited to, any objection that a suit has been brought in an inconvenient forum. The Service Provider agrees to submit to the jurisdiction of the Georgia courts and irrevocably agrees to acknowledge service of process when requested by the City.

22.6 The section headings herein are for the convenience of the City and the Service Provider and are not to be used to construe the intent of this Contract or any part hereof, or to modify, amplify, or aid in the interpretation or construction of any of the provisions hereof.

22.7 The use of any gender herein shall include all genders, and the use of any number shall be construed as the singular or the plural, all as the context may require.

22.8 The delay or failure of the City at any time to insist upon a performance of any of the terms, conditions and covenants herein shall not be deemed a waiver of that breach or any subsequent breach or default in the terms, conditions, or covenants of this Contract. The Service Provider shall not be relieved of any obligation hereunder on account of its failure to perform by reason of any strike, lockout, or other labor disturbance.

22.9 If the City shall, without any fault, be made a party to any litigation commenced between the Service Provider and a third party arising out of the Service Provider's operations and activities at the premises, then the Service Provider shall pay all costs and reasonable attorney's fees incurred by or imposed upon the City in connection with such litigation for all trial and appellate proceedings. The City shall give prompt notice to the Service Provider of any claim or suit instituted against it by such third party. The provisions of this Section supplement and are not intended to be in lieu of the indemnification provisions of Section 5 hereof. The provisions of this Section shall survive the acceptance of the services and payment therefore, and the expiration or earlier termination of this Contract.

22.10 The City shall have the right to recover from the Service Provider all of the City's costs and expenses incurred in enforcing the provisions of this Contract including, but not limited to, (1) the cost of administrative investigation and enforcement (including, without limitation, audit fees and costs, attorneys' fees) and (2) the cost of any trial, appellate or bankruptcy proceeding (including, without limitation, investigation costs, audit fees and costs, attorney's fees, court costs, paralegal fees and expert witness fees). This provision shall survive the expiration or termination of the Contract.

22.11 The Service Provider shall not during the term of the Contract knowingly hire or employ (on either a full-time or part-time basis) any employee of the City.

22.12 The Service Provider shall be required, during the term of the Contract at no additional cost to the City, to take such reasonable security precaution with respect to its operations at City Hall as the City in its discretion may from time to time prescribe. The Service Provider shall comply with all regulation, rules and policies of any governmental authority, including the City, relating to security issues.

22.13 The City may, but shall not be obligated to, cure, at any time, upon five (5) days written notice to the Service Provider (provided, however, that in any emergency situation to the City shall be required to give only such notice as is reasonable in light of all the circumstances), any default by the Service Provider under this Contract; whenever the City so cures a default by the Service Provider, all costs and expenses incurred by the City in curing the default, including but not limited to, reasonable attorneys' fees, shall be paid by the Service Provider to the City on demand.

22.14 The City shall, in its discretion, be entitled to deduct from the compensation to which the Service Provider is otherwise entitled hereunder, an amount equal to any liabilities of the Service Provider to the City which are then outstanding. In the event that additional work beyond the scope of this Contract is requested by the City Manager and it results in any extra charges to the City, the Service Provider shall so advise the City in writing of the amount of the extra charges. The City is not required to pay any extra charges for additional work unless such work and the charges therefore have been approved in advance and have been confirmed in writing within twenty-four (24) hours by the City Manager, in his or her exclusive discretion.

22.15 The Service Provider is an independent Service Provider, and nothing contained herein shall be construed as making the Service Provider an employee, agent, partner or legal representative of the City for any purpose whatsoever. The Service Provider acknowledges that it does not have any authority to incur any obligations or responsibilities on behalf of the City and agrees not to hold itself out as having any such authority. Nothing contained in this Contract shall be construed to create a joint employer relationship between the City and the Service Provider with respect to any employee of the Service Provider or of its subcontractors.

22.16 The Service Provider and its subcontractors if any, shall maintain complete and accurate books and records in accordance with generally accepted accounting principles, consistently applied, and shall be in a form reasonable acceptable to the City Manager or designee. The Service Provider and its subcontractors shall account for all expenses of any nature related to transactions in connection with the Contract in a manner which segregates in detail those transaction from other transactions of the Service Provider and

subcontractors and which support the amounts reported and /or invoiced to the City. At a minimum, the Service Provider's and subcontractor's accounting for such expenses and transactions shall include such records in the form of electronic media compatible with or convertible to a format compatible with computers utilized by the City at its offices; a computer run hard copy; or legible microfilm or microfiche, together with access to the applicable reader. All such books and records and computerized accounting systems shall upon reasonable notice from the City be make available in Henry County, Georgia, for inspection, examination, audit and copying by the City through and by its duly authorized representatives at any time for up to four (4) years after the year to which books and records pertain. Such inspection, examination, or audit may include, but is not limited to a review of the general input, processing and output controls of information systems, using read only access, for all computerized applications used to record financial transactions and information. The Service Provider and subcontractor shall freely lend its own assistance in a timely manner in making such inspection, examination, audit, or copying and, if such records are maintained in electronic and other machine-readable format, shall provide the City and/or its representative such assistance as may be required to allow complete access to such records. The City Manager may require the Service Provider and subcontractors to provide other records the City Manager, in his or her sole discretion, deems necessary to enable the City to perform an accurate inspection, examination or audit of expenses incurred in and transactions related to performance of this Contract. Such records shall be provided within thirty (30) days or request thereof. In the event that expenses incurred or reimbursed are found by such inspection, examination, or audit to have been overpaid, the Service Provider and its subcontractors agree that such amounts shall be payable to the City. If, prior to the expiration of the above-state four (4) year record retention period, any audit or investigation is commenced by the City, or any claim is made or litigation commenced relating to this Contract by the City, the Service Provider, or third party, the Service Provider shall continue to maintain all such records, and the City shall continue to have the right to inspect such records in the manner stated above, until the inspection, examination, audit, claim, or litigation is finally resolved (including the determination of any and all appeals or the expiration of time for an appeal). This provision shall survive the expiration or earlier termination of this Contract. In the event of any conflict between any provision of this Contract and generally accepted accounting principles or generally accepted auditing standards, the provisions of this Contract shall control even where this Contract references such provisions or standards. In particular, without limitation, the Service Provider and subcontractors shall maintain all records required under this Contract to the full extend required hereunder, even if some or all such records would not be required under such generally accepted accounting principles or auditing standards. If as a result of an inspection, examination or audit, it is established that amounts are due from the Service Provider to the City, the Service Provider shall

forthwith, upon written demand from the City, pay the City such amount, together with interest on the amount due at the rate of twelve (12%) percent per annum, or if less, the maximum rate of interest allowed by law, from the date such additional amounts were overpaid by the City. Further if such inspection, examination or audit establishes that the Service Provider has over billed such amounts for any Contract period by two (2%) percent or more, then the entire expense of such inspection, examination or audit shall be paid by the Service Provider.

22.17 The Service Provider and subcontractors shall prepare and provide the City with all detailed reports as required under the Contract on a timely basis. The City reserves the right to modify the reporting procedures or the form and content of any report as it deems necessary.

22.18 There are no third-party beneficiaries to this Contract, and nothing contained herein shall be construed to create such.

22.19 Time is of the essence for the performance of each of the Service Provider's obligations under this Contract.

22.20 In computing any period of time established under this Contract, except as otherwise specified herein the word "days" when referring to a period of time is ten (10) days or less means business days, and when referring to a period of time that is more than ten (10) days means calendar days. The day of the event, from which the designated period of time begins to run shall not be included. A business day is any day other than Saturday, Sunday, or Federal, State of Georgia or City holidays.

22.21 The Service Provider agrees to perform all acts and execute all supplementary instruments or documents which may be reasonably necessary to carry out or complete the transaction(s) contemplated by this Contract.

22.22 The City reserves the right to further develop, improve, repair and alter the facilities and all roadways, and parking areas, as it may reasonably see fit, free from any and all liability to the Service Provider for loss of business or damages of any nature whatsoever to the Service Provider occasioned during the making of such improvements, repairs, alterations and additions, including, but not limited to, any damages resulting from negligence of the City or its employees, agents or Service Providers.

22.23 The Service Provider and the City hereby mutually waive any claim against each other and their respective members, officials, officers, agents and employees for damages (including damages for loss of anticipated profits) caused by any suit or proceedings

brought by either of them or by any third party directly or indirectly attacking the validity of this Contract or any part thereof, or any addendum or amendment hereto, or the manner in which this Contract was solicited, awarded or negotiated, or arising out of any judgment or award in any suit or proceeding declaring this Contract, or any addendum or amendment hereto, null, void or voidable or delaying the same, or any part thereof, from being carried out.

22.24 At the option of the Service Provider, the products and/or services provided under the Contract resulting from this solicitation may be provided to other governmental agencies, including the State of Georgia, its agencies, political subdivisions, counties and cities under the same terms and conditions, including price, as such products and/or services are provided under this Contract. Each governmental agency allowed by the Service Provider to purchase products and/or services in connection with this Contract shall do so independent of the City or any other governmental entity. Each agency shall be responsible for its own purchases and shall be liable only for goods and services ordered, received and accepted by it. The City shall have no liability to Service Provider or any governmental agency resulting from the purchase by that agency of products and /or services from the Service Provider in connection with this Contract.

23. GRATUITIES, REBATES, OR KICKBACKS.

23.1 GRATUITIES. It shall be unethical for any person to offer, give or agree to give any employee or official of the City or for any employee or official of the City to solicit, demand, accept from another person, a gratuity, rebate, loan, offer of employment or other services or property of value in connection with any decision, approval, disapproval, recommendation or preparation of any part of a program requirement or a purchase request including the content of any specification or procurement standard, rendering of advice, investigation, auditing or in any other advisory capacity in any particular matter, pertaining to any program requirement or a Contract or subcontract, or to any solicitation or proposal therefore in any manner inconsistent with the State of Georgia's Department of Administrative Services Gratuity Policy. Rebates normally or routinely offered to customers in the ordinary course of business for the purchase of goods and services are acceptable and are the property of the City.

23.2 KICKBACK AND REBATES. It shall be unethical for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor to this Contract to the prime contract or higher tie subcontractor, or any person associated therewith, as an inducement for a subcontractor or order.

End of General Conditions.

EXHIBIT B
SCOPE OF WORK AND SPECIFICATIONS

1.1 BACKGROUND:

The City of Stockbridge is in the northern part of Henry County, Georgia, which was founded May 15, 1821. Henry county has an area of approximately 331 square miles located in the Piedmont Section of northern Georgia and is surrounded by the counties of Butts, Clayton, DeKalb, Newton, Rockdale, and Spalding Counties. Stockbridge, Georgia is just minutes south of Atlanta a straight drive down Interstate 75-South. The City is populated with approximately 30,000 residents and has a referendum on the November 2022 ballot that could add an additional 6,600 residents.

1.2 SUMMARY:

The City of Stockbridge is requesting proposals from contractors with experience in sidewalk repair and/or replacement to repair or replace selected sidewalks in the City. Respondents must comply with the minimum qualifications and shall submit a bid to install four (4") inch thick sidewalk (six (6") inch for all driveways) for all sections to be replaced as described in this RFP. Respondents should take note that the City is requesting an itemized bid response for completion of each section of sidewalk. The final sections of sidewalk to be repaired will be agreed upon by both parties before construction begins.

The work to be performed, in general, consists of removing and replacing damaged sections of existing concrete sidewalk, curb, gutter, curb ramp, and driveway; repairing sections of failed asphalt concrete pavement; and replacement of curb inlets and concrete repair of adjacent sidewalk flags. The work shall include traffic control, saw cutting, excavation, backfilling, compaction; installation of root barriers, patching asphalt conforms adjacent to new gutters, and clearing and grubbing. Locations of work will be throughout the City of Stockbridge.

In areas of sidewalk construction, water meter boxes and gate valves shall be adjusted to final sidewalk or parkway grade. All labor and materials to accomplish adjustments and/or relocations shall be included in unit costs for constructing/repairing sidewalks.

All weakened plane joints shall be spaced at a maximum of ten (10') feet for sidewalks. Scoring lines shall conform to those prevailing in the area and be uniform in spacing. A sidewalk edging tool shall be used to finish the back edges of all curbs to a radius of one-quarter (¼") inch. All sidewalk score lines shall have a minimum finished depth of one-quarter (¼") inch except at weakened plane joints that shall be cut to two (2) inches and be finished with a one-half (½") inch radius.

The sidewalk surface shall not vary more than 0.02 foot from the ten (10') foot straightedge, except at grade changes; the finished surface shall be free from humps, sags, blemishes, or other irregularities.

All sidewalks shall be a minimum four (4") inch depth, except at driveways and alley approaches, where the sidewalks shall be a minimum six (6") inch depth over a six (6") inch

aggregate base. All work must conform to the Manual of Uniform Traffic Control Devices (MUTCD) and GDOT technical standards and specifications for roads, sidewalks, right of ways, or minor construction, including, but not limited to, street traffic, pedestrian traffic, traffic control devices and work zone safety.

All sidewalk repairs/replacements shall meet the following specifications:

1. Contractor will secure all permits necessary prior to construction.
2. Once Contractor has begun demolition, the Contractor will supply materials, as available, to rope off the area. Demolition debris to be removed by the Contractor.
3. All drive-way forms must be inspected by the City before pour.
4. All fill sand added will be machine compacted in place, if necessary.
5. Control joints will be placed every three (3') to five (5') feet to match existing sidewalk.
6. Concrete mix must conform to the standards of the adjoining sidewalks.
7. Contractor to form and pour the concrete, to include hand excavation to establish grade and the setting of forms.
8. Contractor, sub-contractor, or suppliers are to avoid driving on lawn and grassy areas. All damage as a result must be fully repaired by Contractor.
9. Concrete shall have a light broom finish.
10. Contractor shall provide round edges on sides.
11. Decretive brick shall be installed to match existing brick work, when necessary.
12. The Contractor shall barricade and protect poured/placed concrete from all damage, rainy conditions, marks, mars and/or graffiti. Any damaged, defaced, or defective concrete shall be replaced at the Contractor's expense. Concrete replacement areas shall be from score mark, or control joint, to score mark or control joint, and shall be the full width of the sidewalk. All concrete replacement areas shall be saw-cut.
13. Contractor will be responsible for restoration along the edges of the new sidewalk once the forms are removed.
14. Contractor will be responsible for driveway packing and backfill, if impacted.
15. Contractor will be responsible for all traffic signage (pedestrian and vehicle), safety equipment, traffic cones and other items needed to inform the public of a construction site.
16. Contractor will provide barricades to assist in pedestrian and traffic control.
17. Contractor and Public Works Director or their designee will conduct site inspections to ensure project completion.

PROCESS:

The City will perform an evaluation of each project location with the Contractor prior to the Contractor mobilizing to a particular area to perform the work. The City will place markings on the sidewalk (or other frontage improvement) to identify the limits of the work to be performed.

CHANGES IN WORK:

The City shall have the right to make changes to the plans and/or specifications and the Contractor shall perform the work as changed.

No adjustment to the unit price for any item in the Proposal Schedule shall be made in the event more repair locations are added or deleted from the scheduled maintenance program.

EXHIBIT B
SCOPE OF WORK AND SPECIFICATIONS

Increase or decrease in quantities due to differences between the proposal quantities for any item and the actual constructed quantities as measured in the field shall not be considered as change in the scope of work.

PROJECT AREA:

The City will issue work orders to the Contractor to perform repair/replacement of sections of sidewalk or lengths of curb or gutter or perform other concrete repairs at one or more locations during the term of the contract. While there will be no minimum quantities for work the City will use its best efforts to ensure that the work order contains no less than one thousand (1000) square feet of sidewalk, two hundred (200) linear feet of curb and gutter, or four (4) curb ramps.

The City will also use its best efforts to group work so that a minimum length of curb and gutter to be replaced would be five (5) lineal feet and sidewalk would be twenty-five (25) square feet. The quantities may not be continuous sections. Instead, they may be the sum total of small sections on various streets.

All work performed shall be measured and paid for based on the contract unit prices.

Work will be issued to the Contractor as a Work Order on an as-needed basis during the contract period. Each Work Order will identify the location and type of work to be performed, the effective date for commencement of work, specific work item quantities and the Work Order amount based on the unit prices listed in the Contractor's Proposal Schedule. The Contractor shall complete any given work order within thirty (30) calendar days of the commencement of work. Work shall commence within fourteen (14) calendars days of notification by the City.

The City does not guarantee a minimum number of Work Orders issued or the dollar amount of work to be performed.

NOTIFICATIONS:

The Contractor shall notify the occupants of properties affected by the work. Notification shall be by delivery of handbills to be prepared and furnished by the Contractor. Handbills shall be distributed seven (7) calendar days prior to the commencement of work. The handbills shall contain information regarding the work, dates, and hours of the work to be clearly identified. A copy of the handbill shall be submitted to the City for review and approval seven (7) calendar days prior to distribution.

Review of Contract Documents and Job Sites:

The Contractor shall make field measurements, verify field conditions, and shall carefully compare such field measurements and conditions with the information in the Contract Documents before commencing activities. Errors, inconsistencies, or the discovery of unforeseen conditions shall be reported to the City immediately.

CONTRACTOR REQUIREMENTS:

o Provide all labor, equipment, and materials necessary to perform repair/maintenance work as directed by the City.

EXHIBIT B
SCOPE OF WORK AND SPECIFICATIONS

o Take responsibility for the performance of work as directed by the City. o Provide all required resources for the safety of the public and their staff during the work.
o Identify and implement appropriate traffic control measures, best management practices for storm water quality and protection of utilities.
o Perform all work in a thorough, competent, professional, and workmanlike manner.
o Provide a labor force that is properly licensed to operate assigned equipment used for the work they will perform, as determined by local, state, and federal regulations.

INSPECTION OF THE WORK:

1. The Contractor shall notify the City, forty-eight (48) hours in advance of the start of work in any area.
2. All work performed, and all materials furnished shall be subject to inspection and approval of the City. The Contractor shall notify the City at least twenty-four (24) hours in advance of the work locations that have been exposed and requested to be inspected by the City. Contractor shall not begin concrete replacement without said inspection and approval by the City.
3. Any work performed without proper inspection will be subject to rejection. Any corrective work required due to rejected work will be performed at the Contractor's expense. The Contractor shall furnish the City with documentation to ascertain that the materials used, methods employed, and workmanship provided is in accordance with the specifications.
4. Work not properly performed will be subject to rejection. Any work performed in unauthorized areas or in a manner unacceptable to the City may be rejected and no payment will be made for rejected work.
5. Inspection of the work does not relieve the Contractor of its obligation to fulfill the conditions of the contract.

CONSTRUCTION METHODS:

Existing improvements, buildings, trees, shrubs, and other items near areas where sidewalk repair is being executed shall be protected from damage that could result from the Contractor's operations. The Contractor shall be responsible for repairing, at their expense, any damage to existing improvements and/or items that result from the Contractor providing inadequate protection from damage.

The Contractor shall utilize dust palliative products and techniques in order to protect any and all project adjacent properties from annoyance and/or damage from dust resulting from asphalt and pavement repairs. The Contractor's failure to utilize dust palliative products and techniques during an asphalt/pavement repair project shall be cause for the City to suspend progress on any project until said dust is controlled; costs associated with lost time, additional repairs and other related expenses shall be the Contractor's responsibility. The Contractor shall have no recourse to collect funds from the City to cover any Contractor loss resulting from the City's suspension of work. The Contractor shall be responsible for all project clean-up, the cost of which shall be included in square foot and/or total sum costs. Surplus spoils/materials shall become the Contractor's property and shall be disposed of away from project areas in accordance with Georgia Solid Waste Management practices.

EXHIBIT B
SCOPE OF WORK AND SPECIFICATIONS

QUALITY CONTROL:

Work covered will be performed by a single firm experienced in repair/maintenance of a similar nature and scope. Subject to approval of the City, the Contractor may subcontract any work to be performed under this contract. However, the election to subcontract work will not relieve the Contractor from responsibility or liability which it has assumed under this contract and the Contractor will remain liable to the same extent that its liability would attach, as if the work had been performed by the Contractor's own employees. Furthermore, the contract shall not be assigned without written consent of the City.

By submitting the bid, the Contractor certifies as to meeting the following requirements:

1. Has completed within the past three (3) years a minimum of three (3) projects of similar nature and scope to the work being bid and the type of work completed is similar to that being bid.
2. Maintains a permanent place of business, with a minimum of five (5) years in business.
3. Has access to all necessary equipment and has organizational capacity and technical competence necessary to do the work properly and expeditiously.
4. Will provide a sworn financial statement upon request, which evidences the bidder, has adequate financial resources to complete the work being bid, as well as all other work the bidder is presently under contract to complete.
5. Has a documented safety program with a history of satisfactory past performance.
6. Has a record of satisfactorily completing past projects. Criteria which will be considered in determining satisfactory completion of projects by the Contractor will include:
    a. Completed past contracts in accordance with the contract documents.
    b. Diligently pursued execution of the work and completed past contracts according to established schedules.

HOURS WHEN WORK IS TO BE PERFORMED:

All work is to be performed Monday through Friday from 7:00 A.M. to 6:00 P.M. No work shall be done on the weekends without written permission from the City.

TRAFFIC CONTROL:

The Contractor shall conduct repair/maintenance operations in a manner that causes minimum obstruction and inconvenience to the public. A traffic control plan shall be implemented and must conform to the minimum requirements of the Manual of Uniform Traffic Control Devices (MUTCD) and GDOT technical standards. The Contractor shall furnish certified flaggers as necessary to ensure the public is adequately warned that roadway work is underway and of any potentially dangerous conditions. At all times, emergency vehicles shall be permitted to pass through the work area, without delay.

SCHEDULE:

For each project requested by the City, the Contractor shall conduct an initial assessment of the

project. After the assessment has been completed, the Contractor will provide a written estimate of the materials needed and the time required to complete the project and may only start work upon written authorization from the City. The Contractor shall respond to the call for services within forty-eight (48) hours of receiving the Notice to Proceed from the City. The Contractor will be required to provide services at multiple locations on any one day. Repair work should be completed within three (3) business days after the Notice to Proceed has been given by the City.

DELAYS IN SCHEDULE:

Should the Contractor be obstructed or delayed in the work required to be done hereunder by changes in the work or by any default, act, or omission of the City, or by any other Act of God, or by the inability to obtain materials and/or equipment, then the Contractor shall notify the City as soon as possible and provide a make-up schedule satisfactory to the City. The City at its sole option, may extend the deadline to complete the project as may be agreed upon by the City and the Contractor. In the event that there is insufficient time to grant such extensions prior to the completion date of the project, the City may, at the time of acceptance of the work, waive liquidated damages which may have accrued for failure to complete on time, due to any of the above, after hearing evidence as to the reasons for such delay, and making a finding as to the causes of same.

EXTRA WORK:

The Contractor shall perform unforeseen work whenever it is deemed necessary or desirable in order to complete fully the intent of an authorized project. Extra work will be paid for as mutually agreed between the City and the Contractor prior to commencement of such work. The final decision and approval regarding the payment of work will be made by the City. The primary method of payment shall be made by the method outlined in the bid sheet. If the City desires, it may request work to be taken on a "quote basis". Such method of payment for "Extra Work" will be a "not to exceed, quote" submitted to the City by the Contractor and will represent full compensation to the Contractor for all labor, materials, and equipment to complete such work.

INCLEMENT WEATHER:

In the event the Contractor is unable to perform services due to adverse weather conditions, the Contractor shall immediately notify the City to substantiate the conditions which prevent the performance of services, and the Contractor shall perform within three (3) days said services pursuant to the regular schedule provided that weather permit

HOLIDAYS:

The City shall be advised in advance of holidays to be observed by the Contractor and shall also be provided with a makeup schedule that is no more than one (1) week later. Once the makeup schedule is established, it shall not be changed without prior approval of the City.

EXHIBIT B
SCOPE OF WORK AND SPECIFICATIONS

CALLBACKS:

Whenever, in the opinion of the City, a repair is determined to be inadequate or inconsistent with City standards and best management practices, the Contractor shall, within twenty-four (24) hours after notification, submit a written response detailing how the situation will be remedied and a timeline for accomplishing the task. The Contractor shall correct, at its expense, all errors in the work which may be disclosed during the City's review of the Contractor's work. Should the Contractor fail to make such correction in a reasonably timely manner, such correction shall be made by the City, and the cost thereof shall be charged to the Contractor. No additional payment will be made for callbacks as a result of inadequate repairs.

COMPLAINTS:

Complaints regarding repairs/maintenance, which the City considers justifiable and the responsibility of the Contractor, will be referred to the Contractor for immediate attention. Within twenty-four (24) hours, the Contractor shall submit to the City a report of the action taken to address or reconcile each complaint.

EMERGENCY SERVICES:

Emergency services are any non-routine or non-repetitive activities required for operational continuity, safety and performance generally resulting from the failure of or the need to avert a failure of City assets, infrastructure, or some component thereof. As part of its emergency services provisions, the Contractor shall:

- Provide a twenty-four (24) hour telephone number and/or a list of employees (including their telephone numbers) who are available for twenty-four (24) hour emergency callout service.
- Respond to the scene of the emergency within two (2) hours of call-out.
- Assure that adequate response and resources will be dedicated to the City to the satisfaction of the City.
- Perform the minimal amount of work in order to achieve the safety of the public. Any remaining non-emergency work shall be performed on a task-order basis during normal working hours.

BREAKDOWN OF EQUIPMENT:

At all times, the Contractor shall properly maintain a fleet of equipment, both as to condition and appearance, for use on the work under this contract. The Contractor shall have back-up equipment on hand in the event of a breakdown by the primary equipment. In case of breakdown by the primary equipment, immediate service within one (1) hour by the back-up equipment is required to complete the task. If down for more than one (1) hour, a penalty will be assessed at the rate of $50 per hour for each hour above and beyond one (1) hour.

EXHIBIT B
SCOPE OF WORK AND SPECIFICATIONS

STORAGE OF EQUIPMENT:

The Contractor must provide his own storage for equipment and other required parts and materials. The City will not provide storage for any Contractor equipment.

REPORTS:

The Contractor shall provide to the City detailed reports of all street repair/maintenance services performed which shall include the receipt date of work order, type of service, and photographs of service site before and after work order is completed, location or address of service site, description of the work performed, and date completed.

CONCRETE PRICE QUOTATION:

Unit price bids as indicated on the following bid form sheets shall include excavation, stone bedding, rubberized expansion material (ASTM D-1751-97), topsoil backfill, grades and all appurtenances to complete the work. Bidder acknowledges the estimated quantities are not guaranteed and are solely for the purpose of comparison of bids, and final payment for all unit price bid items will be based on actual quantities provided and determined in the contract documents. Proposed prices will remain valid for all areas, regardless of quantities to be installed at the particular site and at all times within the contract period. Pricing will adhere to the following:

- All pricing as quoted will remain firm for the term of any contract that may be awarded as a result of this RFP.
- Bidder shall provide an overall bid for the project and a bid for each component.
- Unless otherwise stated, bidder agrees that, in the event of a price decline, the benefit of such lower price shall be extended to the City.
- Any price increases or decreases for subsequent contract terms may be negotiated between Contractor and City only after completion of the initial term.
- Unit price bid for all items shall include all water quality, erosion, and traffic control measures inclusive of permit to comply with local, state, and federal requirements.

REVIEW AND SELECTION PROCESS:

The City reserves the right to make the selection based on its sole discretion. A committee of City staff will evaluate the proposals received in response to this RFP, each of which will be rated based on current organizational needs. Criteria which will be used to evaluate responses will include, but not be limited to, the following:

1. Quality and completeness of the proposal.
2. Ability to schedule and efficiently perform the required work.
3. Cost effectiveness of the proposal compared to the requested scope of work. Utilizing the criteria listed above and any additional criteria the City deems necessary, a recommendation of the selected candidate will be made to the City Manager. The Procurement Manager will make a final recommendation to the Mayor and City Council, which is the governing body that will award the final contract.

EXHIBIT B
SCOPE OF WORK AND SPECIFICATIONS

No minimum delivery quantity per project. The City reserves the right to increase or decrease the quantity of any item or delete items as may be deemed necessary without voiding the contract.

CONDITIONS:

1. In submitting a proposal for this project, the Contractor acknowledges that they are familiar with all conditions and requirements included herein.

2. The Contractor shall be responsible for ensuring that all work performed on this project is in strict compliance with the applicable Codes, regulations, and project requirements.

3. The Contractor shall obtain and pay for all permits, licenses and any other related fees required for this work. The Contractor shall possess and maintain a current State of Georgia license and a City of Stockbridge Business License throughout the duration of the contract.

4. The Contractor shall maintain insurance provisions as required in the contract.

End of Exhibit B.

EXHIBIT C
REQUEST FOR PROPOSAL

I. REQUEST FOR PROPOSAL PROCESS

The proposal must contain the information outlined below.

Please include a title on each page of your proposal and number the pages to ensure proper identification.

1. Cover Letter
2. Executive Summary
3. Evaluation and Selection Criteria

1. Cover/Transmittal Letter

Each proposal must have a Cover/Transmittal Letter briefly summarizing the qualifications and experience relevant to the scope. Please include in the letter the following:

i. Company's information including the name of the company (include any dba names); headquarters and parent company locations; and a brief history of the company.
ii. Company's mailing address, contact person, telephone number for the primary contact person, and email address.
iii. A principal or officer of the company authorized to execute contracts or other similar documents on the firm's behalf must sign the letter.

2. Executive Summary

Executive Summary: An executive summary letter should include the key elements of the respondent's RFP and an overview of the team. Indicate the address and telephone number of the respondent's office located nearest to Stockbridge, Georgia, and the office from which the project will be managed.

3. Evaluation and Selection Criteria

The City, at its discretion, may award the contract to the responsible and responsive consultant submitting the proposal which is deemed to be the most advantageous to the city. The following is the evaluation criteria the city will consider in determining which proposal is most advantageous to the City:

A. Approach

1. **Methodology(ies):** This section should clearly describe the methodology or methodologies planned to be used to carry out the specific tasks described in the Scope of Work with clarity and thoroughness in addressing the task required.
2. **Work Plan**: Indicate all key deliverables and their contents.
3. **Project Schedule:** Provide an outline for each performance metric listed in the Scope of Work. Demonstrate your team's ability to perform the work requested within an established schedule.

EXHIBIT C
REQUEST FOR PROPOSAL

B. Qualifications and Experience of the Firm(s)

1. List 3-5 similar projects completed in the last 5 five years.
2. Contracts on hand (schedule – showing gross amount of each contract and the approximate timelines).
3. Have you ever failed to complete any work awarded to you, if so, where, and why?
4. How long do you warrant a project?

C. Qualifications and Experience of Key Staff

1. Identify key individuals to be assigned to this project and include the function and/or responsibility of each identified individual. Experience summaries of these key individuals must be provided with emphasis on previous experience in similar roles on comparable projects and a copy of their resumes if applicable.

D. Cost Proposal

1. Preventative Maintenance
- Provide a lump sum bid for all scheduled services based on unit pricing

2. Additional Labor Costs
- Normal Hours: Monday through Friday, 7AM to 4 PM b. After Hours/Holidays Billed at approved overtime rates

3. Parts and Materials
- No more than a 5% markup; provide a detailed price

Proposals submitted in response to this RFP will be evaluated and scored, in accordance with the criteria outlined below, by an evaluation committee established by the client.

Criteria	**Points**
Technical Approach/Project Management	40
Qualifications and Experience of the Firm(s)	20
Qualifications and Experience of Key Staff	10
Cost	30
Highest Possible Score	**100**

a. All Corporations should provide corporate seal, a copy of the Secretary of State's Certificate of Incorporation, and a listing of the principals of the corporation with the proposal.

b. The Department is concerned about proposers' financial capability to perform. Therefore, please provide enough data to lead evaluators to the conclusion that your firm

has the financial capability to perform. As detailed financial data is generally proprietary, and proposers do not wish such information to be part of the public record under the Georgia Open Records Act (G.O.R.A.), the City reserves the right to perform additional due diligence in this area, at the sole discretion of the City, prior to award of any contract.

c. The proposals will be the basis from which interested firms will be selected for interviews. Following the City staff evaluation of the proposals received, selected firms may be invited to make oral presentations before the City's Evaluation Panel. The City's Project Manager will provide additional details outlining the preferred content of the presentation to each firm or team of firms that are invited to participate. Upon completion of the evaluations, the City's Evaluation Panel will determine the most qualified firm based on all materials and information presented. The City will then begin the negotiations for an agreement with the selected firm.

d. Any firm failing to submit information in accordance with the procedures set forth in the RFP may be subject to disqualification. The City reserves the right to change the solicitation schedule or issue amendments to the solicitation at any time. The City reserves the right, at its sole discretion, to waive immaterial irregularities contained in the solicitation. The City reserves the right to reject any and all proposals at any time, without penalty. The City reserves the right to request "best and final" offers, and to issue a new RFP. Firms eliminated from further consideration will be notified by mail by the City as soon as practical.

II. SUBMISSION OF RFP

Proposals shall be submitted online thru the Bonfire Portal, and identified as follows:

RFP Number: 2025-0004, Annual On-Call Sidewalk Repairs And Replacement
Optional Pre-bid Conference (In Person): Monday, May 12, 2025, at 1:30 p.m. EST
Questions Due: Friday, May 16, at 2:30 p.m. EST
Proposal Due Date: Thursday, May 29, 2025, at 3:00 p.m. EST

Proposals shall only be accepted online through the Bonfire Portal

City of Stockbridge Annual On-Call Sidewalk Repairs and Replacement

All submissions are due in Bonfire no later than the date and time specified herein. The RFP package must include detailed information relative to Request for Proposal Process and Selection Criteria, as required. The Proposal Letter included as page two (2) of this RFP, and Exhibit C-I **must be attached** in Bonfire and must be signed by a person authorized to legally bind the company.

EXHIBIT C
REQUEST FOR PROPOSAL

III. EVALUATION CRITERIA AND PROCESS

a. All RFPs received will be reviewed by the Purchasing Manager to ensure that all administrative requirements of the RFP package have been met by the Offerors. Each RFP will be reviewed to ensure that the Offeror submitted all information required in the RFP and that all documents requiring a signature have been signed. Failure to meet these requirements may be cause for rejection. All RFP's that meet the administrative requirements will then be turned over to the evaluation committee for further evaluation.

b. The Evaluation Committee will review all submittals received and rank Offerors based on submittal information required in Evaluation and Selection Criteria. Discussions may be conducted by the City of Stockbridge with responsible Offerors who submit RFP determined to be reasonably susceptible of being selected for award for clarification to assure full understanding of and responsiveness to the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of statements; and such revisions may be permitted after submissions and prior to award. In conducting any such discussions, there shall be no disclosure of any information derived from proposals submitted by competing Offerors. Cost will not be a deciding factor in this RFP, only Proposal.

c. The City of Stockbridge reserves the right to addend the RFP prior to the date of RFP submission. Addenda will be posted to the Stockbridge website at www.stockbridgega.gov.

d. Awards of contract shall be made to the responsible Offerors who have successfully submitted an RFP and been ranked by the Evaluation Committee considering all the evaluation factors set forth in this RFP. No other factors or criteria shall be used in the evaluation. The City of Stockbridge reserves the right to reject all RFP's submitted in response to this RFP.

IV. OTHER CONSIDERATIONS

a. Vendors responding to this RFP need to become a registered Vendor to sell products or services to the City of Stockbridge. Please note that the vendor file is a good source for vendor information but not the only source. Registration does not guarantee that your firm will be solicited for any or all requirements. The vendor file will also be used to support financial transactions with vendors, including invoice payments. If you have any questions or concerns, please feel free to email:
City of Stockbridge
Purchasing Office
Shall@stockbridgega.org

b. Prior to the due date, a submitted RFP may be withdrawn by the Offeror by submitting a written request to the Buyer named herein. A person authorized to sign for the Offeror must sign all such requests.

The City reserves the right to add provisions to the contract to be consistent with the successful Offeror's offer and to negotiate with the successful Offeror other additions to, deletions from, and/or changes in the language in the Contract, provided that no such addition, deletion or change in Contract language would, in the sole discretion of the City affect the evaluation criteria set forth herein, or give the successful Offeror a competitive advantage.

Any exceptions to the agreement must be clearly identified, accompany the Offeror's RFP and be attached to the agreement. Offerors are cautioned that any exception submitted that will give the Offeror a competitive advantage over another Offeror or that will cause a failure to meet a mandatory requirement of the RFP will not be accepted.

Prior to award, the apparent winning Offeror(s) may be required to enter discussions with the City to resolve any contractual differences before an award is made. These discussions are to be finalized, and all exceptions resolved within one (1) week of notification, if not, this could lead to rejection of the Offeror's proposal. Offeror will not retype the enclosed contract.

V. CERTIFICATION

By my signature below, it is certified that my firm can meet all terms of the statement of Proposal and will perform the services specified; and for the privilege of doing so on the City of Stockbridge premises. I understand that, upon proper acceptance of this offer by the City of Stockbridge, a contract will thereby be created.

Given under my hand this _____ day of _____, 20___.

_____
Name of Firm

_____
Signature

_____
Title

_____
Business Address

_____
Email address

End of Exhibit C.

EXHIBIT D
BOND DOCUMENTS

PROVIDED, FURTHER, that Principal and Surety agree and represent that this bond is executed pursuant, to and in accordance with the applicable provisions of the Official Code of Georgia Annotated, as Amended, including, but not limited to, O.C.G.A. SS 13-10-1, et. Seg. And SS 36-86-101, et. Seg. And is intended to be and shall be constructed as a bond in compliance with the requirements thereof. Signed, sealed, and dated this _____ day of _____, 2025.

ATTEST:

_____ _____
(Principal Secretary) (Principal)

(SEAL) BY: _____

(Witness to Principal) (Address)

_____ _____

_____
(Address)

_____
(Surety)

ATTEST
BY: _____
(Attorney-in-Fact) and Resident Agent

_____
(Attorney-in-Fact)

(Seal) _____
(Address)

_____
(Witness as to Surety)
_____
(Address)
_____

EXHIBIT D

BOND DOCUMENTS

PAYMENT BOND

KNOW ALL MEN BY THESE PRESENTS: THAT

_____
(Name of Contractor)

_____
(Address of Contractor)

_____
(Corporation, Partnership or Individual)

_____
Hereinafter called Principal, and

_____
(Name of Surety)

_____
(Address of Surety)

A Corporation of the State of _____and a surety authorized by law to do business in the State of Georgia, hereinafter called Surety, are held and firmly bound unto:

The City of Stockbridge Georgia

_____
(Name of Obligee)

4640 N Henry Blvd. Stockbridge, Georgia 30281

_____
(Address of Obligee)

Hereinafter referred to as Obligee; for the use and protection of all subcontractors and all persons supplying labor, services, skill, tools, machinery, materials and/or equipment in the prosecution of the work provided for in the contract hereinafter referred to in the full and just sum of _____ _____ Dollars ($_____) in lawful money of the United States, for the payment of which sum well and truly to be made, the Principal and Surety bind themselves, their, and

each of their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

EXHIBIT D

BOND DOCUMENTS

The condition of this obligation is such, as whereas the Principal entered into a certain contract, hereto attached, with the Obligee, dated_____ for _____.

NOW, THEREFORE, the conditions of this obligation are such that if the Principal shall well, truly, and faithfully perform said Contract in accordance to its terms, covenants, and conditions, and shall promptly pay all persons furnishing labor, materials, services, skill, tools, machinery and/or equipment for use in the performance of said Contract, then this obligation shall be void; otherwise, it shall remain in full force and effect.

All persons who have furnished labor, materials, services, skill, tools, machinery and/or equipment for use in the performance of said Contract shall have a direct right of action on this Bond, provided payment has not been made in full within ninety (90) days after the last day on which labor was performed, materials service, skill, tools, machinery, and equipment furnished or the subcontract completed.

PROVIDED FURTHER, that said Surety to this Bond, for value received, hereby stipulates and agrees that no change, extension of time, alterations, or additions, to the terms of the Contract or to the Work to be performed thereunder shall in any way affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alterations, or additions to the terms of the Contract or to the work to be performed thereunder.

PROVIDED, HOWEVER, that no suit or action shall be commenced hereunder by any person furnishing labor, materials, services, skill, tools, machinery, and /or equipment having a direct contractual relationship with a subcontractor, but no contractual relationship express or implied with the Principal:

Unless such person shall have given notice to the Principal within 120 days after such person did, or performed the last of the work or labor, or furnished the last of the materials, services, skill, tools, machinery and/or equipment for which claim is made, stating with substantial accuracy the amount claimed and the name of the party to whom the materials, services, skill, tools, machinery, and/or equipment were furnished, or for whom they work or labor was done or performed. Such a notice shall be served by mailing the same by registered mail, postage prepaid, in an envelope addressed to the Principal, at any place where an office is regularly maintained for the transaction of business, or served in any manner in which legal process may be served in the State in which the aforesaid project is located, save that such service need not be made by a public officer, and a copy of such notice shall be delivered to the Obligee, to the person and at the address provided for in the Contract, within five days of the mailing of the notice to the Principal.

PROVIDED FURTHER, any suit under this Bond must be instituted before the expiration of one year after the acceptance of the public works covered by the Contract by the proper authorities.

EXHIBIT D
BOND DOCUMENTS

PROVIDED FURTHER, that Principal and Surety agree and represent that this bond is executed pursuant to and in accordance with the applicable provision of the Official Code of Georgia Annotated, as amended, including, but not limited to, O.C.G.A. SS 13-10-1, et. Eq. and SS 36-86-101, et. Seg., and is intended to be and shall be construed as a bond in compliance with the requirements, therefore.

Signed, sealed, and dated this_____day of_____, 2025

ATTEST:

_____ _____
(Principal Secretary) (Principal)
(Seal)

By:_____

_____ _____
(Witness to Principal) (Address)

_____ (Surety)

ATTEST BY:
_____ _____
Agent
_____
(Attorney-in-Fact)

(Seal)

_____
(Address)

_____
(Witness as to Surety)

EXHIBIT D

BOND DOCUMENTS

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS: THAT

_____

(Name of Contractor)

_____

(Address of Contractor)

_____

(Corporation, Partnership or Individual)

_____

Hereinafter called Principal, and

_____

(Name of Surety)

_____

(Address of Surety)

A Corporation of the State of _____ and a surety authorized by law to do business in the State of Georgia, hereinafter called Surety, are held and firmly bound unto:

The City of Stockbridge, Georgia

_____

(Name of Obligee)

4640 N Henry Blvd., Stockbridge, Georgia 30281

_____

(Address of Obligee)

Hereinafter referred to as Obligee; are held firmly bound unto said Obligee and all persons doing work or furnishing skill, tools, machinery, supplies, or material under or for the purpose of the Contract hereinafter referred to, in the penal sum of: _____Dollars ($_____), in lawful money of United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors, jointly and severally, firmly by these presents.

EXHIBIT D

BOND DOCUMENTS

The condition of this obligation is such, as whereas the Principal entered into a certain contract, hereto attached, with the Obligee, dated_____ for: _____.

NOW THEREFORE, the conditions of this obligation are such that if the above-bound Principal shall well, truly, fully and faithfully perform said contract according to its terms, covenants, conditions, and agreements of said contract during the original term of said contract and any extensions thereof that may be granted by the oblige, with or without notice to the Surety, and during the life of any guaranty required under the contract, and shall also well and truly perform and fulfill all the undertakings, covenants, terms, conditions and agreement of any and all duly authorized modifications of said contract that may hereafter be made, then his obligation shall be void, otherwise to remain in full force and effect.

PROVIDED FURTHER, that said Surety to this Bond, for value received, hereby stipulates and agrees that no change, extension of time, alterations, or additions to the terms of the Contract or to the Work to be performed thereunder shall in any way affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alterations, or additions to the terms of the Contract or to the work to be performed thereunder.

PROVIDED FURTHER, that Principal and Surety agree and represent that this bond is executed pursuant to and in accordance with the applicable provisions of the Official Code of Georgia Annotated, as amended, including but not limited t. O. C.G.A. SS 13-10-1 et. Eq. and SS 36-86-101, et Seg., and is intended to be and shall be construed as a bond in compliance with the requirements thereof.

Signed, sealed, and dated this_____day of _____, 2025

ATTEST:

_____

(Principal)

_____

(Principal Secretary)

(Seal)

By: _____

_____

(Witness to Principal)

EXHIBIT D

BOND DOCUMENTS

_____

(Address)

_____

(Surety)

ATTEST:

_____

(Attorney-in-Fact) and Resident Agent

_____

(Attorney-in-Fact)

(Seal)

_____

(Address)

_____

(Witness as to Surety)

_____

(Address)

EXHIBIT D

BOND DOCUMENTS

MAINTENANCE BOND

PROJECT NO: _____
BOND NO: _____

KNOW ALL MEN BY THESE PRESENTS that we, _____ as Principal, and _____as Surety, are held and firmly bound unto the CITY OF STOCKBRIDGE, GEORGIA, as Obligee in the sum of one-third of the contract bid for the payment of which said Principal and Surety bind themselves, their heirs, administrators, executors, successors and assigns jointly and severally, firmly by these presents.

WHEREAS, the Principal has entered into an agreement with the City of Stockbridge. Said work has now been completed and the Obligee desires a maintenance bond guarantee said streets and improvements for a period of one-year beginning_____ and ending_____.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the Principal shall fully indemnify and save harmless the City of Stockbridge from any and all loss, costs, expenses or damages, for any repairs or replacements required because of defective workmanship or materials in said construction, then this obligation shall be null and void; otherwise to be and remain in full force and effect as to any such claim arising within one year from the completion of said construction as set forth in said agreement.

Signed, sealed and dated this_____ day of _____, 2025

Witness:

_____
(Principal)

_____
(Name of Surety Company)

_____
(Attorney-in-fact)

End of Exhibit D.

EXHIBIT E
GEORGIA SECURITY AND IMMIGRATION COMPLIANCE ACT AFFIDAVIT

Contractor(s) Name: _____

Address: _____

By executing this affidavit, the undersigned person or entity verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm, or corporation which is registered with, is authorized to participate in, and is participating in the federal work authorization program commonly known as E-Verify,* in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-91.

The undersigned person or entity further agrees that it will continue to use the federal work authorization program throughout the contract period, and it will contract for the physical performance of services in satisfaction of such contract only with subcontractors who present an affidavit to the undersigned with the information required by O.C.GA. § 13-10-91(b).

The undersigned person or entity further agrees to maintain records of such compliance and provide a copy of each such verification to the City of Stockbridge within five (5) business days after any subcontractor(s) is/are retained to perform such service.

_____ _____
E Verify ™ Company Identification Number Date of Authorization

_____ _____
BY: Authorized Officer or Agent Date
(Name of Person or Entity)

SUBSCRIBED AND SWORN BEFORE
ME ON THIS THE

_____ DAY OF_____, 20_

_____ [NOTARY SEAL]
Notary Public

My Commission Expires: _____

*** or any subsequent replacement** operated by the United States Department of Homeland Security or any equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-60

EXHIBIT E
GEORGIA SECURITY AND IMMIGRATION COMPLIANCE ACT AFFIDAVIT

Subcontractor Affidavit under O.C.G.A. § 13-10-91(b)(3)

By executing this affidavit, the undersigned subcontractor verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm or corporation which is engaged in the physical performance of services under a contract with (name of contractor) on behalf of (name of public employer) has registered with, is authorized to use and uses the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-91. Furthermore, the undersigned subcontractor will continue to use the federal work authorization program throughout the contract period and the undersigned subcontractor will contract for the physical performance of services in satisfaction of such contract only with sub-subcontractors who present an affidavit to the subcontractor with the information required by O.C.G.A.§ 13-10-91(b). Additionally, the undersigned subcontractor will forward notice of the receipt of an affidavit from a sub-subcontractor to the contractor within five business days of receipt. If the undersigned subcontractor receives notice that a sub- subcontractor has received an affidavit from any other contracted sub-subcontractor, the undersigned subcontractor must forward, within five business days of receipt, a copy of the notice to the contractor. Subcontractor hereby attests that its federal work authorization user identification number and date of authorization are as follows:

_____
Federal Work Authorization User Identification Number

_____
Date of Authorization

_____
Name of Subcontractor

_____
Name of Project

_____
Name of Public Employer

SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE

_____ DAY OF_____, 20_

[NOTARY SEAL]

_____
Notary Public

My Commission Expires: _____

End of Exhibit E.

EXHIBIT F
DRUG-FREE WORKPLACE

The undersigned certifies that the provisions of Code Sections 50-24-1 through 50-24-6 of the Official Code of Georgia Annotated, relating to the "Drug-free Workplace Act", have been complied with in full. The undersigned further certifies that:

(1) A drug-free workplace will be provided for the Service Provider's employees during the performance of the Contract; and

(2) Each Service Provider who hires a subcontractor to work in a drug-free workplace shall secure from the subcontractor the following written certification:
"As part of the subcontracting agreement with _____ (Service Provider), _____(subcontractor) certifies to the Service Provider that a drug-free workplace will be provided for the subcontractor's employees during the performance of this Contract pursuant to paragraph (7) of the subsection (b) of Code Section 50-24-03."

Also, the undersigned further certifies that he/she will not engage in the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana during the performance of the Contract.

_____
Company Name

_____
BY: Authorized Officer or Agent Date
(Service Provider Signature)

_____
Title of Authorized Officer or Agent of Service Provider

_____
Printed Name of Authorized Officer or Agent

End of Exhibit F.

EXHIBIT G
PURCHASING POLICY ADDENDUM

I, _____, hereby certify that I have received certify that I have received a copy of the City of Stockbridge, GA, Financial Management Policies Purchasing Policy which can be found at https://stockbridgega.org/departments/procurement-division and agree to comply with all requirements of the City of Stockbridge, GA Financial Management Policies Purchasing Policy to the extent the policy is applicable to the undersigned.

_____

BY: Authorized Officer or Agent Date
(Service Provider Signature)

_____

Title of Authorized Officer or Agent of Service Provider

_____

Printed Name of Authorized Officer or Agent Date

End of Exhibit G.

EXHIBIT H

AFFIDAVIT VERIFYING STATUS FOR CITY PUBLIC BENEFIT APPLICATION

By executing this affidavit under oath, as an applicant for a City of Stockbridge, Georgia Business License or Occupation Tax Certificate, Alcohol License, Taxi Permit, execution of contract or other public benefit as referenced in O.C.G.A. § 50-36-1, I am stating the following with respect to my application for a City of Stockbridge license/permit and /or contract for

_____

[Name of natural person applying on behalf of individual, business, corporation, partnership, or other private entity]:

1. _____ I am a United States citizen

OR

2. _____ I am a legal permanent resident 18 years of age or older or I am an otherwise qualified alien or non-immigrant under the Federal Immigration and Nationality Act 18 years of age or older and lawfully present in the United States. *

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A. § 16-10-20.

Signature of Applicant: _____Date: _____

Printed Name: _____

* Alien Registration number for non-citizens: _____

** PLEASE INCLUDE A COPY OF YOUR PERMANENT RESIDENT CARD, EMPLOYMENT AUTHORIZATION, GREEN CARD, PASSPORT WITH A COPY OF YOUR DRIVER'S LICENSE, OR OTHER DOCUMENTATION AS ALLOWED UNDER THE LAW IF YOUR ARE A LEGAL PERMANENT RESIDENT (#2).**

Subscribed and Sworn Before Me, this the ____day of _____, 20___

Notary Public:_____

My Commission Expires: _____

* Note: O.C.G.A.§ 50-36-1(e)(2) requires that aliens under the Federal Immigration and Nationality Act, Title 8 U.S.C., as amended, provide their alien registration number. Because legal permanent residents are included in the Federal definition of "alien", legal permanent residents must also provide their alien registration number. Qualified aliens that do not have an alien registration number may supply another identifying number below:

End of Exhibit H.

EXHIBIT I:

CITY OF STOCKBRIDGE GENERAL CONCRETE WORK BID FORM/COST PROPOSAL

RFP No. 2025-0004

ANNUAL ON-CALL SIDEWALK REPAIRS AND REPLACEMENT

ITEM DESCRIPTION	UNIT	UNIT PRICE	AMOUNT
REMOVAL & DISPOSAL OF RIGID PAVEMENT (SIDEWALK, ETC.,)	S.Y.	$	$
REMOVAL OF CURB (EXTRUDED, DETACHED, CURB & GUTTER)	L.F.	$	$
CONCRETE SIDEWALK (4-INCH DEPTH, 3,000 PSI, BROOM FINISH)	S.F.	$	$
EXPOSED AGGREGATE CONCRETE SIDEWALK (4-INCH DEPTH, 3000 PSI), (see Sect. II note 4.)	S.F.	$	$
EXPOSED AGGREGATE CONCRETE DRIVEWAY (6-INCH DEPTH, 4,000 PSI, WITH FIBER MESH)	S.F.	$	$
CONCRETE HANDICAP RAMP (4-INCH THICKNESS, 3,000 PSI, RETROFIT W/DETECTABLE WARNING PER CITY STANDARD)	S.F.	$	$
CONCRETE DRIVEWAY (BROOM FINISH, 4-INCH DEPTH, 4,000 PSI, WITH FIBER MESH)	S.F.	$	$
CONCRETE DRIVEWAY (BROOM FINISH, 6-INCH DEPTH, 4,000 PSL W/FIBER MESH)	S.F.	$	$
BLACK FIBER BOARD EXPANSION JOINT	L.F.	$	$
RUBBERIZED EXPANSION JOINT (ASTM D-1751-97)	L.F.	$	$
EXTRUDED MOUNTABLE CURB (NEW INSTALLATION, Spring Hill STD.)	L.F.	$	$
CONCRETE COMBINED CURB & GUTTER (NEW INSTALLATION, Spring Hill STD)	L.F.	$	$
ADJUSTMENT OF CATCH BASIN GRATES & FRAMES	EACH	$	$
ADJUSTMENT OF WATER VALVE BOXES	EACH	$	$

EXHIBIT I

CITY OF STOCKBRIDGE GENERAL CONCRETE WORK BID FORM/COST PROPOSAL
RFP No. 2025-0004
ANNUAL ON-CALL SIDEWALK REPAIRS AND REPLACEMENT

ADJUSTMENT OF MANHOLE COVERS & FRAMES	EACH	$	$
ADJUSTMENT OF WATER METERS	EACH	$	$
BERMUDA SOD – PER GDOT	S.F.	$	$
ITEM DESCRIPTION	**UNIT**	**UNIT PRICE**	**AMOUNT**
SEED & STRAW – PER GDOT	S.F.	$	$
REMOVAL OF TREE & STUMP GRINDING	EACH	$	$
REMOVAL OF TREE ROOT UNDER THE SIDEWALK ONLY	EACH	$	$
REMOVAL AND INSTALLATION OF ADA RAMP INCLUDING DETECTOR WARNING STRIPS	EACH	$	$

TOTAL BASE BID $ _____

_____

TOTAL BASE BID IN WORDS

End of Exhibit I.

City of Stockbridge Purchasing Division

City of Stockbridge City Hall
4640 North Henry Boulevard
Stockbridge, GA 30281

ADDENDUM No. 1

Solicitation No.: REQUEST FOR PROPOSAL (RFP) NO. 2025-0004

Solicitation Title: CITY OF STOCKBRIDGE ANNUAL ON-CALL SIDEWALK REPAIRS AND REPLACEMENT

ATTENTION ALL POTENTIAL BIDDERS:

[X] **MUST ADDENDUM. READ CAREFULLY AND FOLLOW ALL INSTRUCTIONS**. This addendum forms a part of the contract documents, modifies the original bidding Documents and shall be as binding as if contained therein.

[ ] Return Addendum with Bid Submittal. Failure to do so may subject the Bidder to disqualification.

[ ] Return Completed Revised Bid Pricing Sheets with Bid Submittal.

TO ALL PROSPECTIVE BIDDERS, PLEASE NOTE THE FOLLOWING CHANGES AND CLARIFICATIONS:

Words in ~~strikethrough~~ type are deletions from existing text. Words in **bold, underline** type are additions to existing text.

1. Proposal Due Date has not changed. The Proposal Due Date is Thursday, May 29, 2025, 3:00 PM EST.

2. The deadline for questions has not changed. The deadline for questions is Friday, May 16, 2025, 2:30 PM EST.

CLARIFICATIONS / MODIFICATIONS / QUESTIONS AND ANSWERS

Q1. **Concrete Mix**: If contractor is pouring 1 yd. or less of concrete, can it be bag concrete?
A1. Yes

Q2. **Subdivisions:** Will majority of work be in subdivisions?
A2. Yes

Q3. **Renewal:** Will there be an option to renew? If so, will there be a % of markup allowed?
A3. There will be an option to renew. Any proposed increase can not exceed the annual Consumer Price Index (CPI).

Q4. **Work Size** – In Exhibit B under Project Area, the first and second paragraph seem to contradict each other. The first paragraph states work will be no less than 1000 sf of sidewalk, while the second paragraph states a minimum of 25 sf of sidewalk. Could you please clarify? What will the minimum size of work orders be?
A4. The work requested will not be less that one-hundred (100) square feet.

Q5. **Traffic Control** – Can a line item be added for traffic control?
A5. Yes. However, the City reserves the right to review and approve the costs associated with traffic control.

Q6. **Trees** – On removal of tree and stump grinding line item, what is the diameter of trees?
A6. Stumps must be at least 12 inches in diameter.

Q7. **Graffiti Damage** – How long after concrete is completed will contractor be responsible for graffiti damage?
A7. Thirty (30) days.

Q8a. For any work, material requested outside of the RFP will that be a change order?
A8a. Yes. Work outside of the RFP will be considered a change order.

Q8b. Is and of this work for the RFP need to be Bonded?
A8b. All work will need to be bonded.

Q8c. It states in the RFP that an inspection has to be performed before the concrete is poured, will this have to be scheduled in advance and if so how far in advance will be have to schedule it. Or will the inspection be readly available?
A8c. Inspections will have to be scheduled at least twenty-four (24) hours in advance.

Q8d. On Number 11 of the SOW on pg. 31 Decretive brick shall be installed to match existing brick work, when necessary. This will be priced outside of the RFP correct?
A8d. Yes.

Q8e. Will we need to call GA-811 Locates for this RFP
A8e. Yes. Per GA law, 811 will have to be called prior to any excavations.

End of Addendum No. 1

PROCUREMENT DIVISION
4640 N. Henry Boulevard, Stockbridge, GA 30281

ADDENDUM NO. 2

SOLICITATION NO.: **REQUEST FOR PROPOSALS (RFP) NO. 2025-0004**

SOLICITATION TITLE: **ANNUAL ON-CALL SIDEWALK REPAIRS & REPLACEMENT**

ATTENTION ALL POTENTIAL BIDDERS:

[X] **MUST ADDENDUM. READ CAREFULLY AND FOLLOW ALL INSTRUCTIONS.** This addendum forms a part of the contract documents, modifies the original bidding documents and shall be as binding as if contained therein.

[ ] Return Addendum with Bid Submittal. Failure to do so may subject the Bidder to disqualification.

[ ] Return Completed Revised Bid Pricing Sheets with Bid Submittal.

TO ALL PROSPECTIVE BIDDERS, PLEASE NOTE THE FOLLOWING CHANGES AND CLARIFICATIONS:

Words in ~~strikethrough~~ type are deletions from existing text. Words in **bold, underlined** type are additions to existing text.

1. **The RFP closing time has changed to Tuesday, June 3, 2025, at 3:00 PM EDT**.

2. **Added: Update Exhibit D to reflect the full bid documents.**

The City of Stockbridge website is the official location for the posting of all solicitation addenda and contract award results. It is the obligation of each Prospective Provider to frequently monitor the City's website in order to obtain complete and timely information. The City's website is located at https://www.cityofstockbridge.com/default.aspx and Georgia Procurement Registry website https://ssl.doas.state.ga.us/PRSapp/PR_index.jsp . All other terms, conditions, and specifications of the solicitation remain unchanged.

_____

Name of Company / Firm / Organization

_____ _____

Printed Name of Authorized Rep. / Title Signature of Authorized Representative / Date

EXHIBIT D
BOND DOCUMENTS

Each bid must be accompanied with a BID BOND (bond only: certified checks or other forms are not acceptable) in an amount equal to five percent (5%) of the base bid, payable to the City of Stockbridge. Said bid bond guarantees the bidder will enter into a contract to construct the project strictly within the terms and conditions stated in this bid and in the bidding and contract documents, should the construction contract be awarded.

The Successful Bidder shall be required to furnish a bond for the faithful performance on the contract and a bond to secure payment of all claims for materials furnished and/or labor performed in performance of the project, both in amounts equal to one hundred percent (100%) of the contract price.

The Successful Bidder shall also be required to furnish a Maintenance Bond, in the amount of one-third (1/3) of the contract price, guaranteeing the repair or replacement caused by defective workmanship or materials for a period of one (1) year from the completion of construction.

Bonds shall be issued by a corporate surety appearing on the Treasury Department's most current list (Circular 570 as amended) and be authorized to do business in the State of Georgia.

Date of Bond must not be prior to date of Contract. If Contractor is a Partnership, all partners shall execute Bond.

EXHIBIT D
BOND DOCUMENTS
BID BOND

KNOW ALL MEN BY THESE PRESENTS, THAT _____
(Name of Contractor) _____
(Address of Contractor) at _____

(Corporation, Partnership and or Individual) hereinafter called Principal, and _____
_____
(Name of Surety)
_____
(Address of Surety

A corporation of the State of _____, and a surety authorized by law to do business in the State of Georgia, hereinafter called Surety, are held and firmly bound unto

City of Stockbridge Georgia
(Name of Obligee)
4640 N Henry Blvd., Stockbridge, Georgia 30281
(Address of Obligee)

herein after referred to as Obligee, in the penal sum of_____
Dollars ($ _____) in lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors, jointly and severally, firmly by these presents.

WHEREAS, the Principal is about to submit, or has submitted, to the City of Stockbridge, Georgia, a proposal for furnishing materials, labor and equipment for:

Request For Proposal, No. 2025-0006
Annual On-Call Water And Sewer Emergency, Operational Repair, Maintenance and Construction

WHEREAS, the Principal desires to file this Bond in accordance with law in lieu of a certified Bidder's check otherwise required to accompany this Bid.

NOW, THEREFORE, the conditions of this obligation are such that if the bid is accepted, the Principal shall within ten days after receipt of notification of the acceptance execute a Contract in accordance with the Bid and upon the terms, conditions, and prices set forth in the form and manner required by the City of Stockbridge, Georgia, and execute a sufficient and satisfactory Performance Bond and Payment Bond payable to the City of Stockbridge, Georgia, each in an amount of 100% of the total Contract Price, in form and with security satisfactory to said the City of Stockbridge, Georgia, and otherwise, to be and remain in full force and virtue in law; and the Surety shall, upon failure of the Principal to comply with any or all of the foregoing requirements within the time specified above, immediately pay to the City of Stockbridge,

Georgia, upon demand, the amount hereof in good and lawful money of the United States of America, not as a penalty, but as liquidated damages.

EXHIBIT D
BOND DOCUMENTS

PROVIDED, FURTHER, that Principal and Surety agree and represent that this bond is executed pursuant, to and in accordance with the applicable provisions of the Official Code of Georgia Annotated, as Amended, including, but not limited to, O.C.G.A. SS 13-10-1, et. Seg. And SS 36-86-101, et. Seg. And is intended to be and shall be constructed as a bond in compliance with the requirements thereof. Signed, sealed, and dated this _____ day of _____, 2025.

ATTEST:

_____ _____
(Principal Secretary) (Principal)

(SEAL) BY: _____

(Witness to Principal) (Address)

_____ _____

_____
(Address)

_____
(Surety)

ATTEST
BY: _____
(Attorney-in-Fact) and Resident Agent

_____
(Attorney-in-Fact)

(Seal) _____
(Address)

_____
(Witness as to Surety)
_____
(Address)
_____

EXHIBIT D
BOND DOCUMENTS

PAYMENT BOND

KNOW ALL MEN BY THESE PRESENTS: THAT

_____
(Name of Contractor)

_____
(Address of Contractor)

_____
(Corporation, Partnership or Individual)

_____
Hereinafter called Principal, and

_____
(Name of Surety)

_____
(Address of Surety)

A Corporation of the State of _____and a surety authorized by law to do business in the State of Georgia, hereinafter called Surety, are held and firmly bound unto:

The City of Stockbridge Georgia
_____
(Name of Obligee)

4640 N Henry Blvd. Stockbridge, Georgia 30281
_____
(Address of Obligee)

Hereinafter referred to as Obligee; for the use and protection of all subcontractors and all persons supplying labor, services, skill, tools, machinery, materials and/or equipment in the prosecution of the work provided for in the contract hereinafter referred to in the full and just sum of _____ Dollars ($_____) in lawful money of the United States, for the payment of which sum well and truly to be made, the Principal and Surety bind themselves, their, and

EXHIBIT D
BOND DOCUMENTS

each of their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

The condition of this obligation is such, as whereas the Principal entered into a certain contract, hereto attached, with the Obligee, dated_____ for _____.

NOW, THEREFORE, the conditions of this obligation are such that if the Principal shall well, truly, and faithfully perform said Contract in accordance to its terms, covenants, and conditions, and shall promptly pay all persons furnishing labor, materials, services, skill, tools, machinery and/or equipment for use in the performance of said Contract, then this obligation shall be void; otherwise, it shall remain in full force and effect.

All persons who have furnished labor, materials, services, skill, tools, machinery and/or equipment for use in the performance of said Contract shall have a direct right of action on this Bond, provided payment has not been made in full within ninety (90) days after the last day on which labor was performed, materials service, skill, tools, machinery, and equipment furnished or the subcontract completed.

PROVIDED FURTHER, that said Surety to this Bond, for value received, hereby stipulates and agrees that no change, extension of time, alterations, or additions, to the terms of the Contract or to the Work to be performed thereunder shall in any way affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alterations, or additions to the terms of the Contract or to the work to be performed thereunder.

PROVIDED, HOWEVER, that no suit or action shall be commenced hereunder by any person furnishing labor, materials, services, skill, tools, machinery, and /or equipment having a direct contractual relationship with a subcontractor, but no contractual relationship express or implied with the Principal:

Unless such person shall have given notice to the Principal within 120 days after such person did, or performed the last of the work or labor, or furnished the last of the materials, services, skill, tools, machinery and/or equipment for which claim is made, stating with substantial accuracy the amount claimed and the name of the party to whom the materials, services, skill, tools, machinery, and/or equipment were furnished, or for whom they work or labor was done or performed. Such a notice shall be served by mailing the same by registered mail, postage prepaid, in an envelope addressed to the Principal, at any place where an office is regularly maintained for the transaction of business, or served in any manner in which legal process may be served in the State in which the aforesaid project is located, save that such service need not be made by a public officer, and a copy of such notice shall be delivered to the Obligee, to the person and at the address provided for in the Contract, within five days of the mailing of the notice to the Principal.

EXHIBIT D
BOND DOCUMENTS

PROVIDED FURTHER, any suit under this Bond must be instituted before the expiration of one year after the acceptance of the public works covered by the Contract by the proper authorities.

PROVIDED FURTHER, that Principal and Surety agree and represent that this bond is executed pursuant to and in accordance with the applicable provision of the Official Code of Georgia Annotated, as amended, including, but not limited to, O.C.G.A. SS 13-10-1, et. Eq. and SS 36-86-101, et. Seg., and is intended to be and shall be construed as a bond in compliance with the requirements, therefore.

Signed, sealed, and dated this_____day of_____, 2025
ATTEST:

_____ _____
(Principal Secretary) (Principal)
(Seal)

By:_____

_____ _____
(Witness to Principal) (Address)

_____ (Surety)

ATTEST BY:
_____ _____
Agent
_____
(Attorney-in-Fact)

(Seal)

_____
(Address)

_____
(Witness as to Surety)

EXHIBIT D
BOND DOCUMENTS
PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS: THAT

_____

(Name of Contractor)

_____

(Address of Contractor)

_____

(Corporation, Partnership or Individual)

_____

Hereinafter called Principal, and

_____

(Name of Surety)

_____

(Address of Surety)

A Corporation of the State of _____ and a surety authorized by law to do business in the State of Georgia, hereinafter called Surety, are held and firmly bound unto:

The City of Stockbridge, Georgia

_____

(Name of Obligee)

4640 N Henry Blvd., Stockbridge, Georgia 30281

_____

(Address of Obligee)

Hereinafter referred to as Obligee; are held firmly bound unto said Obligee and all persons doing work or furnishing skill, tools, machinery, supplies, or material under or for the purpose of the Contract hereinafter referred to, in the penal sum of: _____Dollars ($_____), in lawful money of United States, for the payment of which sum well and truly to be made, we bind

EXHIBIT D
BOND DOCUMENTS

ourselves, our heirs, executors, administrators and successors, jointly and severally, firmly by these presents.

The condition of this obligation is such, as whereas the Principal entered into a certain contract, hereto attached, with the Obligee, dated_____ for: _____.

NOW THEREFORE, the conditions of this obligation are such that if the above-bound Principal shall well, truly, fully and faithfully perform said contract according to its terms, covenants, conditions, and agreements of said contract during the original term of said contract and any extensions thereof that may be granted by the oblige, with or without notice to the Surety, and during the life of any guaranty required under the contract, and shall also well and truly perform and fulfill all the undertakings, covenants, terms, conditions and agreement of any and all duly authorized modifications of said contract that may hereafter be made, then his obligation shall be void, otherwise to remain in full force and effect.

PROVIDED FURTHER, that said Surety to this Bond, for value received, hereby stipulates and agrees that no change, extension of time, alterations, or additions to the terms of the Contract or to the Work to be performed thereunder shall in any way affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alterations, or additions to the terms of the Contract or to the work to be performed thereunder.

PROVIDED FURTHER, that Principal and Surety agree and represent that this bond is executed pursuant to and in accordance with the applicable provisions of the Official Code of Georgia Annotated, as amended, including but not limited t. O. C.G.A. SS 13-10-1 et. Eq. and SS 36-86-101, et Seg., and is intended to be and shall be construed as a bond in compliance with the requirements thereof.

Signed, sealed, and dated this_____day of _____, 2025

ATTEST:

_____

(Principal)

_____

(Principal Secretary)

(Seal)

By: _____

_____

(Witness to Principal)

_____

(Address)

EXHIBIT D
BOND DOCUMENTS

_____
(Surety)

ATTEST:

_____
(Attorney-in-Fact) and Resident Agent

_____
(Attorney-in-Fact)

(Seal)

_____
(Address)

_____
(Witness as to Surety)

_____
(Address)

EXHIBIT D
BOND DOCUMENTS

MAINTENANCE BOND

PROJECT NO: _____
BOND NO: _____

KNOW ALL MEN BY THESE PRESENTS that we, _____ as Principal, and _____as Surety, are held and firmly bound unto the CITY OF STOCKBRIDGE, GEORGIA, as Obligee in the sum of one-third of the contract bid for the payment of which said Principal and Surety bind themselves, their heirs, administrators, executors, successors and assigns jointly and severally, firmly by these presents.

WHEREAS, the Principal has entered into an agreement with the City of Stockbridge. Said work has now been completed and the Obligee desires a maintenance bond guarantee said streets and improvements for a period of one-year beginning_____ and ending_____.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the Principal shall fully indemnify and save harmless the City of Stockbridge from any and all loss, costs, expenses or damages, for any repairs or replacements required because of defective workmanship or materials in said construction, then this obligation shall be null and void; otherwise to be and remain in full force and effect as to any such claim arising within one year from the completion of said construction as set forth in said agreement.

Signed, sealed and dated this_____ day of _____, 2025

Witness:

_____
(Principal)

_____
(Name of Surety Company)

_____
(Attorney-in-fact)

End of Exhibit D.

Response Proposals Listing
for
Request for Proposals No. 2025-0004
Annual On-Call Sidewalk Repairs and Replacement

The following proposals were received in response to Request For Proposals No. 2025-0004, City of Stockbridge Annual On-Call Sidewalk Repairs and Replacement by the closing date of 6/3/2025, 3:00PM, EST.

A & S Paving, Inc.

Blount Construction Company, Inc.

CGS Waterproofing, LLC

Construction

CSTE, Inc.

DAF Concrete, Inc.

HFJ Concrete

Limitless Concrete & Works, Inc.

Peach State Construction Co., LLC

The M. Mitchell Group, LLC

City of Stockbridge

AGENDA ITEM

MEETING DATE

September 8, 2025

■	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
☐	CDBG
☐	GRANT FUNDING
☐	COUNCIL INITIATIVE
☐	PARTNER/SPONSOR
■	DEPARTMENT BUDGET
☐	BONDING

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER: Decius T. Aaron

DEPARTMENT: Sewer

ITEM/PROJECT/EVENT:

Purchase Phosphorous removal chemical from Cedar Chem.

BACKGROUND INFORMATION:

Cedar Chem product CC2050 is used in the treatment and removal of Phosphorus at the Wastewater Treatment Plant. The City's NPDES Permit limit for Phosphorous is 0.30 mg/l and jar tests were performed using several Phosphorous removal chemicals to determine which product effectively removed Phosphorous below the limits specified in the City's NPDES Permit. The test results indicated that Cedar Chem CC2050 worked best for the City's wastewater process. Staff is requesting approval to use $60,000.00 of the Sewer Department's chemical line item to purchase Cedar Chem CC2050.

Decius T. Aaron

SIGNATURES:

CITY MANAGER _____

CITY TREASURER _____

CITY ATTORNEY _____

☐ FINANCIAL IMPACT ☐ N/A

AMOUNT **$60,000.00**

ATTACHMENTS: ■

CEDARCHEM®

A Solenis Company

July 14, 2025

Dear Kevin,

We hope this message finds you well. We are writing to inform you about an upcoming change that will take effect on **August 1, 2025**.

As you may be aware, recent changes in international trade policy have resulted in increased tariffs on a range of imported goods and materials. These tariffs have continued to significantly impact the cost of sourcing the high-quality products and components we use to serve you. Despite our best efforts to absorb these additional costs through operational efficiencies and supply chain adjustments, the continued rise in tariffs has made it necessary for us to implement a price adjustment to the products listed below.

Product	Description	Price
CC 2050	45,000 lb. Bulk	$0.343/lb. - Delivered

We understand that price increases are never ideal, and we want to assure you that this decision was made only after careful consideration. Our priority is to continue delivering exceptional value, and we remain committed to supporting your needs through this change. Please contact your Key Account Manager with any questions.

We sincerely appreciate your continued support and partnership.

Sincerely,

Adrienne Hess

Bid & Pricing Coordinator

CedarChem, LLC

CC: Drew Ellis

Stockbridge
Where Community Connects

JUSTIFICATION FOR SOLE SOURCE PURCHASE
(Total cost $5,000.01-$50,000.00)

PURCHASE REQ. NO.: _____ **TOTAL COST:** $60,000.00

VENDOR NAME: CedarChem

DESCRIPTION: (Describe what is to be purchased)

Chemicals for WWTP

PURPOSE: (Describe the intended use of the item or service)

Specialized chemical to remove phosphorus in wastewater.

JUSTIFICATION: (Describe why **only** one source is available to supply the item or service)

Cedarchem is the manufacturer of the CC2050 . Extensive testing was completed with other chemicals and the results indicted that the CC2050 manufactured by Cedarchem worked best for the City's wastewater process.

LOCATION: (Identify the department that needs the item or service)

WWTP

GL Account Number: 505-43300-531706 (Number) _____ (Project#)

Department Head: Dennis T. Aaron (Type/Print Name) Dennis T. Aaron (Signature)

8/14/2025 (Date)

City Manager: Shane Edmondson (Type/Print Name) _____ (Signature)

8/14/25 (Date)

CITY OF STOCKBRIDGE

4640 NORTH HENRY BOULEVARD
STOCKBRIDGE, GEORGIA 30281
PHONE (770) 389-7900
FAX (770) 389-7912

August 14, 2025

MEMORANDUM

TO: Shawn Edmondson
City Manager

FROM: Decius T. Aaron
Public Works Director

DATE: August 14, 2025

REFERENCE: Cedar Chem

Cedar Chem product CC2050 is used in the treatment and removal of Phosphorus at the Wastewater Treatment Plant. The City's NPDES Permit limit for Phosphorous is 0.30 mg/l and jar tests were performed using several Phosphorous removal chemicals to determine which product effectively removed Phosphorous below the limits specified in the City's NPDES Permit. The test results indicated that the Cedar Chem CC2050 worked best for the City's wastewater process.

If additional information is needed, please advise.

Cc: Kevin Miller, Sewer Superintendent

DTA:da

CEDARCHEM

Chemistry for Clean Water

P.O. Box 271 Cedartown, GA 30125; 770-748-3863 (Customer Service); 770-748-3887 (Fax)

March 29, 2016

Mr. Brad Holtsinger
City of Stockbridge WWTP
100 Stapelton Road
Stockbridge, Georgia 30281

Re: CC2050

CedarChem, LLC of Cedartown, GA is the sole source for CC 2050. This product is manufactured in Orangeburg, SC exclusively for CedarChem, LLC.

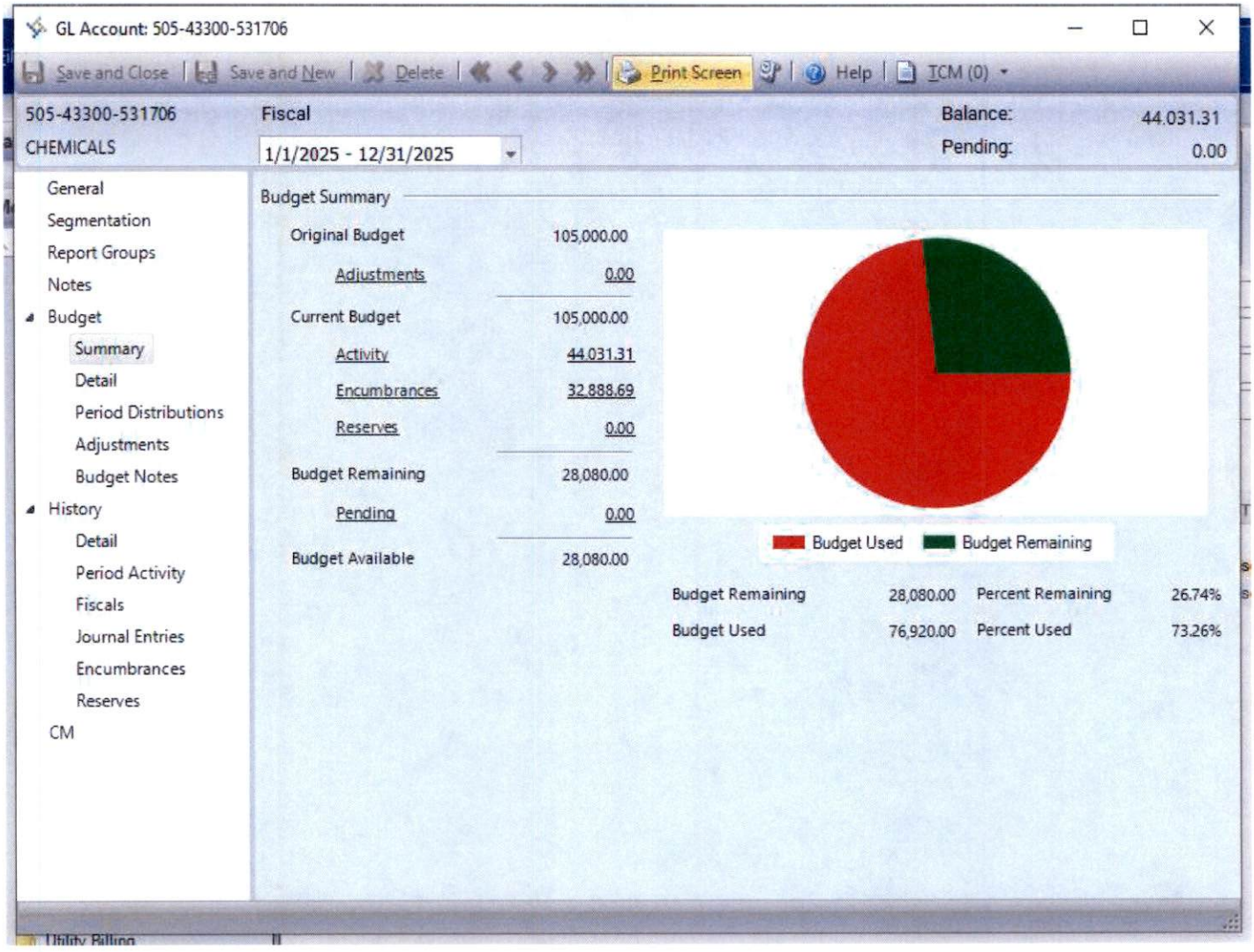
Thank you

Sincerely,

Christa J. Zuker

Christa J. Zuker
Bid & Pricing Coordinator
CedarChem, LLC

CC: Scott Wright


GL Account: 505-43300-531706
Save and Close
Save and New
Delete
Print Screen
Help
TCM (0)
505-43300-531706
CHEMICALS
Fiscal
1/1/2025 - 12/31/2025
Balance:
44,031.31
Pending:
0.00
General
Segmentation
Report Groups
Notes
Budget
Summary
Detail
Period Distributions
Adjustments
Budget Notes
History
Detail
Period Activity
Fiscals
Journal Entries
Encumbrances
Reserves
CM
Budget Summary
Original Budget 105,000.00
Adjustments 0.00
Current Budget 105,000.00
Activity 44,031.31
Encumbrances 32,888.69
Reserves 0.00
Budget Remaining 28,080.00
Pending 0.00
Budget Available 28,080.00
Budget Used
Budget Remaining
Budget Remaining 28,080.00 Percent Remaining 26.74%
Budget Used 76,920.00 Percent Used 73.26%

City of Stockbridge

AGENDA ITEM

MEETING DATE

September 8, 2025

☐	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 or TSPLOST
☐	ARPA
☐	GRANT
☐	HOTEL/MOTEL TOURISM
☐	COUNCIL INITIATIVE
☐	PARTNER/SPONSOR
☐	DEPARTMENT FUND BALANCE
☐	BONDING

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER: Mr. Frank Milazi, CFO

DEPARTMENT: Finance Department

ITEM/PROJECT/EVENT:

Consideration to approve Renewal of Contract No. RFP 2024-0004 for Financial Audit Services with Mauldin & Jenkins, Certified Public Accountants. This is the second (2nd) optional renewal.

BACKGROUND INFORMATION:

On April 11, 2024, the City of Stockbridge Procurement Division received Request For Proposals from qualified firms to provide Financial Audit Services. Upon completion of the review, and the evaluation of the response proposals, the Selection Committee ranked the responses based on the factors outlined in the RFP. Of the three responding firms (Mauldin & Jenkins, CKH CPAs & Advisors, and HCT CPAs and Consultants), Mauldin and Jenkins CPAs was ranked number one (1).

APPROVALS: CITY MANAGER _____

CITY TREASURER _____ 9/3/2025

CITY ATTORNEY _____

GRANTS ADMIN. _____

■ FINANCIAL IMPACT ☐ N/A

AMOUNT $
67,500.00

ATTACHMENTS: ☐

ITEM/PROJECT/EVENT:

On July 30, 2024, City Council approved awarding the contract to Mauldin & Jenkins CPAs for financial services to audit the City of Stockbridge financial statements for the years ending December 31, 2024 - 2028. The contract will be automatically renewed unless terminated by either party sixty (60) days prior to the end of December.

BACKGROUND INFORMATION:

STAFF RECOMMENDATION:

The Contract terms is for one (1) year with the option to renew for four (4), one (1) year periods, with such options in the City's sole discretion.

City Staff is seeking approval to renew the Financial Audit Services Contract with Mauldin & Jenkins CPAs for its second (2nd) optional renewal year for the budgeted amount of $67,500.00.

The first (1st) renewal year ends December 31, 2025.

Attachments:
1. Contract Renewal Evaluation Form
2. Fully-Executed Contract
3. Resolution No. R24-1728
4. Request For Proposal (RFP) 2024-0004
5. Mauldin & Jenkins Response Proposal to include Cost Proposal

Staff Signature_____

City of Stockbridge

REQUEST FOR PROPOSAL No. 2024-0004

For
Financial Audit Services

On behalf of
(City Manager's Office)

RFP DUE DATE AND TIME
April 11, 2024 @ 3:00 p.m. EST

RFP ISSUANCE DATE:
February 26, 2024

THERE WILL BE NO PRE-PROPOSAL CONFERENCE

PURCHASING CONTACT
Drexal D. Paulk @ 770-389-7900 ext. 322
E-MAIL: dpaulk@stockbridgega.org

LOCATION
City of Stockbridge
Department of Procurement
4640 N. Henry Boulevard
Stockbridge, Ga. 30281

ADVERTISEMENT FOR REQUEST FOR PROPOSALS

RFP 2024-0004 Financial Audit Services

All proposals are due to the Division of Contracts & Procurement on or before **Thursday, April 11, 2024, at 3:00 P.M**., legal prevailing time. Proposals shall be submitted in-person at the Division of Contracts and Procurement. One (1) original and five (5) copies and an electronic version on a thumb drive. Proposals submissions are due up until **3:00 p.m., Thursday April 11,2024**.

Proposals submitted after the proposal close date will not be accepted. Note: Any proposal submitted in any other format (email, paper, fax, mail, etc.) will not be accepted for any reason.

To ensure proper and timely submission please adhere to the dates and times outlined above. Any proposals received after this appointed schedule will be considered late. The proposal due date can be changed only by addendum.

A PRE-PROPOSAL CONFERENCE will NOT be held for this solicitation.

Please feel free to contact the Procurement Officer for this solicitation at (770) 389- 7800 ext. 322 or via email DPaulk@Stockbridgega.org. Please note that the response made by the City will be provided in writing to all Proposers by addendum. No verbal responses shall be authoritative.

EVENT	**DATE**
Request For Proposals Issued to Public	Monday, February 26, 2024
Non-Mandatory Pre-Bid Conference via **Cisco WebEx**.	**NO PRE-PROPOSAL CONFERENCE**
Last Day for Questions to be Submitted	Thursday, March 21, 2024 @ 12Noon EST
RFP Submission Deadline	Thursday, April 11, 2024 @ 3pm

City of Stockbridge
Department of Finance
Division of Contracts & Procurement

REQUEST FOR PROPOSAL SPECIFICATIONS

RFP 2024-0004 Financial Audit Services

1. DESCRIPTION

The City of Stockbridge Department of Procurement is soliciting Proposals from qualified vendors to assist the City with the preparation of a **financial audit.**

Background

The City of Stockbridge is in the northern part of Henry County, Georgia which was founded May 15, 1821. Henry county has an area of approximately 331 square miles located in the Piedmont Section of northern Georgia and is surrounded by the counties of Butts, Clayton, DeKalb, Newton, Rockdale, and Spalding Counties. Stockbridge, Georgia is just minutes south of Atlanta a straight drive down Interstate 75-South. The City is populated with approximately 30,000 residents.

The City of Stockbridge is a relaxed atmosphere, with all the amenities of a major metropolitan area with attractive lifestyle, and business opportunities. Stockbridge is also a wonderful place to live, work and play.

Stockbridge City Council (City) is the governing authority of the City of Stockbridge. The affairs of the City are conducted by a Mayor and five (5) member City Council. This elected body is responsible for the active coordination of community resources, to meet community needs.

The City Manager, who is appointed by the Mayor and City Council, oversees the day-to-day operations of the City, ensuring the efficient delivery of City Services. All activities and functions of the City are administered by the City Manager under the jurisdiction of the Mayor and City Council as set forth in State and Local Laws.

2. CONTACT PERSON

Please contact our procurement agent, Drexal Paulk, via email at DPaulk@Stockbridgega.org with any procedural or technical questions relating to this Request for Proposals. All questions should be submitted in writing to the Purchasing contact person and submitted via email at DPaulk@Stockbridgega.org. All inquiries must contain the request for proposal number and title in the subject line of the email. No phone calls will be accepted. Any responses made by the City will be provided in writing to all Proposers by addendum. No verbal responses shall be authoritative.

3. TERM OF AGREEMENT

The contract is intended for a one (1) year base and four (4) one-year renewable options that are contingent of funds availability.

4. SCOPE OF WORK

4.1 GENERAL INFORMATION

A. Purpose and Invitation to Submit Proposal. The City of Stockbridge is requesting proposals from qualified firms of certified public accountants to audit its financial statements for the fiscal years ending December 31, 2024, December 31, 2025, December 31, 2026, December 31, 2027, and December 31, 2028. These audits are to be performed in accordance with generally accepted auditing standards, the standards set forth for financial audits in the U.S. General Accounting Offices (GAO) Government Auditing Standards, the provisions of the Federal Single Audit Act of 1984 and U.S. Office of Management and Budget (OMB) Circular A-133, Audits of State, Local Governments, and nonprofit organizations. There is no expressed or implied obligation for the City to reimburse the responding firms for any expenses incurred in preparing proposals in response to this request. During the evaluation process, the City reserves the right to request additional information or clarification from proposers, where it may serve the City's best interest. Proposals submitted will be reviewed and evaluated by staff based on evaluation criteria and it is anticipated that the top three (3) will be recommended to the City Evaluation Committee. The top three (3) proposals will be notified to prepare a formal oral presentation to the Evaluation Committee. A “Best and Final” firm will be selected based on evaluation criteria scoring. This firm will be presented to the Finance Committee in the form of a contract for approval and recommendation to the City of Stockbridge City Council for approval in March. The City reserves the right to retain all proposals submitted, and to use any ideas in a proposal regardless of whether that proposal is selected. Submission of a proposal indicates acceptance by the firm of the conditions contained in this request for proposals, unless clearly and specifically noted in the proposal submitted, and confirmed in the contract between the City and the firm selected. It is anticipated that the Finance Committee will make a final recommendation to the City of Stockbridge City Council in April 2024 and that the City of Stockbridge will act upon that recommendation and award a contract in April 2024.

4.2 B. **Term of Contract**. A four-year contract for fiscal years ending December 31, 2024, December 31, 2025, December 31, 2026, December 31, 2027, and December 31, 2028, subject to the review and recommendation of the Finance Committee, the concurrence of the City of Stockbridge City Council, and the annual availability of an appropriation.

The external auditor shall prepare the City's Annual Comprehensive Financial Report (ACFR) in a form similar to the most common report. This includes the preparation of combined and combining financial statements. The City is requesting assistance with preparation of the ACFR. The City also desires the auditor to express an opinion on the fair presentation of its basic financial statements in conformity with generally accepted accounting principles. The basic financial statements are comprised of government-wide financial statements and fund financial statements. For the government-wide statements, the primary government includes governmental activities and business-type activities; and two discreetly presented component units. The fund statements include each major fund, aggregate remaining funds, and budgetary comparison statements for the major funds. Furthermore, the City desires the auditor to express an "in relation to" opinion on the fair presentation of its combining and individual fund financial statements and schedules in conformity with generally accepted accounting principles. The auditor is not required to audit the introductory and statistical section of the ACFR. The auditor shall also be responsible for performing certain limited procedures involving The Management's Discussion and Analysis and Required Supplementary Information required by the Governmental Accounting Standards Board, as mandated by generally accepted auditing standards. 2. The City desires the auditor to conduct a Single Audit of the City's Federal grant programs. This includes Notes to the Schedule of Expenditures of Federal Awards, the Schedule of Findings and Questioned Costs, and a Summary Schedule of Prior Audit Findings Following the preparation of the aforementioned, the auditor shall issue the following reports:

a) Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of the Financial Statements Performed in Accordance with Government Auditing Standards.

b) Report on Compliance for Each Major Federal Program; Report on Internal Control over Compliance; and Report on Schedule of Federal Expenditures of Federal Awards Required by OMB Circular, In addition to the Comprehensive Annual Financial Report and the Single Audit Report of the City, this engagement includes an audit from the Clerk of the Circuit Court. This audit requires the preparation of financial statements, as well as a supplemental schedule encompassing detailed information in the Annual Financial Report.

The related audit includes:

a) Independent Auditor's Report

b) Independent Accountants' Report on Compliance and on Internal Control Over Compliance

c) Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on GAAP Principles. Audit of Financial Statements Performed in Accordance with Government Auditing Standards.

d) Financial Statements: 1) Combined Balance Sheet 2) Notes to the Financial Statements Supplementary Information: Combining Statement of Changes in Assets and Liabilities – Agency Funds Report J – Annual Financial Report.

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i. Project Manager

The awarded service provider shall propose a clear project management and consultation framework.

ii. Project Reporting

The City of Stockbridge requires that the awarded vendor include a detailed project timeline and reporting schedule outlining the steps taken to ensure timely delivery of all project outputs based around interim milestones and a completion date.

1. SPECIAL CONDITIONS/INSTRUCTIONS

No Contact During Procurement Process

The evaluation and award process for City contracts shall be free from both actual and perceived impropriety, and that contacts between potential vendors and City officials, elected officials and staff regarding pending awards of City contracts shall be prohibited.

1. No person, firm, or business entity, however situated or composed, obtaining a copy of or responding to this solicitation, shall initiate or continue any verbal or written communication regarding this solicitation with any City officer, elected official, employee, or designated City representative, between the date of the issuance of this solicitation and the date of the City Manager's recommendation to the City Council for award of the subject contract, except as may otherwise be specifically authorized and permitted by the terms and conditions of this solicitation.

2. All verbal and written communications initiated by such person, firm, or entity regarding this solicitation, if same are authorized and permitted by the terms and conditions of this solicitation, shall be directed to the Purchasing Agent.

3. Any violation of this prohibition of the initiation or continuation of verbal or written communications with City officers, elected officials, employees, or designated City representatives shall result in a written finding by the Purchasing Agent that the submitted bid or proposal of the person, firm, or entity in violation is "non-responsive", and same shall not be considered for award.

TECHNICAL PROPOSAL PART 1- TELL US ABOUT YOUR COMPANY/FIRM

Tab 1 - Cover Letter

The proposal must include a letter of transmittal attesting to its accuracy, signed by an individual authorized to execute binding legal documents on behalf of the vendor. The cover letter shall provide the name, address, telephone, and facsimile numbers of the vendor along with the name, title, address, telephone, and facsimile numbers of the executive that has the authority to contact the City. The cover letter shall present the vendor's understanding of the project, a summary of the approach to be undertaken to perform the services, as well as a summary of the costs to provide the services.

Tab 2 - Executive Summary

The vendor shall submit an executive summary, which outlines its proposal, including the proposed general management philosophy. The executive summary shall at a minimum include an identification of the proposed project team, assign a contractor point of contact for the project, give the responsibilities of the project team, and a summary of the proposed services. This section should highlight aspects of the contractor's proposal which make it superior or unique in addressing the needs of the City.

Tab 3 - Company History

The vendor will provide, in this section of the proposal, pertinent company historical information that will demonstrate its ability to successfully accomplish this project.

Primary Business

The vendor will provide, in this section of the proposal, its primary business interest and/or operations including organization and affiliations, including the magnitude of its operation as it relates to this project.

Tab 4 - Experience

The vendor will provide, in this section of the proposal, a detailed description of similar services or contracts in which the vendor is presently involved or has completed during the past three (3) years. Include the dollar amount of each project with which you were associated.

Tab 5 - Capabilities

The vendor will provide in this section of the proposal a description of the firm's capabilities, any limitations relative to facilities, staff, ongoing projects, or contracts shall be identified and explained. The vendor should be able to adequately showcase their ability to meet all the standards outlined in this RFP.

Tab 6 - Company Principles

Provide a biographic overview of the vendor's key principles.

Staff

The vendor shall provide, in this section of the proposal, a description of key staff and personnel that will be assigned to effectively facilitate the requirements of this project. This description will include, at a minimum, the number of permanent employees, part-time employees and an organizational chart reflecting local and corporate assignments and responsibilities. Specifically, the vendor must identify what priority will be placed on this project and how the firm intends to provide the initial management and staff.

Resumes

The vendor shall provide, in this section of the proposal, resumes of key personnel which will be assigned to this project, both local and corporate. Each resume shall include at a minimum:

- Position/title
- Tenure with the vendor
- Education
- Overall experience
- Other related information pertaining to the work to be performed

PART 2 - TECHNICAL PROPOSAL

TELL US HOW YOU PLAN TO DELIVER/PERFORM THE SCOPE OF WORK.

Project Plan

Please provide a detailed plan of how your firm intends to deliver/perform the scope of work. Please provide full project plan along with tentative timeline. Please also list key personnel that will be performing essential tasks. The project plan should describe the offeror's approach to successful implementation to address the proposed scope of work. At a minimum, the project plan should include:

- A detailed outline of the proposed methodology to complete and manage the project scope including high level timeline and brief description of the key tasks, key milestones, and key deliverables.
- A public involvement plan addressing what types of involvement methods will be used and the frequency of each activity.
- State the vendor/offeror's understanding of the scope services being solicited by the City. If there are any gaps between what the vendor/offeror believes should be the proper scope of services, given all information available, the offeror should clearly identify these gaps.

- Discuss any assumptions relating to the responsibilities and/or commitments the offeror is expecting of the City throughout the life of the project.

- Provide a timeline indicating tasks required and the start and completion dates for each. It is expected that the work will commence as soon as possible after the contract is awarded.

- Provide a detailed breakdown and description of the specific steps, and services that will be provided. Describe how the final product will be structured and presented upon completion. Include any computer/software compatibility information. Vendors may elect to include in the section any innovative methods or concepts that might be beneficial to the City of Stockbridge as long as the minimum requirements set out in this RFP are met.

- Project Team The offeror should document its experience and qualifications for the project highlighting any strategic benefits the City will realize in partnering with the offeror. The offeror should also provide a staffing plan for this project including qualifications (of no more than two pages per person) of the proposed key functional and technical members and their related roles for this project. The proposed project manager should be identified. The intent, if any, to subcontract parts of the scope of work should be described and qualifications for the subcontracting firm and key personnel should also be provided.

COST PROPOSAL: PLEASE PROVIDE AS MUCH ITEMIZATION AS POSSIBLE. DO NOT INCLUDE WITHIN TECHNICAL SPECIFICATIONS COST SHALL BE SUBMITTED IN SEPARATE ENVELOPE

Reasonableness

The Vendor's Fee Schedule, included in this solicitation, must be submitted separately from Technical Proposal. The Cost Proposal shall remain sealed until the Technical Proposals have been opened and evaluated. The vendor whose technical score ranks above the average will have their Cost Proposals unsealed and scored. The vendor whose technical score ranks below the average will NOT have their Cost Proposals unsealed and scored.

The formula used to evaluate price for services outlined in Scope of Work is as follows:

(Lowest price / price of proposal being evaluated) x points available for price = score. The Cost Proposals for all services will be evaluated for completeness and reasonableness.

Best Value

The cost proposal is important; however, it will not be the sole determining factor in the selection process. It is not the intent of the City to limit innovative solutions by dollar constraints, but rather to determine which proposal has the potential of providing the best value for the services required.

Proposal Evaluation Factors

It is the intent of the City to evaluate the proposals based on technical merit and price and to choose the vendors whose proposal best represents the best value to the City. The City reserves the right to waive any irregularities, reject any and/or all proposals, in whole or in part, when, in the opinion of the City, such rejection is in the best interests of the City.

Proposals will be graded based on the following form:

Evaluation Criteria	Weight	Score
Company Background & Qualifications	24%	
Technical Proposal: Plan for execution of Scope of Work	30%	
Cost Proposal	30%	
Performance of Similar Projects	8%	
Local Business: Within City Limits	3%	
Number of CPAs on staff.	5%	
Total	100%	

Ratings descriptions are on the next page.

Rating	Description
1 - 20	**Poor**
21 - 40	**Fair**
41 - 60	**Good**
61 - 80	**Excellent**
81 - 100	**Superior**

BASIS FOR EVALUATION OF PROPOSALS AND AWARD OF PROJECT

The City does not discriminate on the grounds of race, religion, color, age, sex, disability, sexual orientation, or national origin in consideration of an award. Disadvantaged business enterprises are afforded a full opportunity to submit proposals. Proposals will be evaluated on the Consultant's qualifications, experience, project understanding and approach. Based on the preliminary review of the proposals, Consultants may then be interviewed prior to selection. The award will be made to the Consultant providing the best value for the City's requirements. In making such determination, City Council shall consider but not be limited to the following factors:

1. The Consultant's skill, ability, and capacity to perform the services required.
2. The Consultant's interest in the services which is the subject of this RFP, as well as their understanding of the scope of such services and the specific requirements of the City.
3. The Consultant's ability to perform the services within the time period specified, without delay or interference.
4. The Consultant's character, integrity, reputation, judgment, experience and efficiency.
5. The Consultant's previous and current compliance with statutes, ordinances and rules relating to the Project.
6. The sufficiency of the Consultant's financial resources necessary for the performance of the Project.
7. The number and nature of any conditions attached to the proposal.
8. The general organization of the proposal: Special consideration will be given to submittals which appropriately address the goals; and provide in a clear and concise format the requested information; and
9. The scope, responsiveness, efficiency, and quality of the Consultant's administrative services.

The City makes no commitment to any firm or consultant until such time as the City approves the negotiated contract. Upon recommendation of the Procurement Manager and City Manager, the Mayor and the City Council may reject all proposals when it determines that such action is in the public's best interest.

2. INSURANCE & RISK MANAGEMENT PROVISIONS

The contractor will maintain such insurance as will protect it from claims under workmen's compensation acts and from any other claims for damages to property and personal injury, including death, which may arise from operations under this contract, whether such operations be by itself or by any sub-contractor or anyone directly or indirectly employed by either of them. Certificates of such insurance **MUST** be filed with the City.

Contractor Insurance Requirements:

Within 5 days of Notice of Award, and at all times that this Contract is in force, the Contractor shall obtain, maintain, and furnish the City Certificates of Insurance from licensed companies doing business in the State of Georgia with an A.M. Best Rating A-10 or higher and acceptable to the City covering. The City of Stockbridge must be listed as an additional insured. The following minimum requirement shall apply to said Certificate of Insurance:

1. Workers' Compensation & Employer's Liability Insurance. Workers' Compensation Insurance in compliance with the applicable Workers' Compensation Act(s) of the state(s) wherein the work is to be performed or where jurisdiction could apply in amounts required by statutes. Employer's Liability Insurance, with limits of liability of not less than $1,000,000 per accident for bodily injury or disease.

2. Commercial General Liability Insurance, including contractual liability insurance, product and completed operations, personal and advertising injury, and any other type of liability for which this Contract applies with limits of liability of not less than $1,000,000 each occurrence, $2,000,000 policy aggregate for personal injury, bodily injury, and property damage. Commercial General Liability Insurance shall be written on an "occurrence" form.

3. Automobile Liability Insurance with limits of liability of not less than $1,000,000 per accident for bodily injury and property damage if automobiles are to be used in the delivery of or in the completion of services and work or driven onto the City's property. Insurance shall include all owned, non-owned and hired vehicle liability.

4. Umbrella Insurance with limits of liability excess of Employer's Liability Insurance, Commercial General Liability Insurance and Automobile Liability Insurance in the amount of not less than $3,000,000.

5. Professional (Errors and Omissions) Insurance: For Professional Services and for all Design/Build Projects with limits of liability of not less than $3,000,000 per occurrence or claim $3,000,000 policy aggregate. Such policy shall also include coverage for losses arising from the breach of information security or cyber liability (including Errors & Omissions, Security and Privacy Liability and Media Liability), whether combined with the Professional Liability policy or placed as a separate policy but carrying the same limits of liability. Such coverage shall insure damage, injury and loss caused by error, omission or negligent acts, including all prior acts without limitation, related to the professional services to be provided under this Contract. The policy shall be amended to include independent contractors providing professional services on behalf of or at the direction of the Contractor.

The definition of Contractual Liability shall be amended to state that liability under a contract of professional services is covered. Further, coverage shall be afforded for fraudulent acts, misappropriation of trade secrets, internet professional services, computer attacks, personal injury, regulatory actions, wrongful acts, contractual liability, privacy policy, and insured versus insured. The Contractor shall ensure that coverage under this policy continues for a period of thirty-six (36) months after completion of services.

A copy of these endorsements shall be provided to the City.

Certificates of Insurance showing that such coverage is in force shall be filed under this Contract by the Contractor to the City and is a pre-requisite to this contract. Failure to provide insurance within (10) days of award makes any contract award voidable by the City.

The obligations for the Contractor to procure and maintain insurance shall not be construed to waive or restrict other obligations and it is understood that insurance in no way limits the liability of the Contractor whether or not same is covered by insurance.

Certificate Holder should read:
The City of Stockbridge
4640 North Henry Blvd.
Stockbridge, Ga. 30281

END OF SECTION

City of Stockbridge
Department of Finance
Division of Procurement

REQUEST FOR PROPOSALS
GENERAL TERMS AND CONDITIONS

The following provisions are hereby made a part of this Request for Proposal ("RFP"). Any contract or purchase order awarded as the result of this request shall be governed by these General Terms and Conditions. By submission of your responses to this RFP, vendor agrees to furnish the product(s) and/or service(s) pursuant to these conditions.

1. **GENERAL.** These provisions are standard for all City contracts. The City may delete or modify any of these standard provisions for a particular contract or purchase order by indicating a change in the special instructions or provisions. **Any vendor accepting a purchase order award as the result of this request agrees that the provisions included within this Request for Proposal shall prevail over any conflicting provision within any standard form contract of the vendor.**

2. **METHOD OF SOURCE SELECTION.** This procurement is being conducted in accordance with all applicable provisions of the City of Stockbridge Municipal Code and the specific method of source selection for the services required in this solicitation is Competitive Sealed Bidding and Competitive Sealed Proposals.

3. **SUBMISSION OF RESPONSES.** Responses must be submitted for quick quotes on-line via the Georgia Procurement Registry portal at https://ssl.doas.state.ga.us/gpr/index. Response to e-quotes must be received no later than 3:00 p.m. on the date indicated.

4. **STATE OF GEORGIA IMMIGRATION REQUIREMENT.** Effective July 1, 2013, State law requires that all contracts for the physical performance of services for all labor or service contract(s) that exceed $2,499.99 (except for services performed by an individual who is licensed pursuant to Title 26, Title 43, or the State Bar of Georgia) must comply with the Illegal Immigration Reform and Enforcement Act. The City cannot enter into a contract for the physical performance of services unless the contractor has registered with, is authorized to use and uses the federal work authorization program commonly known as E-Verify.

   Before a bid/proposal for any such services is considered by the City, the bid/proposal shall include a signed, notarized affidavit from the contractor attesting the affiant has registered with, is authorized to use, and uses the federal work authorization program.

5. **AMENDMENTS TO THE REQUEST PROPOSAL.** Any amendment to pricing is valid only if in writing and issued by the City.

6. **ADDENDUM.** Revision to the Request for Proposal issued by the City prior to the receipt of bids.

7. **NON-COLLUSION.** Bidder certifies that this bid/proposal is made without prior understanding, agreement or connection with any other corporation, firm or person submitting a bid for the same work, labor, or service to be done or the supplies, materials or equipment to be furnished and is in all respects fair and without collusion or fraud. Bidder further understands collusive bidding is a violation of state and federal law and can result in fines, prison sentences and civil damage awards. The bidder agrees to abide by all conditions of this bid and certifies that person signing is authorized to sign this bid or proposal for the bidder.

8. **CONFLICT OF INTEREST.** Vendor states that no City officer or employee, nor any business entity in which they have an interest: a) Has an interest in the contract awarded; b) Has been employed or retained to solicit or aid in the procuring of the resulting contract; c) Will be employed in the performance of such contract without immediate disclosure of such fact to the City.

9. **BASIS OF AWARD.** The City shall award to the overall responsible and responsive vendor complying with the provisions of the Request for Proposal. The following criteria may be considered by the City in selecting the most advantageous quote: a) Ability to perform the service required within the specified time; b) Conformance to specification; c) The quality of performance in previous contracts; d) Financial ability to perform the contract; e) Item pricing; f) vendor references. The City reserves the right to cancel the solicitation and to reject any or all quotes in whole or in part and is not bound to accept any quote if rejection of that quote is determined to be contrary to the best interest of the City.

10. **SAMPLES.** Samples of items, when required, must be furnished free of expense to the City and upon request, be returned to the Vendor at the Vendor's expense. Samples of selected items may be retained for comparison purposes.

11. **NEW.** All items bid must be new. Used, rebuilt and refurbished items will not be considered unless specifically authorized by the City in the written specifications.

12. **BRAND NAME SPECIFICATIONS AND APPROVED EQUIVALENTS.** Unless otherwise specified, manufacturer's names, trade names, brand names, information and/or catalog numbers listed in the specifications are intended only to identify the quality and characteristics desired. They are not intended to limit competition. The Vendor may offer any equivalent product which meets or exceeds the specifications. If quotations are based on equivalent products, the quote must: a) Indicate the alternate manufacturer's name and catalog number; b) Include complete descriptive literature and/or specifications; c) Include proof that the proposed equivalent will meet the specifications. The City reserves the right to be the sole judge of what is equal and acceptable to meet its needs in all respects. If Bidder fails to name a substitute, goods identical to the published standard must be furnished.

13. **INDEMNIFICATION.** Contractor/Vendor hereby agrees to release, indemnify, defend and hold harmless the City, it's Councilmembers, officers, employees, subcontractors, successors, assigns and agents from and against any and all losses (including death), claims, damages, liabilities, costs and expenses (including but not limited to all actions, proceedings, or investigations in respect thereof and any outcome of any such action, proceeding, or investigation), caused by, relating to, based upon or arising out of any act or omission by contractor, it's directors, officers, employees, subcontractors, successors, assigns or agents, or otherwise in connection with its acceptance, of the performance, or nonperformance, of it's obligations under this agreements.

14. **TAXES.** The City of Stockbridge is exempt from the State of Georgia sales tax and exemption certificate will be furnished upon request.

15. **DELIVERY.** All prices must be FOB Destination, unloaded inside and assembled unless otherwise indicated.

16. **RIGHTS AND REMEDIES OF CITY FOR DEFAULT.** If any item furnished by the Vendor fails to conform to specifications, or to the sample submitted by the Vendor, the City may reject it. Upon rejection, the Vendor must promptly reclaim and remove such item without expense to the City and shall immediately replace all such rejected items with others conforming to such specification and samples. If the Vendor fails to do so, the City has the right to purchase in the open market a corresponding quantity of any such items and to deduct from any monies due the Vendor the difference between the prices named in the purchase order and the actual cost to the City. If the Vendor fails to make prompt delivery of any item, the City has the right to purchase such item in the open market and to deduct from any monies due the Vendor the difference between the prices named in the purchase order and the actual replacement cost to the City. The rights and remedies of the City identified above are in addition to any other rights and remedies provided by law or under the purchase order or any contract or agreement with the City.

17. **INVOICES AND PAYMENT TERMS.** All invoices must include the purchase order number or master agreement number. Failure to comply may result in delayed payments. The City payment terms are Net 30 days unless a cash discount is allowed for payment within not less than twenty (20) days. The payment term shall begin on the date the merchandise is inspected, delivered, and accepted by the City and the correct invoice is received in the office specified on the purchase order.

18. **INVOICES AND PAYMENT TERMS.** All invoices must include the purchase order number or master agreement number. Failure to comply may result in delayed payments. The City payment terms are Net 30 days unless a cash discount is allowed for payment within not less than twenty (20) days. The payment term shall begin on the date the merchandise is inspected, delivered, and accepted by the City and the correct invoice is received by Accounts Payable.

    Submittal of Invoices: Invoices shall be submitted as follows:

    Via Mail:
    City of Stockbridge
    4640 N. Henry Boulevard
    Stockbridge, Georgia 30281
    Attn: Finance Department – Accounts Payable

    OR

    Via Email :
    Email: accountspayable@Stockbridgega.org

At minimum, original invoices must reference all of the following information:

1) Vendor Information
    a. Vendor Name
    b. Vendor Address
    c. Vendor Code
    d. Vendor Contact Information
    e. Remittance Address

2) Invoice Details
    a. Invoice Date
    b. Invoice Number (uniquely numbered, no duplicates)
    c. Purchase Order Reference Number
    d. Date(s) of Services Performed
    e. Itemization of Services Provided/Commodity Units

3) City of Stockbridge Department Information (needed for invoice approval)
    a. Department Name
    b. Department Representative Name

19. **LEGAL REQUIREMENTS.** Federal, State, County and local ordinances, rules and regulations, and policies shall govern development, submittal and evaluation of Proposal and disputes about quotes. Lack of knowledge by any Vendor about applicable law is not a defense.

20. **ASSIGNMENT.** Any purchase order awarded shall not be assignable by the Vendor without the express written approval of the City, and shall not become an asset in any bankruptcy, receivership, or guardianship proceedings.

21. **REJECTION OF BID or PROPOSAL.** Bids/Proposals may be considered irregular and may be rejected if they show omissions, alternations of form, additions not called for, conditions, limitations, unauthorized alternate bids, or other irregularities of any kind. The City reserves the right to waive minor technicalities or irregularities of bid or proposal.

22. **TERMINATION.** In the event any of the provisions of the purchase order or contract are violated, the City may serve written notice of its intention to terminate the purchase order or contract. Such notice will state the reason(s) for such intention, and unless within ten (10) days after serving notice upon the contractor, such violation has ceased and satisfactory arrangements for correction made, the purchase order or contract shall, upon expiration of ten (10) days, be terminated. Further, the City reserves the right to terminate for its convenience any purchase order or contract in whole or in part upon giving thirty (30) days prior written notice to the other party.

23. **DEBARMENT.** If a Bidder, Proposer or Contractor is presently debarred, suspended, proposed for debarment, declared ineligible, or otherwise excluded from doing business with any government agency which prohibits your firm from participating in any procurement, the Bidder/Proposer must provide the City with that information as part of its response to this solicitation. Failure to fully and truthfully provide the information required may result in the disqualification of your bid from consideration or termination of the purchase order or contract, once awarded.

24. **RIGHT TO PROTEST.** Any actual bidder or offeror that has submitted a bid/proposal for a particular procurement and is aggrieved in connection with the solicitation or award of the contract shall protest in writing to the purchasing agent after the date that the specific bid or proposal is submitted. No protest will be accepted or considered prior to the date the specific bid or proposal is submitted; it will be considered untimely. All protests shall set forth in full detail the factual and legal bases for the protest and specific relief sought by the protestor. Protests arising from factual or legal bases that the protestor knew or should have known prior to the submission of the bid/proposal must be submitted within three business days of the submission of the bid/proposal. Protests arising from factual or legal bases that the protestor knew or should have known subsequent to the date the bid/proposal was submitted must be submitted within ten business days after the protestor knew or should have known of such bases, but in no event shall any protest be submitted more than ten business days after the award of the contract. Untimely protests will not be considered by the purchasing agent and will be simply denied as untimely. Decisions on timeliness by the purchasing agent are not appealable.

25. **BINDING AUTHORITY.** The individual submitting this Proposal must have binding authority to submit contracts on behalf of the responding company. By submitting a response, the vendor agrees that their quote is an offer to sell or provide service. All bidders shall comply with all City of Stockbridge purchasing laws, policies, and procedures, as well as relevant state and federal laws, including compliance with EEOC hiring guidelines and requirements under the Americans with Disabilities Act.

END OF SECTION

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REQUIRED
FORMS AND DOCUMENTS

CONTRACTOR AFFIDAVIT AND AGREEMENT

(Failure to submit will render Proposal non-responsive you must use this form, you must be enrolled in this program, and you must include your user ID #)

By executing this affidavit, the undersigned contractor verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm, or corporation which is contracting with The City of Stockbridge has registered with and is participating in a federal work authorization program [Employment Eligibility Verification (EEV) / Basic Pilot Program, operated by the U.S. Citizens and Immigration Services Bureau of the U. S. Department of Homeland Security, in conjunction with the Social Security Administration (SSA)] in accordance with O.C.G.A. § 13-10-91. Further, the undersigned contractor states affirmatively that the individual, firm, or corporation contracting with The City of Stockbridge, GA will continue to utilize and participate in the EEV federal work authorization program throughout the term of this contract.

The undersigned further agrees that, should it employ or contract with any subtractor(s) in connection with the physical performance of services pursuant to this contract with The City of Stockbridge contractor will secure from such subcontractor(s) similar verification of compliance with O.C.G.A. § 13-10-91 on the Subcontractor Affidavit provided in Rule 300-10-01-.08 or a substantially similar form provided by The City of Stockbridge, Contractor further agrees to maintain records of such compliance and provide a copy of each such verification to The City of Stockbridge GA at the time the subcontractor(s) is retained to perform such service.

_____
EEV Number

_____ _____
Authorized Officer or Agent (Contractor Name) Date

_____
Title of Authorized Officer or Agent

_____
Printed Name of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME
ON THIS THE DAY OF _____, 20__.

_____
Notary Public

My Commission Expires: _____

Note: As of the effective date of O.C.G.A. 13-10-91, the applicable federal work authorization program is the "EEV/Basic Pilot Program" operated by the U.S. Citizenship and Immigration Services Bureau of the U.S. Department of Homeland Security in conjunction with the Social Security Administration (SS)

REPRESENTATION AFFIDAVIT

(TO BE SUBMITTED)

This proposal is submitted to The City of Stockbridge, (City) by the undersigned who is an authorized officer of the company and said company is licensed to do business in Georgia and The City of Stockbridge. Further, the undersigned is authorized to make these representations and certify these representations are valid. The Proposer recognizes that all representations herein are binding on the Company and failure to adhere to any of these commitments, at the City's option, may result in a revocation of the granted contract.

Consent is hereby given to the City to contact any person or organization in order to make inquiries into the legal, character, technical, financial, and other qualifications of the Proposer.

The Proposer understands that, at such time as the City decides to review this proposal, additional information may be requested. Failure to supply any requested information within a reasonable time may result in the rejection of the Proposer's proposal with no re-submittal rights.

The successful Proposer understands that the City, after considering the legal, financial, technical, and character qualifications of the Proposer, as well as what in the City's judgment may best serve the public interest of its citizens and employees, may grant a contract.

The successful Proposer understands that this proposal is made without prior understanding, agreement, or connection with any corporation, firm or person submitting a proposal for the same, and is in all respects fair and without collusion or fraud. I understand that collusive action is a violation of state and federal law and can result in fines, prison sentences, and civil damage awards.

Company Name: _____

Authorized Person: _____ Signature_____

(Print/Type)

Title: _____ Date: _____

Address: _____

_____

Telephone: _____Fax: _____

Name and telephone number of person to whom inquiries should be directed:

Name: _____

Address: _____

_____

Title: _____ Telephone_____

Fax: _____ E-mail: _____

LEGAL AND CHARACTER QUALIFICATIONS

Convictions: Has the Proposer (including parent corporation, if applicable) or any principal ever been convicted in a criminal proceeding (felonies or misdemeanors) in which any of the following offenses were charged?

		Y	**N**
a	Fraud		
b	Embezzlement		
c	Tax Evasion		
d	Bribery		
e	Extortion		
f	Jury Tampering		
g	Anti-Trust Violations		
h	Obstruction of justice (or any other misconduct affecting public or judicial officers' performance of their official duties		
i	False/misleading advertising		
j	Perjury		
k	Conspiracy to commit any of the foregoing offenses		

Civil Proceedings: Has the Proposer or any principal ever been a party, or is now a party, to civil proceeding in which it was held liable for any of the following?

		Y	**N**
a	Unfair/anti-competitive business practices		
b	Consumer fraud/misrepresentation		
c	Violations of securities laws (state and federal)		
d	False/misleading advertising		
e	Violation of local government ordinance		

License Revocation:

	Y	**N**
Has the Proposer or any principal ever had a business license revoked, suspended, or the renewal thereof denied, or is a party to such a proceeding that may result in same?		

Responses: If "yes" is the response to any of the foregoing, provide Information such as date, court, sentence, fine, location, and all other specifics for each "yes" response.

_____

_____

Principals: The full names and addresses of persons or parties interested in the foregoing Proposal, as principals, are as follows:

NAME	ADDRESS

***References*:** The Proposer lists below work he has done of similar nature as this solicitation, as references that will afford the City opportunity to judge as to experience, skill, business standing, and financial ability.

Contact Person	Title	Phone Number/Email

STATEMENT OF INSURANCE COVERAGE

This is to certify that.

_____
(Insurance Company)

of

_____
(City/State) **(Insurance Co. Address)**

has issued policies of insurance, as identified by a policy number to the insured name below, and that such policies are in full force and effect at this time. Furthermore, this is to certify that these policies meet the requirements described in the General Conditions of this project; and it is agreed that the insurer will endeavor, if allowed by the policy, to provide the Owner thirty (30) calendar days' notice of nonrenewal, cancellation, or termination of the coverage. Such notice shall be delivered to:

The City of Stockbridge Georgia, Procurement Manager, 4640 N. Henry Blvd., Stockbridge, Georgia 30281.

It is further agreed that The City of Stockbridge, Georgia shall be named as an additional insured on the Contractors' policy

1. Insured:

2. Project Name**:** _____

DATE:

_____
(INSURANCE COMPANY)

ISSUED AT:

_____
(**AUTHORIZED REPRESENTATIVE)**

ADDRESS:

_____

_____

CONTRACTOR INFORMATION FORM

(This form must be completed and returned with your response)

RFP Number: _____

Full Company Legal Name: _____

Street Address: _____

City, State, Zip Code: _____

Contact Name for Solicitation: _____ Title: _____

Telephone: (__)_____ Fax: (_____)_____ E-mail: _____

Company Web Site: _____ State of Incorporation:_____

Taxpayer ID Number: _____ Duns #: _____

Check one of the following: ☐ Independently owned and operated: ☐ An Affiliate or Division of:

Company Name: _____

Address: _____

_____

JOINT VENTURE AFFIDAVIT

(This form must be completed and returned with your response)

Primary Vendor Name: _____

If this will not be a joint venture, check this box: ☐

State of: _____

County of: _____

We, the undersigned, being duly sworn according to law, upon our respective oaths depose and say that:

1. The following named contractors/companies have entered into a joint venture for the purpose of carrying out all the provisions of the Contract for the above-named solicitation:

Joint Venture Company "A"

Company Name_____Federal ID No._____

Address: _____

City:_____ State: _____Zip: _____

Check all that apply:

☐ Sole Proprietorship
☐ Partnership
☐ Corporation
☐ N/A, other

Joint Venture Company "B"

Company Name_____Federal ID No._____

Address: _____

City:_____ State: _____Zip: _____

Check all that apply:

☐ Sole Proprietorship
☐ Partnership
☐ Corporation
☐ N/A, other

2. The contractors/companies, under whose names we have affixed our respective signatures, have duly authorized and empowered us to execute this Joint Venture Statement in the name of and on behalf of such contractors for the purpose hereinbefore stated.

   Under the provision of such Joint Venture, the assets of each of the contractors named in Paragraph 1 hereof, and in case any contractor so named above is in partnership, the assets of the individual members of such partnership, will be available for the performance of such Joint Venture and liable therefore and for all obligations incurred in connection therewith.

JOINT VENTURE AFFIDAVIT

(This form must be completed and returned with your response)

Primary Vendor Name: _____

If this will not be a joint venture, check this box: ☐
RFP Name:
RFP Number:

State of: _____

County of: _____

We, the undersigned, being duly sworn according to law, upon our respective oaths depose and say that:

1. The following named contractors/companies have entered into a joint venture for the purpose of carrying out all the provisions of the Contract for the above-named solicitation:

Joint Venture Company "A"

Company Name_____Federal ID No._____

Address: _____

City:_____ State: _____Zip: _____

Check all that apply:
 Sole Proprietorship
 Partnership
 Corporation
 N/A, other

Joint Venture Company "B"

Company Name_____Federal ID No._____

Address: _____

City:_____ State: _____Zip: _____

Check all that apply:
 Sole Proprietorship
 Partnership
 Corporation
 N/A, other

2. The contractors/companies, under whose names we have affixed our respective signatures, have duly authorized and empowered us to execute this Joint Venture Statement in the name of and on behalf of such contractors for the purpose hereinbefore stated.

   Under the provision of such Joint Venture, the assets of each of the contractors named in Paragraph 1 hereof, and in case any contractor so named above is in partnership, the assets of the individual members of such partnership, will be available for the performance of such Joint Venture and liable therefore and for all obligations incurred in connection therewith.

JOINT VENTURE AFFIDAVIT

This Joint Venture Statement is executed so that the named contractors/companies, as one organization, may under such joint venture, bid upon said contract, and be awarded the contract if they should become the successful bidder therefore, any bid, bond and agreement relating to joint venture and each and every contractor name herein, severally and jointly. Simultaneous with the execution of the contract, the contractors entering into this joint venture shall designate and appoint a project manager to act as their true and lawful agent with full power and authority to do and perform any and all acts or things necessary to carry out the work set forth in said contract.

The Joint Venture shall be known as: _____

Principal Office Address: _____

City:_____ State: _____Zip: _____

Telephone: (_____) _____ Fax: (_____) _____

3. On a separate sheet provide the following information and reference the section number:

   A. Describe the capital contributions by each joint venture and accounting therefore.
   B. Describe the financial controls of the joint venture. Will a separate cost center be established? Which joint venture company will be responsible for keeping the books? How will the expenses be reimbursed? What is the authority of each joint venture company to commit or obligate the other?
   C. Describe any ownership, options for ownership, or loans between the joint ventures. Identify terms thereof.
   D. Describe the estimated contract cash flow for each joint venture company. .
   E. How and by whom will the on-site work be supervised?
   F. How and by whom will the administrative office be supervised?
   G. Which joint venture company will be responsible for material purchases including the estimated cost thereof? How will the purchases be financed?
   H. Which joint venture company will provide equipment? What is the estimated cost thereof? How will the equipment be financed?
   I. Describe the experience and business qualifications of each joint venture company.
   J. Submit a copy of all joint venture agreements and evidence of authority to do business in the State of Georgia as well as locally, to include all necessary business licenses.

JOINT VENTURE AFFIDAVIT

In connection with any work that these firms, as a joint venture, might be authorized to perform in connection with the above captioned contract, we each do hereby authorize representatives of the City, Department of Procurement Services, to examine, from time to time, the books, records and files to the extent that such relate to this solicitation.

We bind the contractors for whom we respectively execute this Joint Venture Statement in firm agreement with the City, that each of the representations herein set forth is true.

Subscribed and sworn before me.

this _____ day of _____ 20____.

(A) _____
Name of Contractor/Company A

My commission expires: _____ By: _____ (L.S.)

_____ _____
Notary Public Print Name

Subscribed and sworn before me

this _____ day of _____ 20____.

(B) _____
Name of Contractor/Company B

My commission expires: _____ By: _____ (L.S.)

_____ _____
Notary Public Print Name

PRIMARY CONTRACTOR / SUBCONTRACTOR UTILIZATION

(This form must be completed and returned with your response)

RFP Number:

Primary Vendor Name: _____

If subcontractors will not be used check this box: ☐

List all subcontractors to be used during the performance of this contract. Submit additional forms if needed.

Company Name: _____

Street Address: _____

City, State, Zip: _____

Telephone: ( ) _____ Fax: ( ) _____

Primary Contact: _____

E-mail Address: _____

Services to be provided: _____

_____

_____

Company Name: _____

Street Address: _____

City, State, Zip: _____

Telephone: ( ) _____ Fax: ( ) _____

Primary Contact: _____

E-mail Address: _____

Services to be provided: _____

_____

_____

Company Name: _____

Street Address: _____

City, State, Zip: _____

Telephone: ( ) _____ Fax: ( ) _____

Primary Contact: _____

E-mail Address: _____

Services to be provided: _____

_____

_____

PROMISE OF NON-DISCRIMINATION

(This form must be completed and returned with your response)

In consideration of, and as condition precedent, the right and privilege to bid on construction projects and other procurement contracts of the City of Stockbridge, each potential vendor shall be required to submit to the City of Stockbridge a duly executed and attested Promise of Non-Discrimination, enforceable at law, which by agreement, affidavit or other written instrument acceptable to the General Counsel for City of Stockbridge, shall contain promises, averments and/or affirmations voluntarily made by the bidder.

"Know All Men by These Presents, that I/We,

(_____)
Authorized Company Representative Name(s)

(_____)
Authorized Company Representative Title(s)

(_____)
Name of Company
(Hereinafter "Company"), in consideration of the privilege to bid on contracts funded in whole or in part by City of Stockbridge, GA, hereby consents, covenants and agrees as follows:

(1) No person shall be excluded from participation in, denied the benefit of, or otherwise discriminated against on the basis of race, color, sex, religion, national origin, marital status, sexual orientation, age, or disability in connection with any bid submitted to City of Stockbridge, GA, or the performance of any contract resulting there from.

(2) That it is and shall be the policy of Company to provide equal opportunity to all businesspersons seeking to contract or otherwise interested in contracting with this Company, including those companies owned and controlled by racial minorities, cultural minorities and females:

(3) That the promises of non-discrimination as made and set forth herein shall be continuing in nature and shall remain in full force and effect without interruption for so long as any contract between Company City of Stockbridge remains in force and effect.

(4) That the promises of non-discrimination as made and set forth herein shall and are hereby deemed to be made a part of, and incorporated by reference into, any contract or portion thereof which the Company may hereafter obtain with City of Stockbridge; and

(5) That the failure of this company to satisfactorily discharge any of the promises of non-discrimination as

made and set forth herein shall constitute a material breach of contract entitling the City of Stockbridge to declare the contract in default and to exercise any and all applicable rights and remedies including but not limited to cancellation of the contract, termination of the contract, suspension and debarment from future contracting opportunities, and withholding and/or forfeiture of compensation due and owing on a contract.

_____ _____
Solicitation Name Solicitation Number

_____ _____
Authorized Company Representative Name Authorized Company Representative Signature

_____Date

Subcontractor Affidavit of Compliance under O.C.G.A. § 13-10-91(b) (3)

By executing this affidavit, the undersigned subcontractor verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm or corporation which is engaged in the physical performance of services under a contract with _____ (name of contractor) on behalf of the City has registered with, is authorized to use and uses the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-91. Furthermore, the undersigned subcontractor will continue to use the federal work authorization program throughout the contract period and the undersigned subcontractor will contract for the physical performance of services in satisfaction of such contract only with sub-subcontractors who present an affidavit to the subcontractor with the information required by O.C.G.A.§ 13-10-91(b). Additionally, the undersigned subcontractor will forward notice of the receipt of an affidavit from a sub-subcontractor to the contractor within five business days of receipt. If the undersigned subcontractor receives notice of receipt of an affidavit from any sub-subcontractor that has contracted with a sub-subcontractor to forward, within five business days of receipt, a copy of such notice to the contractor. Subcontractor hereby attests that its federal work authorization user identification number and date of authorization are as follows:

_____

Federal Work Authorization User Identification Number

_____

Date of Authorization

_____

Name of Contractor

_____

Name of Project

_____

Name of Public Entity

I hereby declare under penalty of perjury that the foregoing is true and correct.
Executed on _____, 20____

in _____(city), _____(state).

_____

Signature of Authorized Officer or Agent

_____

Printed Name and Title of authorized Officer or Agent

Subscribed and Sworn Before Me
On This The _____ Day Of _____, 20____.

_____

Notary Public
My Commission Expires: _____

Sub-subcontractor Affidavit of Compliance under O.C.G.A. § 13-10-91(b) (4)

By executing this affidavit, the undersigned sub-subcontractor verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm or corporation which is engaged in the physical performance of services under a contract for _____(name of subcontractor or sub-subcontractor with whom such sub-subcontractor has privity of contract) and _____(name of contractor) on behalf of the City has registered with, is authorized to use and uses the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-91. Furthermore, the undersigned sub-subcontractor will continue to use the federal work authorization program throughout the contract period and the undersigned sub- subcontractor will contract for the physical performance of services in satisfaction of such contract only with sub-subcontractors who present an affidavit to the sub-subcontractor with the information required by O.C.G.A. § 13-10-91(b). The undersigned sub-subcontractor shall submit, at the time of such contract, this affidavit to _____ (name of subcontractor or sub-subcontractor with whom such sub-subcontractor has privity of contract). Additionally, the undersigned sub-subcontractor will forward notice of the receipt of any affidavit from a sub-subcontractor to _____ (name of subcontractor or sub-subcontractor with whom such sub-subcontractor has privity of contract). Sub- subcontractor hereby attests that its federal work authorization user identification number and date of authorization are as follows:

_____

Federal Work Authorization User Identification Number

_____

Date of Authorization

_____

Name of Contractor

_____

Name of Project

_____

Name of Public Entity

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 20____

in _____(city), _____(state).

_____

Signature of Authorized Officer or Agent

_____

Printed Name and Title of authorized Officer or Agent

Subscribed and Sworn Before Me
On This The _____ Day Of _____, 20____.

_____

Notary Public

NON-COLLUSION AFFIDAVIT

I, _____ certify that pursuant to O.C.G.A. Section 36-91-21 (d) and (e), _____ has not, by itself or with others, directly or indirectly, prevented or attempted to prevent competition in such bidding or proposals by any means whatsoever. Affiant further states that (s)he has not prevented or endeavored to prevent anyone from making a bid or offer on the project by any means whatever, nor has Affiant caused or induced another to withdraw a bid or offer for the work.

Affiant further states that the said offer of _____ is bona fide, and that no one has gone to any supplier and attempted to get such person or company to furnish the materials to the bidder only, or if furnished to any other bidder, that the material shall be at a higher price.

_____
(COMPANY NAME)

_____
(PRESIDENT/VICE PRESIDENT)

Sworn to and subscribed before me this _____ day of _____, 200__.

_____
(SECRETARY/ASSISTANT SECRETARY)
(Affix corporate seal here if a corporation)

Notary Public: _____

County: _____

Commission Expires: _____

NOTE:
IF THE OFFEROR IS A PARTNERSHIP, ALL OF THE PARTNERS AND ANY OFFICER, AGENT, OR OTHER PERSON WHO MAY HAVE REPRESENTED OR ACTED FOR THEM IN BIDDING FOR OR PROCURING THE CONTRACT SHALL ALSO MAKE THIS OATH.

IF THE OFFEROR IS A CORPORATION, ALL OFFICERS, AGENTS, OR OTHER PERSONS WHO MAY HAVE ACTED FOR OR REPRESENTED THE CORPORATION IN BIDDING FOR OR PROCURING THE CONTRACT SHALL MAKE THE OATH.

Local and Locally Owned Business Form

(This form must be completed and returned with your response)

In order to encourage and promote local and locally owned businesses with contracting opportunities with the City of Stockbridge, formal solicitation processes may give preference to proposals and bids from local and locally owned businesses based on the following:

A business shall comply with all of the following to be designated a Local Business:

a) The business shall have an office with at least one (1) employee within the City of Stockbridge.
b) The business shall not be delinquent with any payments to the City; and
c) The business shall hold a valid City of Stockbridge business license.

A business shall comply with both of the following to be designated a Locally Owned Business:

a) The business shall meet the requirements for a local business designation; and
b) At least fifty percent (50%) of the business' owners live in the City of Stockbridge.

Certification

Local and Locally Owned businesses that wish to receive preferential consideration shall submit a copy of a valid Occupational Tax Registration Certificate(s) issued by City of Stockbridge to certify qualification for the preference as part of each proposal or response.

Procedures for local and locally owned preference

Request for Proposals (RFP) – If a local and locally owned business meets the quality standards established for the RFP process, the local business shall be awarded two (2) additional percentage points in the total evaluation; the locally owned business shall be awarded six (6) additional percentage points in the total evaluation. The evaluation and scoring of all proposals shall be conducted in accordance with departmental procedures issued by the Chief Financial Officer or his/her designee.

To qualify, you must submit with your proposal a copy of your Occupational Tax Registration Certificate.

Company Name: _____

Company Qualifies for Local Business Preference: Yes ☐ No ☐

Company Qualifies for Locally Owned Business Preference: Yes ☐ No ☐

Occupational Tax Registration Certificate issued by:

City: _____

City of Stockbridge, Georgia

Technical Proposal to Provide Audit Services

Fiscal Year December 2024 through 2028

Mauldin & Jenkins Certified Public Accountants
Contact Person: Hope Pendergrass, CPA, Partner
Phone: (478) 464-8000
Email: hpendergrass@mjcpa.com
300 Mulberry Street, Suite 300
Macon, GA 31201

mjcpa.com

VISION

To be a trusted advisor, earning trust and building respect through our consistent commitment to sustainable excellence, leadership, and integrity.

Over 725 Governmental Units Served Throughout the Southeast

INSIDE public accounting TOP 100 FIRMS 2023

Going Further.

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PART 1
TECHNICAL PROPOSAL

MAULDIN & JENKINS

CPAs & ADVISORS

TAB 1 - COVER LETTER

MAULDIN & JENKINS

CPAs & ADVISORS

Transmittal Letter

April 11, 2024

Honorable Mayor and Members of City Council
City of Stockbridge, Georgia
Attn: Drexal D. Paulk
4640 N. Henry Boulevard
Stockbridge, Ga 30281

Ladies and Gentlemen:

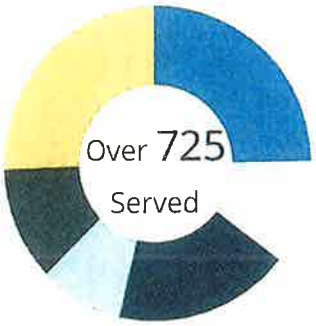
We appreciate the opportunity to propose on providing audit services to the City of Stockbridge, Georgia (the "City"), and we are pleased to submit a qualifications package including cost estimates to provide annual financial and compliance auditing services for the City. The contract for such audit services will be for five consecutive fiscal years beginning with the fiscal year ended December 31, 2024, and ending with the fiscal year ended December 31, 2028.

We have read the Request for Proposal (RFP) and fully understand its intent and contents. We understand the time frame for performance of the annual financial audits as stipulated by the City and agree to provide the services described in the proposal. We will conduct preliminary and final fieldwork and will issue all of the deliverables and reports substantially prior to the required due dates.

As professionals serving the public sector, Mauldin & Jenkins is qualified to serve the City. We believe that **Mauldin & Jenkins is the leader in auditing state and local governments in the Southeast**. This leadership was achieved by recognizing that we are an important part of our client's success, with our objective being to ensure that accurate information is reported to the City Council, management, and its citizens. Given the complexities of the City's financial operations and the ongoing significant changes in accounting standards, we feel that it is very important that you select an auditing firm that is **focused and experienced** in the governmental industry. We differentiate ourselves from our peers via:

- **Experience with Governments.** As auditors for more governments in the Southeast than any other firm, our professionals are thoroughly versed in the complex governmental arena, and have consistently provided the highest quality of service to our government clients. We serve:

  - **725+ state and local governments across the Southeastern U.S.A.**
  - **175 governments awarded the GFOA's and, or ASBO's Financial Reporting Certificates.**
  - **290+ of Single Audits as required by the Uniform Guidance.**



Cities	180+
Counties	90+
School Districts & Charter Schools	125+
State Entities	65+
Utility Authorities	85+
Special Purpose	180+

Mauldin & Jenkins provides over 155,000 hours of service to over 725 governmental units in the Southeast on an annual basis utilizing over 150 professionals.

- **Responsiveness and Large Firm Resources with Small Firm Sensitivity.** We pride ourselves in responding to the needs of our clients; not only the ability to meet deadlines, but also to respond to other requests. Our ability to be responsive is enhanced by the open communications and good working relationship we have with our clients. Our resources provide for the flexibility to meet your needs and to perform our services in an efficient and effective manner.
- **Nationally Recognized.** Mauldin & Jenkins is consistently ranked in the Top 100 by various publications as one of the largest certified public accounting firms in the country. We are a regional firm, but the firm's influence is shared nationally. Our partners have volunteered to serve: as the American Institute of CPA's (AICPA's) Governmental Audit Quality Center's (GAQC) Executive Committee in 2022 (Pendergrass); the AICPA's State and Local Government Expert Panel in 2021 (Lyons); the AICPA's sole representative to Government Accounting Standards Advisory Council (GASAC); the 2015 Chairman of the board of the AICPA; and a board member of the International Federation of Accountants (IFAC) in 2016. In 2020, our own Joel Black was appointed to serve as the Chairman of the Governmental Accounting Standards Board (GASB). Mauldin & Jenkins is a leader nationally.
- **On-site or Remote Audits and Suralink.** Whether management elects for a remote or on-site audit, Mauldin & Jenkins is very effective in working from a hybrid environment. We also utilize software, like Suralink, on all audits to add organization and transparency to the audit process.
- **Staff Continuity.** Our staff retention rates are considered to be among the best in the profession. We are able to not only provide consistency with the partner and manager on our engagement teams, but seniors as well. We also have enough resources at the partner, manager, and senior levels to provide for periodic rotations as requested by our clients.
- **Education.** Mauldin & Jenkins' clients have the opportunity to register and receive approximately 30 hours of continuing education on an annual basis, free of charge. We take our experience in serving governments, and choose timely and relevant topics to provide ongoing education to our clients, both virtually and in-person. Sessions are limited to clients only.

This proposal represents a firm offer for 90 days from the date of the proposal. As a member of Mauldin & Jenkins, Hope Pendergrass is authorized to bind, and make representations for the Firm, and she will be the ultimate party responsible for the quality of the report and working papers. We welcome the opportunity to meet with you to present our proposal and our qualifications. Please contact us at 300 Mulberry Street, Suite 300, Macon, GA, (478) 464-8000 (phone), (478) 464-8051 (fax), or via email at hpendergrass@mjcpa.com. Again, on behalf of Mauldin & Jenkins, thank you for the opportunity to serve.

Sincerely,
MAULDIN & JENKINS, LLC

Hope Pendergrass

Hope Pendergrass, Partner

TAB 2 – EXECUTIVE SUMMARY

MAULDIN & JENKINS

CPAs & ADVISORS

Project Team and Scope of Work

Proposed Project Team and Responsibilities

The proposed project team will include Hope Pendergrass (Point of Contact – Partner in Charge of the Engagement), Doug Moses or Tim Lyons (Quality Control Partners) Trey Scott (Support Partner), Demetria Fluellyn (Senior Manager), and Ashley Smith (Senior Associate). Other staff professionals and specialists will be utilized as the City's needs dictate.

Please see **Tab 6 – Company Principles** for more information on the background and experience of the individuals listed above.

Summary of Proposed Services

The overall objective in serving the City is to determine whether the financial statements present fairly the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information and the respective changes in financial position and cash flows, where applicable, thereof and the respective budgetary comparison for the major governmental funds in conformity with accounting principles generally accepted in the United States of America. In addition, to determine whether the combining and individual non-major fund financial statements are fairly stated in all material respects in relation to the basic financial statements taken as a whole.

The audit will be conducted in accordance with auditing standards generally accepted in the United States of America, promulgated by the American Institute of Certified Public Accountants (AICPA) and in accordance with: *Government Auditing Standards* issued by the Comptroller General of the United States; the provisions of the Federal Single Audit Act, and the audit requirements of Title 2 U. S. *Code of Federal Regulations* Part 200 *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) standards.

Our audit will consider the City's internal controls over financial reporting in order to determine the auditing procedures for the purpose of expressing an opinion on the financial statements and not to provide an opinion on the internal control over financial reporting.

We will perform tests of compliance with certain provisions of laws, regulations, contracts, and grants, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. Providing an opinion on compliance with these provisions is not an objective of the audits. However, the results of the tests disclosing instances of noncompliance and other matters will be reported as required under *Government Auditing Standards*.

Following the completion of the audit of the fiscal year's financial statements, we shall prepare the required audit reports (if applicable) including those required by *Government Auditing Standards* and the Single Audit:

1) A report on the fair presentation of the financial statements in conformity with Generally Accepted Accounting Principles. This report shall include Required Supplemental Schedules (RSI) as required by GASB 34.
2) A report on Internal Control over Financial Reporting and on Compliance and on Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*.

Recently, a client provided a compliment (to a large audience) describing her experience with Mauldin & Jenkins:

"They Speak Our Language"

Cynthia Wood, Director of Accounting
Charleston (SC) Water System

3) A report on Compliance for Each Major Federal Program and on Internal Control Over Compliance required by the Uniform Guidance.
4) A Schedule of Findings and Questioned Costs in accordance with the Uniform Guidance.

TAB 3 – COMPANY HISTORY

MAULDIN & JENKINS

CPAs & ADVISORS

Primary Business- Firm Qualifications and Experience

Organization and Size – Regional Firm

Mauldin & Jenkins was formed in approximately 1918 and has been actively engaged in governmental auditing since its inception. Mauldin & Jenkins is one of the largest certified public accounting firms in the Southeast and in the U.S.A., and a leading provider of audit and accounting services. Mauldin & Jenkins serves clients whose operations span the entire U.S.A. Mauldin & Jenkins is considered to be a large regional firm with offices in the following communities:

- ***Albany, GA***
- ***Alpharetta, GA***
- ***Athens, AL***
- ***Atlanta, GA***
- ***Birmingham, AL***
- ***Bradenton, FL***
- ***Chattanooga, TN***
- ***Columbia, SC***
- ***Florence, AL***
- ***Huntsville, AL***
- ***Macon, GA***
- ***Raleigh, NC***
- ***Sarasota, FL***
- ***Savannah, GA***

Our current footprint of governmental clients extends as far northeast as Gates County in North Carolina (on the Virginia line) to Corpus Christi, Texas to Islamorada, Florida in the Florida Keys.

Other key information relative to the size and experience of Mauldin & Jenkins is as follows:

- **515,000** - approx. total hours of service provided annually to clients of the Firm
- **155,000** - approx. total hours of service provided annually to governmental clients
- **55%** - percentage of governmental practice as compared to Firm's attestation practice
- **31%** - percentage of governmental practice as compared to Firm's overall practice
- **725** - approx. total governmental entities served in past three (3) years
- **515** - total number of Firm personnel
- **175** - total clients served who obtain the GFOA/ASBO Certificates
- **47** - total clients with publicly issued debts in excess of $76 million
- **77** - total number of Firm partners
- **25** - total number of full-time governmental partners & directors
- **20** - total number of full-time governmental managers
- **150** - total number of professionals with current governmental experience
- **50%** - percentage of Firm offices led by governmental partners

A Century of Service

Mauldin & Jenkins' commitment to government began when our Firm was established in 1918. Since then, we have viewed service to governments as significant to the overall success of the Firm. Today, the governmental sector is an industry that has been specifically identified for our continued growth in professional services. Accordingly, all professionals, from entry-level accountants to partners (who select the governmental sector as their focus) are trained to understand the issues and meet the needs of state and local governmental entities.

As noted previously, **Mauldin & Jenkins employs 45 partners, directors and managers who dedicate 100% of their time serving government clients**. We also have numerous additional professionals with current experience in providing services to governmental entities, many of whom spend their time exclusively on government clients.

Mauldin & Jenkins' dedicated professionals can bring a comprehensive understanding of the issues that face government entities as well as "bench strength" at all levels, allowing us to respond swiftly and effectively to your evolving needs.

The goal of our government practice is to help governments improve their financial processes and strategies so that they can in turn achieve their goal of improving the lives of their citizens. This shared commitment to the goals of our clients has resulted in a significant government clientele.

As noted in our transmittal letter, we currently serve over 725 governments in the Southeast. We know of no other regional firm that can match our governmental experience.

> ***I was apprehensive when the decision was made to go with Mauldin & Jenkins thinking our city was too small for a larger firm. I couldn't be more pleased with their helpful attitude and professionalism. The audit process is now smooth and painless.***
>
> ***Pam Herring,***
> ***City of Rockmart,***
> ***Clerk/Finance Officer***

Location of the Office from which the Work is to be Performed

The Macon office will act as the lead in providing services to the City with additional staff roles coming from our other offices as needed. We have a working relationship between all our offices that we utilize quite often in serving the governmental sector, and it works quite well for all of our clients.

The individuals mentioned in this proposal, Mrs. Hope Pendergrass, Mr. Doug Moses, Mr. Tim Lyons and Mr. Trey Scott, are known across the Southeast for their involvement with governmental entities. They have significant experience in governmental audit and accounting, and will play significant roles in providing ongoing services to the City.

The Macon office currently employs **41 professionals with current experience in providing services to governmental entities** and who will meet the continuing professional education requirements set forth in the U.S. General Accounting Office *Government Auditing Standards*.

A further profile of the Macon office and the Firm's professional staff as a whole is as follows:

Professional Staff by Level	Macon	Firm-Wide
Partners	7	70
Directors/Managers	10	120
Senior Associates	11	104
Associates	13	221
Total	41	515

Quality Control Review

External Peer Review

In the mid 70s, the Private Companies Practice Section (PCPS) was founded by the American Institute of CPAs (AICPA) to establish a voluntary quality assurance program for CPA firms. There are requirements for membership in the section, which include mandatory continuing education for each member of the professional staff and a key element is a tri-annual independent review of a firm's quality control system in its practice of public accounting. Mauldin & Jenkins has been a member of the section from inception.

The peer review aspect has evolved from being voluntary to mandatory and Mauldin & Jenkins is in full compliance with the requirements of having a tri-annual review. In the peer reviewer's latest report dated December 29, 2023, our reviewing firm gave a rating of "pass" which is the highest form of assurance they can render on the system of quality control for our accounting and audit practice.

A copy of the report on our most recent external quality control review is provided on the next page. **The quality control review included a review of specific government engagements, including compliance audits under the Single Audit Act.** No letter of comment was received as a result of this review. We are quite proud to be one of the few Southeast based firms to have undergone this review and to have received such an excellent opinion from a large reputable national firm.

PBMares
CPAs and Consultants

REPORT ON THE FIRM'S SYSTEM OF QUALITY CONTROL

December 29, 2023

To the Shareholders of Mauldin & Jenkins, LLC
and the National Peer Review Committee

We have reviewed the system of quality control for the accounting and auditing practice of Mauldin & Jenkins, LLC (the firm) applicable to engagements not subject to PCAOB permanent inspection in effect for the year ended May 31, 2023. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a system review as described in the Standards may be found at www.aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported on in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing and complying with a system of quality control to provide the firm with reasonable assurance of performing and reporting in conformity with the requirements of applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of and compliance with the firm's system of quality control based on our review.

Required Selections and Considerations

Engagements selected for review included engagements performed under *Government Auditing Standards*, including compliance audits under the Single Audit Act; audits of employee benefit plans; audits performed under FDICIA; and an examination of service organizations (SOC 2 engagement).

As a part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

PBMares, LLP | 725 Jackson Street, Suite 200 | Fredericksburg, VA 22401 | P 540.371.5566 | F 540.371.5568 www.PBMares.com

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Mauldin & Jenkins, LLC applicable to engagements not subject to PCAOB permanent inspection in effect for the year ended May 31, 2023, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)*, or *fail*. Mauldin & Jenkins, LLC has received a peer review rating of *pass*.

PBMares, LLP

PBMares, LLP
Fredericksburg, Virginia

We chose Mauldin & Jenkins and have continued with them, because of their deep understanding and accounting knowledge of our industry and they are an invaluable resource to us. The professionals on their team are easy to work with and pay close attention to our specific concerns. They provide exceptional expertise and service, responding to questions quickly and proficiently. Without question, our decision to use Mauldin & Jenkins for the past years was a sound business decision, delivering the expected results and then some.

David Smith, Henry County (GA), Chief Financial Officer

Desk Reviews or Field Reviews

Mauldin & Jenkins audits most of the largest school districts in the State of Georgia. Based on that fact, the State of Georgia's Department of Audits & Accounts (DoAA) periodically performs a review of a sample of our local school district audits. No report has ever been formally issued, and no matters or issues have ever been noted by this annual effort.

As part of the review process, the DoAA has asked to send teams of auditors to review our workpapers in their own effort to better approach financial and compliance audits from a risk based perspective.

With the exception of the above paragraph's thoughts, Mauldin & Jenkins has not had a federal or state desk review or field review of its audits during the past three years.

Regarding one of our past Federal desk reviews or field reviews, we would like to provide the following details of that review, as we believe its results further distinguish Mauldin & Jenkins from other firms.

> ***In the six years that I've gone through internal and external audits this has been by far the best experience with auditors. Your personalities make a huge difference and we haven't regretted changing auditors.***
>
> ***Crystal Coleman,***
> ***Edgefield County (SC),***
> ***Former Finance Director***

> As part of the Federal Department of Education's random testing of the audits of local boards of education, a review was performed by the Federal Office of Inspector General (OIG) regarding a Single Audit engagement of a local board of education. We are quite pleased to note the examiner provided Mauldin & Jenkins a letter of high marks for the performance of the respective Single Audit and this comes at a time when Federal regulators are condemning the profession for poor performance of such Single Audits. **Unofficially and orally provided, the examiner noted this Single Audit engagement to be the best such engagement reviewed in his experience**.

We at Mauldin & Jenkins are quite proud of our Firm's governmental practice and appreciate the efforts of state and Federal inspectors and examiners, and their kind words of our doing things right and doing the right things in our attestation engagements.

No Disciplinary Actions

Mauldin & Jenkins has not had any disciplinary actions taken (nor are any pending) against the Firm during the past three years with any state or Federal regulatory bodies or professional organizations.

TAB 4 – EXPERIENCE

MAULDIN & JENKINS

CPAs & ADVISORS

Similar Engagements with Governmental Entities

Governments Served in the Past Three Years

Perhaps the greatest indicator of our reliability as a professional service provider to state and local governments is our list of governmental clients.

The following governmental client listings are provided to demonstrate Mauldin & Jenkins' vast experience serving the governmental sector, and these listings are broken down by type of governmental unit, and the respective listings represents clients we have served in the past three years (and not over a lifetime).

Cities. Cities we have served within the past three years:

Georgia

1) Albany
2) Alpharetta
3) Americus
4) Ashburn
5) Atlanta
6) Austell
7) Avondale Estates
8) Bainbridge
9) Baldwin
10) Ball Ground
11) Barnesville
12) Bloomingdale
13) Brookhaven
14) Brunswick
15) Butler
16) Byron
17) Cartersville
18) Cedartown
19) Centerville
20) Chamblee
21) Chattahoochee Hills
22) Clarkston
23) College Park
24) Colquitt
25) Conyers
26) Cordele
27) Covington
28) Dacula
29) Dalton
30) Darien
31) Decatur
32) Doraville
33) Douglasville
34) Duluth
35) Dunwoody
36) Fairburn
37) Fayetteville
38) Flovilla
39) Forest Park
40) Forsyth
41) Garden City
42) Grovetown
43) Griffin
44) Hapeville
45) Hinesville
46) Holly Springs
47) Jefferson
48) Johns Creek
49) Kennesaw
50) Kingsland
51) LaGrange
52) Lake Park
53) Lawrenceville
54) Leesburg
55) Lilburn
56) Lone Oak
57) Lyons
58) Manchester
59) Mansfield
60) Milledgeville
61) Milner
62) Milton
63) Monroe
64) Morrow
65) Nashville
66) Newton
67) Norcross
68) Oxford
69) Palmetto
70) Peachtree City
71) Peachtree Corners
72) Pearson
73) Perry
74) Pooler
75) Powder Springs
76) Port Wentworth
77) Reynolds
78) Richmond Hill
79) Riverdale
80) Rockmart
81) Rome
82) Roswell
83) Sandy Springs
84) Savannah
85) Sharpsburg
86) Social Circle
87) South Fulton
88) St. Marys
89) Stockbridge
90) Stonecrest
91) Suwanee
92) Temple
93) Thunderbolt
94) Tifton
95) Toccoa
96) Tucker
97) Turin
98) Tybee Island
99) Union City
100) Valdosta
101) Villa Rica
102) Waycross
103) West Point
104) Willacoochee

Alabama / Mississippi

105) Athens, AL
106) Huntsville, AL
107) Tuscaloosa, AL
108) Gulfport, MS
109) Meridian, MS
110) Prattville, AL
111) Sheffield, AL

Florida

112) Apopka
113) Atlantis
114) Callaway
115) Clewiston
116) Crystal River
117) Destin
118) Gulf Stream
119) Fernandina Beach
120) Ft. Myers Beach
121) Haines City
122) Hallandale Beach
123) Indiantown
124) Islamorada
125) Juno Beach
126) Jupiter Inlet Colony
127) Jupiter Island
128) LaBelle
129) Lake Placid
130) Longboat Key
131) Marco Island
132) Naples
133) New Port Richey
134) North Port
135) Palmetto
136) Plant City
137) Tarpon Springs
138) Tequesta
139) Wildwood
140) Winter Haven

North Carolina

141) Black Mountain
142) Garner
143) Hendersonville
144) Jacksonville
145) Rocky Mount
146) Selma
147) Zebulon
148) Wilkesboro

South Carolina

149) Aiken
150) Beaufort
151) Bluffton
152) Cayce
153) Chapin
154) Charleston
155) Clemson
156) Clinton
157) Clover
158) Fountain Inn
159) Hanahan
160) Hardeeville
161) Hemingway
162) Hilton Head Island
163) Hollywood
164) Georgetown
165) Greenwood
166) Goose Creek

167) Johnsonville
168) Kiawah Island
169) Mount Pleasant
170) North Augusta
171) North Charleston
172) Orangeburg
173) Pamplico
174) Rock Hill
175) Seabrook Island
176) Seneca
177) Summerville
178) Winnsboro

Tennessee
179) Bristol
180) Clarksville
181) Jackson
182) Lebanon
183) Morristown
184) Spring Hill

Counties. Counties we have served within the past three years:

Georgia
1) Athens-Clarke
2) Augusta-Richmond
3) Bacon
4) Barrow
5) Bryan
6) Butts
7) Camden
8) Charlton
9) Chatham
10) Clayton
11) Columbus-Muscogee
12) Crisp
13) DeKalb
14) Dougherty
15) Douglas
16) Emanuel
17) Floyd
18) Forsyth
19) Gwinnett
20) Henry
21) Irwin
22) Jackson
23) Jeff Davis
24) Jenkins
25) Jones
26) Lamar
27) Lee
28) Liberty
29) Long
30) Lumpkin
31) Macon
32) Macon-Bibb
33) McIntosh
34) Meriwether
35) Mitchell
36) Monroe
37) Morgan
38) Newton
39) Paulding
40) Pierce
41) Polk
42) Rockdale
43) Spalding
44) Stephens
45) Stewart
46) Sumter
47) Talbot
48) Tattnall
49) Taylor
50) Toombs
51) Troup
52) Turner
53) Walton
54) Whitfield
55) Wilkes

Florida
56) Alachua
57) Hernando
58) Union
59) Walton

North Carolina
60) Bertie
61) Buncombe
62) Columbus
63) Gates
64) Greene
65) Halifax
66) Madison
67) Montgomery
68) Moore
69) Orange
70) Wake

South Carolina
71) Aiken
72) Beaufort
73) Berkeley
74) Calhoun
75) Colleton
76) Darlington
77) Dorchester
78) Edgefield
79) Fairfield
80) Florence
81) Greenville
82) Hampton
83) Horry
84) Jasper
85) Lancaster
86) Laurens
87) Newberry
88) Oconee
89) Orangeburg
90) Richland
91) Sumter

Tennessee
92) Hamilton

Alabama
93) Jefferson

State Governmental Entities. States have many entities as part of financial reporting: agencies, departments, colleges, university foundations, and other component units that are audited. Please see the following for a listing of State governmental entities we have served in the past three years:

1) Abraham Baldwin Agri. College Foundation
2) Aiken Technical College
3) Athens State University, AL
4) Calhoun Community College
5) Central Carolina Technical College
6) College of Coastal Georgia Foundation
7) Denmark Technical College
8) Drake State Community and Technical College
9) Francis Marion University
10) Ga. Building Authority (GBA)
11) Ga. Business Success Center
12) Ga. College & State Univ. Foundation
13) Ga. Dept. of Behavioral Health
14) Ga. Dept. of Economic Development
15) Ga. Education Authority
16) Ga. Environmental Finance Auth. (GEFA)
17) Ga. Higher Education Assistance Corp.
18) Ga. Higher Education Facilities Authority
19) Ga. Highlands College Foundation
20) Ga. Lottery Corporation (LOTTO)
21) Ga. Military College Foundation
22) Ga. Ports Authority (GPA)
23) Ga. Southern Univ. Athletic Foundation
24) Ga. Southern Univ. Foundation
25) Ga. State Financing & Investment Com. (GSFIC)
26) Ga. State Univ. Athletic Foundation
27) Ga. State Univ. Foundation
28) Ga. Student Finance Authority (GSFA)
29) Ga. Superior Court Clerk's Cooperative Auth.
30) Ga. Technology Authority
31) Ga. World Congress Center Authority
32) Gadsden State Community College
33) Greenville Technical College
34) University of Chattanooga Foundation
35) Trident Technical College
36) Kennesaw State Univ. Athletic Department

37) Kennesaw State Univ. Athletic Foundation
38) Kennesaw State Univ. Research Foundation
39) Kennesaw State Univ. Foundation
40) Medical College of Georgia Foundation
41) Mississippi College of Georgia Foundation
42) New College of Florida
43) Northeast Alabama Community College
44) Northeastern Technical College
45) Northwest Florida College Foundation
46) Northwest Shoals Community College
47) Polytechnic Foundation of Kennesaw State Univ.
48) REACH Georgia (of the GSFC)
49) Snead State Community College
50) South Carolina Comptroller Generals Office
51) South Carolina Education Lottery Commission
52) South Carolina Transportation Infrastructure Bank
53) South Carolina Infrastructure Bank
54) South Carolina Insurance Reserve Fund
55) South Carolina Department of Transportation
56) South Carolina Jobs-Economic Development Auth
57) South Carolina Office of the State Auditor
58) Southern Polytechnic Applied Research Foundation
59) State College of Florida Sarasota-Manatee
60) Stone Mountain Memorial Association
61) Tri County Technical College
62) University of North Alabama
63) University of North Georgia Foundation
64) University of West Alabama
65) University of West Georgia Foundation
66) University System of Georgia
67) Williamsburg Technical College

School Systems. Boards of Education we have served within the past three years:

Georgia

1) Atlanta Independent Schools
2) Barrow County Schools
3) Bartow County Schools
4) Bibb County Schools
5) Buford City Schools
6) Butts County Schools
7) Camden County Schools
8) Carroll County Schools
9) Carrollton City Schools
10) Cartersville City Schools
11) Clayton County Schools
12) Cobb County Schools
13) Colquitt County Schools
14) Commerce City Schools
15) Coweta County Schools
16) Dawson County Schools
17) Decatur City Schools
18) DeKalb County Schools
19) Dodge County Schools
20) Dougherty County Schools
21) Douglas County Schools
22) Dublin City Schools
23) Effingham County Schools
24) Fannin County Schools
25) Fayette County Schools
26) Floyd County Schools
27) Forsyth County Schools
28) Fulton County Schools
29) Gilmer County Schools
30) Glynn County Schools
31) Gordon County Schools
32) Greene County Schools
33) Griffin-Spalding County Schools
34) Gwinnett County Schools
35) Habersham County Schools
36) Hancock County Schools
37) Henry County Schools
38) Houston County Schools
39) Jefferson City Schools
40) Laurens County Schools
41) Lumpkin County Schools
42) Marietta City Schools
43) Marion County Schools
44) Newton County Schools
45) Oconee County Schools
46) Peach County Schools
47) Pickens County Schools
48) Polk County Schools
49) Putnam County Schools
50) Rockdale County Schools
51) Rome City Schools
52) Savannah-Chatham Co. Schools
53) Stephens County Schools
54) Thomas County Schools
55) Troup County Schools
56) Twiggs County Schools
57) Union County Schools
58) Walton County Schools
59) Ware County Schools
60) White County Schools

Alabama

61) Athens City Schools
62) Sheffield City School
63) Limestone County Board of Education
64) Jackson County Board of Education

Florida

65) Hardee County Schools
66) Highland County Schools
67) Manatee County Schools
68) Lee County Schools

South Carolina

69) Beaufort County Schools
70) Berkeley County School District
71) Calhoun County Schools
72) Charleston County Schools
73) Clarendon Co. School Dist. 1
74) Colleton County Schools
75) Florence School Dist. 1
76) Florence School Dist. 3
77) Horry County Schools
78) Marlboro County Schools
79) Orangeburg County School District
80) Richland Co. School Dist. 1
81) South Carolina Public Charter School District
82) Sumter County Schools

Tennessee

83) Bristol City Schools
84) Hamilton County Schools

Charter School Systems. Charter schools we have served within the past three years:

1) Academy for Classical Education (ACE)
2) Atlanta Classical Charter Academy
3) Atlanta Heights Charter Academy
4) Brookhaven Innovation Academy
5) Coastal Empire Montessori Academy
6) Cherokee Charter Academy
7) Cirrus Academy
8) Coweta Charter Academy

9) East Point Academy of South Carolina
10) Florida School for the Deaf and Blind
11) Furlow Charter School
12) Gwinnett County BOE Charter Schools
13) Gwinnett Online Campus
14) Graduation Achievement Charter High School
15) International Charter Academy of Georgia
16) International Community School
17) Just for Girls Academy
18) Kendezi School
19) KIPP Metro Atlanta Collaborative
20) KIPP Opportunity Fund
21) KIPP South Fulton Academy
22) Lighthouse Academies
23) Manatee School of Arts & Sciences
24) Northwest Classical Charter Academy
25) NW Florida St. College – Collegiate High School
26) Pataula Charter Academy
27) Pensacola State College Charter Academy
28) Phoenix Center Community Service Board
29) Provost Academy of Georgia
30) School for Arts Infused Learning
31) Scintilla Charter Academy
32) SKY Academy Englewood
33) SKY Academy Venice
34) SLAM Academy
35) Spring Creek Charter Academy
36) SW Georgia STEM Charter School
37) St. Petersburg Collegiate High School
38) Susie King Taylor Community School
39) Troup County College & Career Academy
40) Tybee Island Maritime Academy

Business-Type Special Purpose Governments. Please see the following for a listing of business-type stand-alone special purpose business-type governments we have served in the past three years:

Water/Sewer & Electric Utility

1) Albertville Municipal Utilities Board
2) Athens Electric Utility
3) Athens Water and Sewer Utility
4) Atlanta Watershed
5) Augusta Utilities (Water/Sewer Ops)
6) Barrow County Water & Sewer Authority
7) Beaufort Jasper Water & Sewer Authority
8) Berkeley County Water & Sanitation
9) Bristol Essential Services
10) Bristol Joint Sewer System
11) Broad Creek Public Service District
12) Brunswick - Glynn Joint Water & Sewer Comm.
13) Butts County Water & Sewer Authority
14) Cape Fear Public Utility Authority
15) Catawba River Water Supply Project
16) CDE Lightband
17) Charleston Regional Resources Recovery Auth.
18) Charleston Water System
19) Chatsworth Water Works Commission
20) City of Sheffield Utilities
21) Clarksville Gas, Water & Wastewater
22) Clayton County Water Authority
23) Cobb County - Marietta Water Authority
24) Crisp County Power Commission
25) Dutton Waterworks
26) Eatonton-Putnam Water & Sewer Authority
27) Edgefield County Water & Sewer Authority
28) Electric Power Board of Chattanooga
29) Electric Power Board of Chattanooga, TN
30) Emerald Coast Utilities Authority
31) Englewood Water District
32) Gladeville Utility District
33) Grand Strand Water & Sewer Authority
34) Greenville Water System
35) Greenwood Commissioners of Public Works
36) Greer Commission of Public Works
37) Guntersville Water and Sewer Board
38) Gwinnett County Water and Sewerage Authority
39) Hamilton Co. Water & Wastewater Treatment
40) Henry County Water Authority
41) Huntsville Utilities
42) Limestone County Water and Sewer Authority
43) Lumpkin County Water & Sewerage Authority
44) Macon Water Authority
45) Middle Chattahoochee Regional Water & Sewer Authority
46) Middle Georgia Regional Water & Sewer Authority
47) Mount Pleasant Waterworks
48) Newton County Water & Sewerage Authority
49) North Charleston Sewer District
50) Onslow Water & Sewer Authority
51) Orangeburg Department of Public Utilities
52) Peace River/Manasota Reg. Water Supply Auth.
53) Peachtree City Water & Sewerage Authority
54) Polk County Water Authority
55) Renewable Water Resource
56) Seabrook Island Utility Commission
57) Seacoast Utility Authority
58) Section Waterworks
59) Sheffield Utilities
60) Susanville Sanitary District
61) Tampa Bay Water
62) Warren County Utility District
63) Waterworks & Sewer Board of the Town of Parrish

Airports

64) Atlanta Hartsfield-Jackson International Airport
65) Augusta-Richmond County Regional Airport
66) Charleston County Aviation Authority
67) Glynn County Airport Commission
68) Gwinnett Airport Authority
69) Halifax-Northampton Regional Airport Authority
70) Horry County Airport
71) Moore County (Pinehurst) Airport Authority
72) Paulding County Airport Authority
73) Walterboro-Colleton County Airport Commission

Transit

74) Chatham Area Transit Authority
75) Chattanooga Area Reg. Transportation Authority
76) Jackson Transit Authority, TN
77) Lakeland Area Mass Transit District
78) Lowcountry Regional Transit Authority
79) Macon-Bibb County Transit Authority
80) Pee Dee Regional Transit Authority
81) Santee Wateree Regional Transit Authority
82) South Florida Regional Transportation Authority
83) Waccamaw Regional Transportation Authority

Gas

84) Athens Gas Utility
85) Austell Natural Gas System
86) Natural Gas Acquisition Corp.

Other Governments. Other governmental entities we have audited within the past three years:

1) Albany - Dougherty Inner City Authority
2) Albany – Dougherty County Land Bank
3) Amelia Island Convention & Visitors Bureau
4) Amelia Island Mosquito District
5) Allendale County Hospital
6) Athens Limestone 911 District
7) Athens Limestone Hospital
8) Athens Limestone Industrial Development Board
9) Athens Limestone Landfill
10) Atlanta Firefighters Pension Plan
11) Atlanta General Employees Pension Plan
12) Atlanta Police Pension Plan
13) Atlanta Development Authority
14) Atlanta Economic Renaissance Corporation
15) Atlanta Housing Opportunity
16) Avita Community Partners
17) Bayshore Gardens Park & Recreation District
18) Berkeley County Water & Sanitation
19) Bledsoe County Nursing Home
20) Bradenton Downtown Development Authority
21) Bristol Public Library
22) Brookhaven Convention and Visitors Bureau
23) Buncombe County Tourism Development Authority
24) Camden County Joint Development Authority
25) Camden County Public Service Authority
26) Captiva Erosion Prevention District
27) Central Community Redevelopment Agency
28) Central Georgia Joint Development Authority
29) Central Midlands Council of Govts.
30) Central Savannah River Area Regional Comm.
31) Charleston Co. Parks & Recreation Authority
32) Chatham County Jail Complex
33) Chatham County Tax Commissioner
34) Chatham County-Savannah Metro Planning Comm.
35) Chattahoochee River 911 Authority
36) Chattanooga Area Regional Council of Govts.
37) Citrus County Mosquito District
38) City of Albany- Chehaw Park Authority
39) City of East Point Retirement Plan
40) City of Sandy Springs Development Authority
41) Classic Center Auth. of Clarke County
42) Clayton Center Community Service Board
43) Clayton Co. Pension Fund
44) Clayton Co. Sheriff's Office
45) Coastal Heritage Society
46) Cobb Center Community Service Board
47) Cobb County-Marietta Water Auth. Pension
48) Colleton County Commission on Drug & Alcohol Abuse
49) Columbia Development Corp.
50) Columbia Empowerment Zone
51) Columbia Housing Development Corp.
52) Columbus County Tourism Development Authority
53) Community Housing Services Agency (CHSA)
54) Convention and Visitors Bureau of Dunwoody
55) Crisp Co.- Cordele Industrial Development Authority
56) Crisp Co.- Cordele Industrial Development Council
57) Cumberland Community Improvement District
58) Decide DeKalb
59) DeKalb County Public Library
60) Dev. Auth. of City of Jeffersonville & Twiggs Co.
61) Development Authority of City of Roswell
62) Development Authority of Lumpkin County
63) Development Authority of Peachtree City
64) Development Authority of Warner Robins
65) Downtown Atlanta Revitalization
66) Downtown Chattanooga Alliance
67) East Alabama Regional Planning & Development Comm
68) Eau Development Corporation
69) E.G. Fisher Public Library
70) Ensor Forest Apartments
71) Fairfield County Library
72) Fayette County Development Authority
73) Fifth Circuit Solicitor of Richland County
74) Florida Bar
75) Florida Bar Retiree Health Plan
76) Foundation for the Mental Health Center of NC Alab
77) Forsyth County Public Library
78) Georgia Charter Educational Foundation
79) Georgia Mountains Regional Commission
80) Georgia Pines Community Service Board
81) Georgia Ports Auth. DB & OPEB Plan
82) Georgia Ports Auth. Defined Contribution Plan
83) Grand Strand W&S Auth OPEB Plan
84) Griffin Spalding County Land Bank Authority
85) Gwinnett Civic/Cultural Center Operations
86) Gwinnett Convention and Visitors Bureau
87) Gwinnett County Development Authority
88) Gwinnett County Public Facilities Authority
89) Gwinnett County Public Library
90) Gwinnett County Recreation Authority
91) Hallandale Beach CRA
92) Halifax County Tourism Development Authority
93) Hardee County Industrial Development Authority
94) Heart of Georgia Altamaha Regional Commission
95) Hospital Authority of St. Marys
96) Housing Authority of Clayton County
97) Houston County Library System
98) Islamorada,City of Islands, Florida
99) Jacksonville, NC Tourism Development Authority
100) Jefferson Co. Economic and Industrial Dev Authority
101) Keep Peachtree City Beautiful Commission
102) Kennesaw State University Athletic Department
103) Lamar County Recycling Authority
104) Lawrence County Health Care Authority
105) Lebanon Senior Center
106) Legacy Community Health Services
107) Liberty Consolidated Planning Commission
108) Liberty County Development Authority
109) Live Oak Public Library
110) Lumpkin County Hospital Authority
111) Macon-Bibb County Land Bank Authority
112) Macon-Bibb County Urban Development Authority

113) Madison Tourism Development Authority
114) Manatee County Mosquito Control Dist
115) Manatee Technical Institute
116) Manchester Development Authority
117) MARTA/ATU Local 732 Employees Retirement
118) McIntosh Trail Community Service Board
119) McMinn County Library
120) McPherson Implementing Local Redev. Authority
121) McPherson Planning Local Redevelopment Authority
122) Mental Health Center of North Central Alabama
123) Meriwether County Industrial Development Authority
124) Metropolitan Planning Commission (MPC)
125) Miami Beach Employees Retirement Plan
126) Middle Flint Regional E-911 Authority
127) Middle Georgia Community Service Board
128) Milledgeville-Baldwin County Dev. Authority
129) Moore County Convention & Visitors Bureau
130) NE Corridor, LLC
131) Newton County Industrial Development Auth
132) North Charleston District
133) North Fulton Regional Radio Authority
134) Northeast Georgia Regional Commission
135) Northwest Florida State College Foundation
136) North Port Fire Pension
137) North Port Police Pension
138) Ocean Highway and Port Auth. of Nassau County
139) Oconee Center Community Service Board
140) Orangeburg Co. Development Commission
141) Orangeburg County Library
142) Palm Bay Police & Fire Pension Plan
143) Palm Tran Amalgamated Transit Union Pension
144) Palm Beach Gardens Firefighters Pension
145) Paulding County Industrial Development Authority
146) Peace River/Manasota Regional Water Supply Authority
147) Peachtree City Convention & Visitor's Bureau
148) Phoenix Center Community Service Board
149) Pooler Chamber of Commerce
150) Port Authority of Corpus Christi & Nueces County
151) Private Colleges and Universities Authority
152) Public Bldg. Auth. of Knox Co. & City of Knoxville
153) Redevelopment Agency of Warner Robins
154) Richland County Libraries
155) Riverdale Downtown Development Authority
156) River's Edge Community Service Board
157) Saluda Nursing Center
158) Sandy Springs Hospitality Board
159) Santee-Lynches Reg. Council of Governments
160) Santee-Lynches Reg. Development Corp.
161) Sarasota General Employees Pension
162) Sarasota Firefighters Pension
163) Sarasota Police Officers Pension
164) Savannah Chatham County Land Bank Authority
165) Savannah Development & Renewal Authority
166) Seacoast Utility Authority
167) Serenity Behavioral Health Systems
168) South Carolina Centers of Economic Excellence
169) South Island Public Service District
170) SOWEGA Council on Aging
171) St. Augustine Municipal Firefighters Pension
172) Talbot County Development Authority
173) Toccoa-Stephens County Public Library
174) Trailer Estates (FL)
175) Two Notch Development Corp.
176) Tybee Island Maritime Academy
177) Vidalia Onion Committee
178) Walterboro-Colleton County Airport Commission
179) Waycross / Ware County Development Authority
180) West Jackson Fire District
181) Wilson County / Lebanon Development Board

Water & sewer operations. Below is a listing of water/sewer operations we have served within the past three years:

1. Aiken County
2. Athens-Clarke County
3. Augusta-Richmond Co.
4. Barrow County
5. Berkeley County, SC
6. Bertie County
7. Calhoun County
8. Camden County
9. Chatham County
10. City of Aiken
11. City of Albany
12. City of Americus
13. City of Arcadia
14. City of Ashburn
15. City of Bainbridge
16. City of Ball Ground
17. City of Barnesville
18. City of Bloomingdale
19. City of Bradenton
20. City of Brunswick
21. City of Butler
22. City of Byron
23. City of Callaway
24. City of Canton
25. City of Cartersville
26. City of Cayce
27. City of Cedartown
28. City of Clarksville
29. City of Clemson
30. City of Clinton
31. City of Clover
32. City of College Park
33. City of Colquitt
34. City of Conyers
35. City of Cooper City
36. City of Cordele
37. City of Covington
38. City of Crystal River
39. City of Fairburn
40. City of Fayetteville
41. City of Fernandina
42. City of Forsyth
43. City of Ft. Myers Beach
44. City of Garden City
45. City of Georgetown
46. City of Goose Creek
47. City of Griffin
48. City of Gulfport
49. City of Gulf Stream
50. City of Haines City
51. City of Hendersonville
52. City of Hinesville
53. City of Islamorada
54. City of Jackson
55. City of Jacksonville
56. City of Jefferson
57. City of Johnsonville
58. City of Kingsland
59. City of Lagrange
60. City of Lake Placid
61. City of Lawrenceville
62. City of Lebanon
63. City of Leesburg
64. City of Long Boat Key
65. City of Manchester
66. City of Mansfield
67. City of Marco Island
68. City of Milledgeville
69. City of Monroe

70. City of Morristown
71. City of Naples
72. City of North Augusta
73. City of North Port
74. City of Palmetto
75. City of Perry
76. City of Plant City
77. City of Pooler
78. City of Port Wentworth
79. City of Powder Springs
80. City of Reynolds
81. City of Richmond Hill
82. City of Rock Hill, SC
83. City of Rockmart
84. City of Rocky Mount
85. City of Rome
86. City of Roswell
87. City of Savannah
88. City of Seneca, SC
89. City of Social Circle
90. City of St. Marys
91. City of Stockbridge
92. City of Suwanee
93. City of Thomasville
94. City of Thunderbolt
95. City of Tifton
96. City of Toccoa
97. City of Tuscaloosa
98. City of Tybee Island
99. City of Union City
100. City of Valdosta
101. City of Villa Rica
102. City of Wildwood
103. Columbia Co.
104. Crisp County
105. DeKalb County
106. Floyd County
107. Forsyth County
108. Gates County
109. Greene County
110. Halifax County
111. Lee County
112. Liberty County
113. Lincoln County
114. McIntosh County
115. Mitchell County
116. Montgomery County
117. Monroe County
118. Moore County
119. Orange County
120. Orangeburg County
121. Paulding County
122. Richland County, SC
123. Rockdale County
124. Spalding County
125. Talbot County
126. Taylor County
127. Walton County
128. Town of Black Mountain
129. Town of Chapin
130. Town of Hemingway
131. Town of Pamplico
132. Town of Selma
133. Town of Wilkesboro
134. Town of Winnsboro
135. Village of Tequesta

Our project costs vary widely in range due to services desired and the unique operations of each client. Our proposed hours are normally significantly less than other firms, as by focusing on the governmental industry, we achieve efficiencies based on experience and expertise. We have included a proposed project cost for the City based on these efficiencies.

TAB 5 – CAPABILITIES

MAULDIN & JENKINS

CPAs & ADVISORS

Additional Firm Capabilities

In addition to including information on our experience with other governmental entities and related expertise, we would also like to highlight other capabilities that we feel position uniquely to serve the City.

Certificates of Achievement & Excellence in Financial Reporting

Mauldin & Jenkins has served **over 725 governments** in the past several years, and **175** governmental units who obtain the GFOA's Certificate of Achievement for Excellence in Financial Reporting (and, or the ASBO's Certificate of Excellence in Financial Reporting).

Mauldin & Jenkins' clients have never failed to obtain the Certificate! Every Annual Comprehensive Financial Report submitted has received the award. The following are current clients:

Counties:

1) Aiken, SC
2) Athens-Clarke
3) Augusta-Richmond
4) Barrow
5) Beaufort, SC
6) Buncombe, NC
7) Butts
8) Camden
9) Cartersville
10) Chatham
11) Clayton
12) Colleton, SC
13) Columbus-Muscogee
14) Dekalb
15) Douglas
16) Edgefield, SC
17) Florence, SC
18) Floyd
19) Forsyth
20) Glynn
21) Greenville, SC
22) Gwinnett
23) Halifax, NC
24) Hamilton, TN
25) Henry
26) Horry, SC
27) Jackson
28) Lancaster, SC
29) Liberty
30) Macon-Bibb
31) Morgan
32) Moore, NC
33) Newton
34) Oconee, SC
35) Orange, NC
36) Paulding
37) Polk
38) Richland, SC
39) Rockdale
40) Spalding
41) Wake, NC
42) Walton
43) Whitfield

Cities:

44) Aiken, SC
45) Albany
46) Alpharetta
47) Americus
48) Apopka, FL
49) Austell
50) Avondale Estates
51) Ball Ground
52) Beaufort, SC
53) Black Mountain, NC
54) Bluffton, SC
55) Bradenton, FL
56) Bristol, TN
57) Brookhaven
58) Brunswick
59) Callaway, FL
60) Cartersville
61) Cayce, SC
62) Chamblee
63) Charleston, SC
64) Chamblee
65) Chapin, SC
66) Clarksville, TN
67) Clemson, SC
68) College Park
69) Conyers
70) Cooper City, FL
71) Covington
72) Decatur
73) Doraville
74) Douglasville
75) Dunwoody
76) Fayetteville
77) Fairburn
78) Forest Park
79) Forsyth
80) Garden City
81) Garner, NC
82) Georgetown
83) Griffin
84) Gulfport, MS
85) Haines City, FL
86) Hallandale Bch, FL
87) Hapeville
88) Hardeeville, SC
89) Hendersonville, NC
90) Hilton Head Island, SC
91) Hinesville
92) Holly Springs
93) Huntsville, AL
94) Jacksonville, NC
95) John's Creek
96) Juno Beach, FL
97) Kennesaw
98) Kiawah Island
99) Kingsland
100) Marco Island, FL
101) Lagrange
102) Lawrenceville
103) Longboat Key, FL
104) Milledgeville
105) Milton
106) Monroe
107) Morristown, TN
108) Morrow
109) Mount Pleasant, SC
110) Naples, FL
111) N. Augusta, SC
112) N. Charleston, SC
113) North Port, FL
114) Palmetto
115) Peachtree City
116) Perry
117) Plant City, FL
118) Pooler
119) Port Wentworth
120) Powder Springs
121) Prattville
122) Richmond Hill
123) Riverdale
124) Rockhill
125) Rockmart
126) Rocky Mount, NC
127) Rome
128) Roswell
129) St. Marys
130) Sandy Springs
131) Savannah
132) Social Circle
133) Stockbridge
134) Suwanee
135) Thunderbolt
136) Tarpon Springs, FL
137) Thomasville
138) Tuscaloosa, AL
139) Union City
140) Valdosta
141) Villa Rica
142) Zebulon, NC

Boards of Education:

143) Atlanta Public Schools
144) Beaufort County Schools
145) Bibb County Schools
146) Cartersville City Schools
147) Cobb County Schools
148) Fayette County Schools
149) Fulton County Schools
150) Griffin-Spalding County Schools
151) Gwinnett County Schools
152) Horry County Schools
153) Lee County School District
154) Marietta City Schools
155) Putnam County Schools
156) Richland Co. School District One
157) Savannah-Chatham County Schools

State Governmental Entities:

158) Ga. Environ. Fin. Auth. (GEFA)
159) Ga. Ports Authority

Other Governmental Entities:

160) Beaufort Jasper Water & Sewer Authority
161) Cape Fear Public Utility Authority
162) Central Savannah River Area Regional Comm.
163) Charleston Water System
164) Clayton County Water Authority
165) Cobb County - Marietta Water Authority
166) Emerald Coast Utilities Authority
167) Greenville Technical College
168) Greenville Water System
169) Greenwood Commissioners of Public Works
170) Greer Commission of Public Works
171) Hartsfield-Jackson International Airport
172) Henry County Water Authority
173) Lowcountry Regional Transportation Authority
174) Macon Water Authority
175) Mount Pleasant Waterworks
176) North Charleston Sewer District
177) Onslow Water & Sewer Authority
178) Port of Corpus Christi Authority
179) Public Building Authority of Knox Co. & Knoxville
180) South Florida Transportation Authority
181) Tampa Bay Water Authority

Municipal Bond Experience

In case the City plans to issue and refund bonds in the coming years, we have elected to share with the City some of our experience in the municipal bond area of auditing and financial reporting.

Please see our qualifications regarding our bond program auditing experience within the past three years. Such qualifications include our auditing municipal bond programs with at least $76 million of outstanding bonded debt for which much of the debt has been issued in the past three years, and we have issued numerous consent letters and comfort letters as part of the overall service to our governmental clients during the issuance of such bonded debt. As part of such a large government client base, Mauldin & Jenkins serves 47 clients who meet the above criteria.

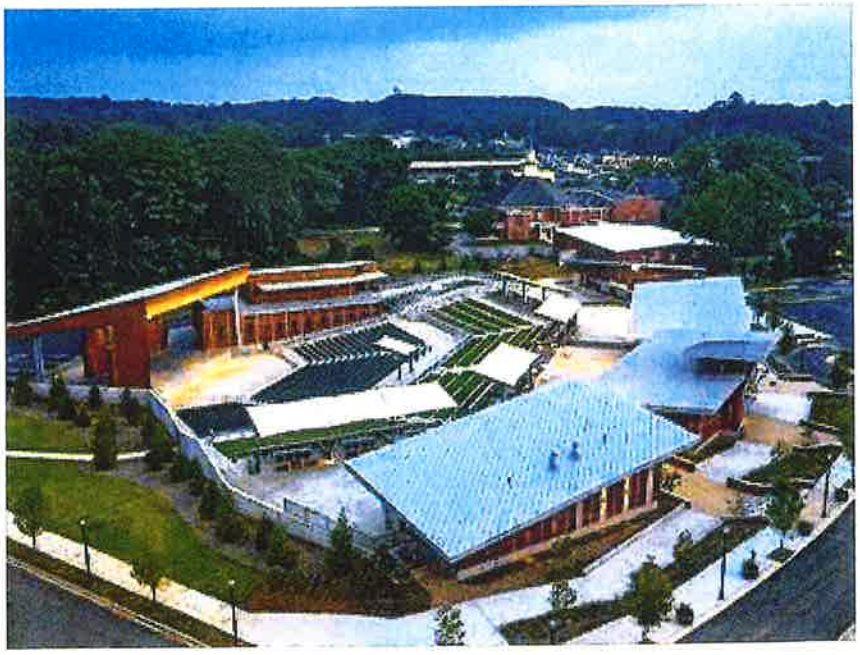
Additionally, we audit the Georgia State Finance and Investment Commission (GSFIC) who has issued several billions of general obligation bonds on behalf of the State of Georgia.

Please see the following list for a sample of clients we have performed bond procedures, and, or audited the financial statements for in the past three years whose publicly issued debts are in excess of $75,000,000.

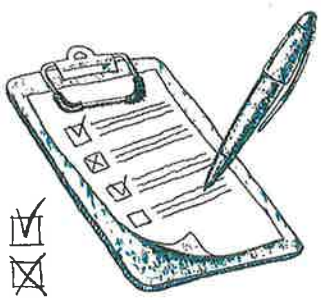
	Governmental Entity	Amount
1	Jefferson County	$ 2,512,564,000
2	South Car. Transportation Infrastructure Bank	1,408,180,000
3	Georgia Ports Authority	1,328,668,000
4	Gwinnett County Board of Education	1,171,193,000
5	DeKalb County	1,051,950,000
6	Tampa Bay Water	988,700,000
7	City of Huntsville	738,933,000
8	Gwinnett County	727,267,000
9	Charleston Water System	605,734,000
10	Augusta-Richmond County	549,068,000
11	Richland County School District 1	408,840,000
12	Forsyth County	396,049,000
13	Emerald Coast Utilities Authority	378,200,000
14	Henry County Board of Education	370,827,000
15	Hamilton County, Tennessee	360,180,000
16	Forsyth County Board of Education	359,256,000
17	Richland County	342,177,000
18	Paulding County	312,923,000
19	Electric Power Board of Chattanooga	280,000,000
20	GA. Higher Education Facilities Auth. (GHEFA)	232,019,000
21	Beaufort County	218,159,000
22	Athens-Clarke County	214,831,000
23	City of Decatur	179,959,000
24	City of Tuscaloosa	177,068,000
25	City of Pensacola	173,600,000
26	City of Marco Island	173,000,000
27	City of Sandy Springs	172,230,000
28	Charleston County Airport District	172,000,000
29	City of College Park	165,683,000
30	Atlanta Development Authority	164,277,000
31	City of Savannah	151,712,000
32	Henry County Water & Sewer Authority	151,021,000
33	Douglas County Board of Education	132,690,000
34	Clayton County Water Authority	130,018,000
35	City of Charleston	126,518,000
36	City of Alpharetta	120,985,000
37	Macon-Bibb County	111,774,000
38	Columbus Consolidated Government	109,870,000
39	South Carolina Dept.of Transportation	109,839,000
40	Islamorada, Village of Islands	99,900,000
41	Rockdale County	93,346,000
42	Clayton County	86,864,000
43	City of Hallandale Beach	85,400,000
44	Sumter School District	80,000,000
45	Orange County, North Carolina	78,429,000
46	Macon Water Authority	76,806,000
47	Atlanta Public Schools	76,740,000
		$ 15,312,745,000

Capabilities and Limitations

As detailed in our proposal, M&J has a significant number of employees with current governmental experience, both in the Macon office, as well as other offices. We feel confident we can serve the City in a timely and responsive manner and anticipate ***no limitations*** in serving the City and issuing the required deliverables in a timely manner. That being said, as the auditor, M&J cannot perform services which could be construed as functioning in a management capacity. Should additional needs beyond those outlined in this proposal be needed, we will work with the City to provide additional services, while not impacting our independence and adherence to professional standards.



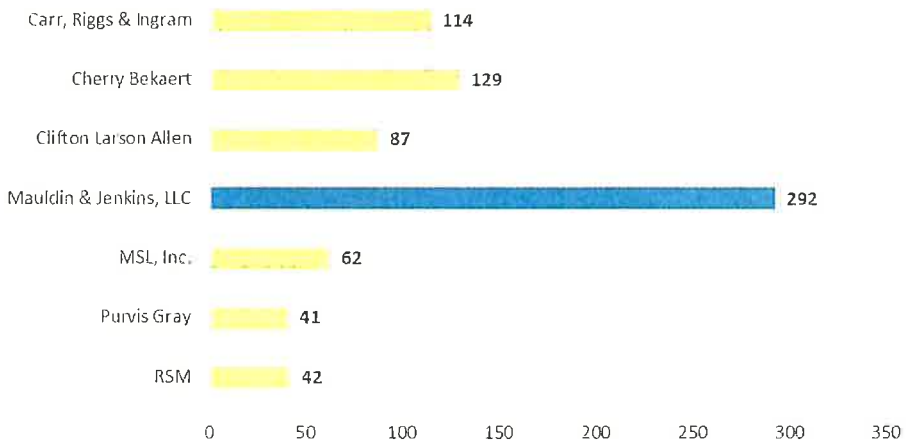
Audits of Federally Funded Programs (Single Audits)



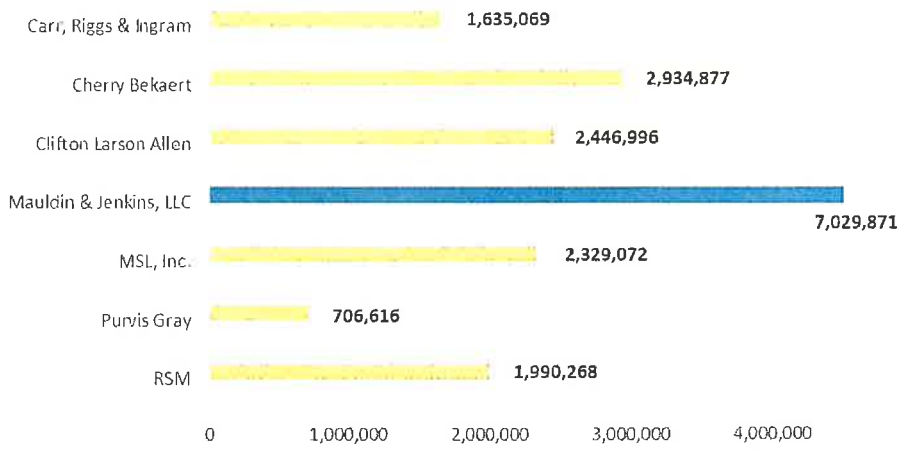
Based on the most recent data provided by the Federal Audit Clearinghouse (FAC) which is for calendar year 2022, Mauldin & Jenkins audits **292 entities** representing approximately **$7 billion in federal expenditures** for state, local government, and non-profit clients which is the:

- **Highest** among public accounting firms in the Southeast as it relates to the number of Single Audits conducted; and
- **Highest** among public accounting firms in the Southeast as it relates to total expenditures audited under the Single Audit Act.

Number of Single Audits Performed



Federal Award Dollars Audited (In Thousands)



The above information was summarized from the Federal Audit Clearinghouse for audits with fiscal year-ends in calendar year 2022 (the last year for which complete information is available) for states in which our Firm has offices.

Rotating or Not Rotating Auditors

There are proponents in the governmental sector that believe in changing auditors periodically. The belief is that changing auditors improves audit quality of an audit by providing a "fresh look".

Recognizing this proposal is a rebid of financial and compliance audit services currently provided by Mauldin & Jenkins to the City and the possibility that governing board members and evaluation team members may believe it to be prudent to rotate auditors on a periodic basis, we would like to offer the following actual headline and article which was posted on the AICPA's Center for Audit Quality website:

CENTER FOR AUDIT QUALITY

Accounting Today reports that a new academic paper calls mandatory audit firm rotation into question. Based on a complex experiment involving students who did not even know they were playing the role of auditors, **the study concludes that mandatory rotation could inhibit professional skepticism rather than encourage skepticism**.

"**Professional skepticism requirements are intended to elevate auditors' skepticism of their clients and, ultimately, audit quality**," the study says. "**This benefit disappears and even reverses when auditors rotate**. That is, rotation and a skeptical mindset interact to the detriment of audit effort and financial reporting quality."

The study argues that auditors who are subject every few years to mandatory rotation feel less confident about their ability to audit a new client. "Rotating auditors, aware that they will not be in a long-term relationship, will...likely perceive themselves to be less competent in evaluating the honesty or dishonesty of the [corporate] manager relative to auditors who do not rotate." As a result, "**rotating auditors would find it difficult to garner psychological support for the probability of manager dishonesty, leading them to be less likely to choose high levels of audit effort than non-rotating auditors**."

The above conceptual thoughts as researched and issued by ***Accounting Today*** and the AICPA Audit Quality Center are considered to be relevant to all certified public accounting firms. We tend to agree with the thoughts communicated herein by the AICPA's Center for Audit Quality. **That being said, if you feel differently from the conceptual thoughts communicated above, and that a rotation of auditors is necessary, it is important to note that Mauldin & Jenkins has substantial people resources, and can accommodate a change in: 1) lead partner, 2) quality assurance partner, 3) audit staff, and 4) office, should the City believe such changes are necessary.**

TAB 6 – COMPANY PRINCIPLES

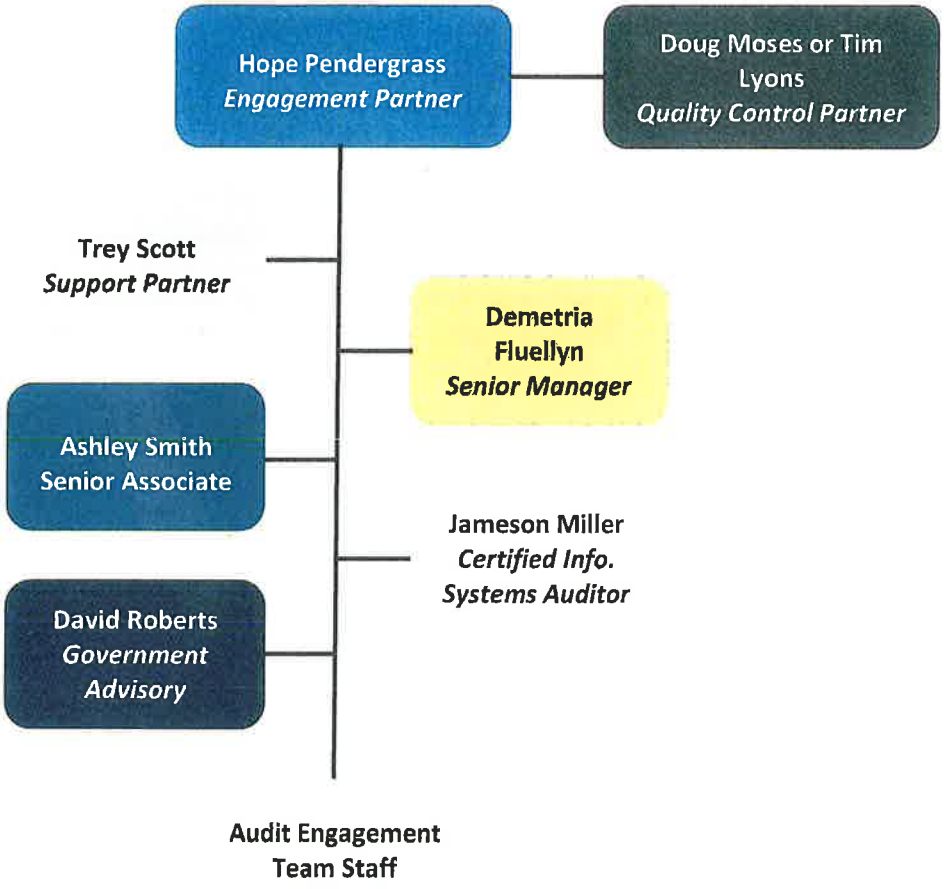
MAULDIN & JENKINS

CPAs & ADVISORS

Proposed Engagement Team

Staff

In order to provide the highest quality service in the most cost efficient manner, Mauldin & Jenkins has formed a client service team which will function as a cohesive unit, and would represent a superb assortment of talent and experience for the audit of the City. The unit would be assembled as:



The above team dedicated to audit the City will include (at a minimum): three partners, one full-time manager, and at least two staff professionals. The manager (Demetria Fluellyn) and the staff professionals will be substantially on-site full time throughout the conduct of their role in the audit. Other governmental audit professionals will be available to assist throughout the fieldwork and the preparation of the financial reports. The engagement partner (Hope Pendergrass) will correspond with City management on financial reporting, audit, and related issues on an ongoing basis, and this individual will also be dedicated to serve the City throughout fieldwork, reporting and conclusion in all respective fiscal years. Mauldin & Jenkins has the depth of resources which allows us to provide you with significant resources of knowledgeable professionals to meet your deadlines.

Resumes

Hope Pendergrass, CPA
Partner in Charge of the Engagement

Hope Pendergrass is a partner and a certified public accountant with Mauldin & Jenkins. Her experience covers a variety of state and local governmental organizations, and non-profit organizations. Hope spends 100% of her time serving state and local governments. Hope is well respected for her knowledge of performing Single Audits relative to expenditures of Federal awards, and serves as the firm's lead compliance audit technical partner. Hope was recently appointed to the Executive Committee of the AICPA's Government Audit Quality Center ("GAQC") where she collaborates with a team of individuals from firms across the United States on issues facing firms who perform governmental audits.

Years of Professional Experience and Years with Firm

Hope has 20 years of experience in public accounting and has spent all of that time serving both large and small governmental units. She is directly involved in serving approximately 85 such governmental entities. Hope obtained her CPA certificate in 2007.

List of Governmental Clients Served in the Last Three Years

Counties:
Macon-Bibb County
Clayton County
Colleton County, SC
Dougherty County
Henry County
Macon County
Mitchell County
Monroe County
Oconee County, SC
Mitchell County
Montgomery County, NC

Cities:
Albany
Atlanta
Americus
Ashburn
Byron
Cochran
Covington
Jeffersonville
Kennesaw
Leesburg
Macon
Perry
Stockbridge
Fayetteville
Leesburg
Orangeburg, SC
Chapin, SC

Other Governmental Units:
Albany-Dougherty Landbank Authority
Central Georgia Joint Dev. Auth.
Central Savannah River Area Regional Commission
Clayton Co. Pension Plan
Eatonton-Putnam Water & Sewer Auth.
GA College & State Univ.
Georgia Ports Authority
Ga. Higher Education Assist. Corp.
Ga. Student Finance Authority
Ga. Ports Authority
Heart of GA Altamaha Regional Comm.
Houston County Library System
Macon-Bibb County Landbank Authority
Macon-Bibb County Urban Development Authority
Macon Water Authority
MARTA Retirement Plan
Milledgeville-Baldwin Dev. Auth.
Development Auth. Jeffersonville & Twiggs Co.

Boards of Education & Charter Schools:
Academy for Classical Education
Beaufort County School District
Baker County Schools
Bibb County Schools
Bleckley County Schools
Brooks County Schools
Butts County Schools
Camden County Schools
Cirrus Academy
Clarendon County School Dist. 1
Clay County Schools
Clayton County Schools
Colleton County Schools
Colquitt County Schools
Coweta County Schools
Dawson County Schools
Dodge County Schools
Dougherty County Schools
Dublin City Schools
Emanuel County Schools
Effingham County Schools
Fayette County Schools
Florence School District 1
Florence School District 3
Furlow Charter School
Gilmer County Schools
Glynn County Schools
Greene County Schools
Griffin-Spalding County Schools
Hancock County Schools
Harris County Schools
Henry County Schools
Houston County Schools

Laurens County Schools
Marion County Schools
Morgan County Schools
Newton County Schools
Pataula Charter Academy
Peach County Schools
Pickens County Schools
Putnam County Schools
Rockdale County Schools
Savannah-Chatham County Public School System
Spring Creek Charter Academy
Susie King Taylor Community School
Thomas County Schools
Twiggs County Schools
Tybee Island Maritime Academy
Ware County Schools

Degree/Certifications and Audit Training

Hope graduated from Wesleyan College in 2003 with a Bachelor of Arts in Business Administration with a concentration in Accounting. She has been a featured speaker at various workshops and at our quarterly training events.

Hope was awarded the AICPA Advanced Single Audit Certificate after passing the AICPA Advanced Single Audit Exam, which requires the ability to evaluate and analyze core concepts related to client acceptance, engagement planning & analysis, and concluding an engagement, as well as guiding principles for single audits at an advanced level as outlined in the AICPA Competency Framework: Governmental Auditing.

Hope has obtained a significant amount of continuing professional education over the last several years including:

- 2024 M&J 1st Quarter CPE – GASB & Federal Compliance Update, Internal Controls over Disbursements and P-cards (Participant & Instructor)
- 2024 AICPA – Single Audit Lightning Round
- 2023 AICPA – Year End Engagement Planning (Instructor)
- 2023 M&J – Advancing Advisory – Governmental
- 2023 GGFOA Conference – (Instructor)
- 2023 AHACPA HUD Multi-family Update
- 2023 M&J 3rd Quarter CPE – Accounting and Auditing Potpourri (Participant & Instructor)
- 2023 University System of Georgia (UGS) – Mid-Year Training – (Instructor)
- 2023 GSCPA – Governmental Conference (Instructor)
- 2023 LumiQ – 2023 Compliance Supplement Update (Instructor)
- 2023 M&J Governmental Conference (Participant & Instructor)
- 2023 M&J Single Audit Training (Instructor)
- 2023 LumiQ – Yellow Book: Auditing the SEFA (Instructor)
- 2023 Octane Conference (Instructor)
- 2023 LumiQ – GASB Updates for 2023 and Beyond
- 2023 GSCPA – Spring Government Workshop
- 2023 AICPA – Auditing the Most Common Programs Received by School Districts
- 2022 AICPA – What Federal Agencies are Finding in QCRs (Instructor)
- 2022 Florida GFOA – Grants Management and Accounting
- 2022 M&J 3rd quarter CPE – Preparing for Year End Close and the Annual Audit
- 2022 M&J Governmental Conference (Participant & Instructor)
- 2022 AICPA Annual GAQC Update

- 2022 M&J Single Audit Training (Instructor)
- 2022 Octane Conference (Instructor)
- 2022 GSCPA Spring Government Workshop
- 2022 M&J 2nd quarter CPE – GASB Update
- 2022 AICPA Audit Considerations - CSLFRF
- 2022 M&J 1st quarter CPE – ARPA-CSLFRF – The Final Rule is Here (Instructor)
- 2021 GSCPA Governmental Accounting and Auditing Conference (Instructor)
- 2021 AICPA Pandemic-Related Single Audit Issues and Other Single Audit Updates
- 2021 AICPA Single Audit Lightning Round – Compliance Supplement Update
- 2021 GGFOA Annual Conference – COVID-19 Funding and Uniform Guidance Update (Instructor)
- 2021 GGFOA Wednesday's News You Can Use – ARPA (Instructor)
- 2021 M&J 3rd quarter CPE – Let's Talk Grants – Administration & Auditing (Instructor)
- 2021 AICPA Compliance Supplement and Single Audit Update
- 2021 M&J Governmental Conference (Participant & Instructor)
- 2021 M&J Client CPE – Coronavirus State & Local Fiscal Recovery Fund – What We Know Now (Instructor)
- 2021 M&J Single Audit Training (Instructor)
- 2021 Octane Virtual Conference (Instructor and Participant)
- 2021 M&J 2nd quarter CPE – GASB Update and GASB 87, *Leases*
- 2021 AICPA Uniform Guidance Revisions: What You Need to Know
- 2021 M&J 1st quarter CPE – Achieving Excellence in Financial Reporting
- 2021 AICPA Single Audit Lightning Round
- 2021 M&J Compliance Supplement Addendum Webinar (Instructor)

Professional and Civic Activities

Hope is a member of the American Institute of Certified Public Accountants ("AICPA"), the Georgia Society of CPAs ("GSCPA"), the Government Finance Officers Association ("GFOA"), and is active in the Georgia GFOA. She also serves on GFOA's Special Review Committee and performs reviews of ACFRs as part of GFOA's Certificate of Achievement for Excellence in Financial Reporting program. Hope has been a featured speaker and instructor for various trade and professional organizations including the GGFOA, the AICPA, the GSCPA, and the University System of Georgia.

Hope also coordinates and instructs our quarterly continuing education events provided to our clients. Additionally, she coordinates and edits our e-newsletter, which are issued periodically on emerging topics of interest to state and local governmental entities throughout our governmental practice.

Hope enjoys community service work and has volunteered with various organizations in the middle Georgia area including United Way of Central Georgia, Distinguished Young Women of Monroe and Bibb Counties, Forest Hills United Methodist Church, and Wesleyan College.

Hope Pendergrass

Doug Moses, CPA
Engagement Quality Control Partner

Doug Moses is a **resident of Henry County** and a member (i.e., partner) and a certified public accountant with Mauldin & Jenkins, LLC. He specializes in serving local and state governmental entities, and is a partner who works exclusively in the governmental sector of the Firm's audit practice. Doug has a very balanced base of clientele serving cities, counties, boards of education, charter schools, state government entities and special purpose governmental entities. He is registered in Georgia. Doug is a member of the Firm's Executive Committee, which governs the actions and direction of the Firm and serves as a member of the Firm's Advisory Committee. Doug also heads up the Firm's Diversity and Inclusion Initiative Program and serves as a member of the Leadership and Career Development Committee, helping provide policy and procedural recommendations to establish and monitor a leadership, educational, and mentoring programs for the development of the Firm's human resources.

Years of Professional Experience and Years with Firm

Doug has over 24 years of experience with the Firm. Doug serves both large and small governmental units and is involved in serving over 50 such governmental entities. Doug obtained his CPA certificate in 2001.

The following is a summary of governmental clients served by Doug in the capacity of engagement partner in-charge or quality control review partner:

List of Governmental Clients Served in the Last Three (3) Years

Counties:
Athens-Clarke County
Barrow County
Cherokee County
Colquitt County
DeKalb County
Douglas County
Jackson County
Jefferson County, Alabama
Floyd County
Mitchell County
Walton County
Gwinnett County
Henry County
Hamilton County, Tennessee
Halifax County, North Carolina
Orange County, North Carolina

Cities:
Atlanta
Athens, Alabama
Alpharetta
Austell
Ball Ground
Baldwin
Chamblee
Clarkston
College Park
Cochran
Dacula
Doraville
Decatur
Douglasville
Dunwoody
Duluth
Forest Park
Fairburn
Jefferson
LaGrange
Lawrenceville
Lilburn
Grantville
Riverdale
Rome
Toccoa
Whitesburg
Bristol Tennessee
Town of Braselton
Crossville, Tennessee
Tucker
Jamestown, Tennessee
Suwannee
Stonecrest
Hapeville
Oxford
South Fulton
Morrow
Powder Springs
Town of Selma North Carolina
Town of Garner North Carolina

State Entities:
Georgia Lottery Corporation
Georgia Environmental Finance Authority
State Road and Tollway Auth.
Georgia Student Finance Auth.

Other Governmental Units:
Austell Natural Gas System
Decide DeKalb Authority
Chattanooga Area Regional Council of Govt's
Cobb County-Marietta Water Authority
Riverdale Downtown Development Authority
Bristol Tennessee Joint Sewerage System
Town Center Area Community Improvement District
Evermore Community Improvement District
Lawrenceville Tourism and Trade Association
Cherokee County Airport Authority
Barrow County Water and Sewerage Authority
Invest Atlanta (Atlanta Development Authority
McPherson Planning Local Redevelopment Auth.
McPherson Implementing Local Redevelopment Authority
Atlanta Beltline Inc.
Atlanta Housing Opportunity, Inc.
Urban Residential Finance Authority of Atlanta
Downtown Development Authority of Atlanta
Atlanta – Atlanta Station Tax Allocation District
Atlanta – Westside Tax Allocation District
Atlanta – Eastside Tax Allocation District
Atlanta – Princeton Lakes Tax Allocation District
Atlanta – Beltline Tax Allocation District
Atlanta – Perry Bolton Tax Allocation District
Electric Power Board of Chattanooga, Tennessee
Chattanooga Area Regional Council of Governments, Tennessee
City of Bristol Industrial Development Board Tennessee
Orange County Disabilities & Special Needs Board, South Carolina
Public Building Authority County of Knoxville, Tennessee
Hamilton County Water & Wastewater Treatment Authority
Bristol Public Library, Tennessee
Halifax-Northampton Regional Authority North Carolina
Halifax County Tourism Development Authority North Carolina
Halifax Airport Authority North Carolina

Boards of Education (and Charter Schools):
Atlanta Independent Schools
Fulton County Schools
DeKalb County Schools
Atlanta Heights Charter School
Gwinnett County Schools
Buford Board of Education
Fulton County Schools Employees' Pension Plan
Cobb County Schools
Decatur City Schools
Marietta City Schools
Rome City Schools
Troup County Schools
Douglas County Schools
Forsyth County Schools
Jefferson Board of Education
Murray County Board of Education
Union County Board of Education
Habersham County Board of Education
Floyd County Board of Education
Cartersville Board of Education
Paulding County Schools
Gordon County Schools
Oconee County Schools
Walton County Schools
Board of Regents of the University
Georgia Online Academy Inc.
Brighten Academy
Cherokee Charter Academy
International Charter Academy
Brookhaven Innovation Academy
Atlanta Heights Charter School
Coweta Charter Academy
SLAM Academy
Pataula Charter Academy
Georgia Charter Education Foundation
Southwest Georgia STEM Charter School
Georgia School for Innovation
East Point Academy of South Carol

Degree/Certifications and Audit Training

Doug graduated from Georgia Southern University in 1999 with a Masters of Business Administration with emphasis in accounting and from Georgia Southwestern State University in 1997 with a Bachelors of Business Administration degree with a major in accounting (Magna Cum Laude). He has been a speaker at free quarterly CPE provided to our clients and several internal conferences.

Doug has obtained and instructed a significant amount of continuing professional education over the last three (3) years including:

- 2023 M&J Annual Governmental Accounting & Auditing Conference – Participant
- 2023 OCTANE Governmental Accounting Conference –Participant
- 2023 GGFOA Governmental Conference – Participant
- 2022 M&J Free Client CPE Classes – Coronavirus State & Local Fiscal Recovery Fund – The Final Rule is Here! – Participant
- 2022 M&J Advancing Advisory Lunch & Learn- Entrepreneurial Operating System - Participant
- 2022 M&J Annual Governmental Accounting & Auditing Conference, Virtual – Participant
- 2022 OCTANE Governmental Accounting Conference – Instructor and Participant
- 2022 GGFOA Governmental Conference – Participant
- 2021 Rainmaker Training – Participant
- 2021 GASB Update and GASB 87, Leases – Participant
- 2021 M&J Annual Governmental Accounting & Auditing Conference, Virtual - Participant
- 2021 OCTANE Governmental Accounting Conference – Instructor and Participant
- 2021 M&J Achieving Excellence in Financial Reporting – Ask the Auditor – Participant and Panelist
- 2021 Highlights of the 2020 Compliance Supplement, Webinar – Participant
- 2021 Provider Relief Fund Updated Reporting Requirements - Participant
- 2021 Coronavirus State & Local Fiscal Recovery Fund – What We Know Now – Participant
- 2021 GGFOA Governmental Conference – Participant

Professional and Civic Activities

Doug is a Certified Public Accountant and a member of the American Institute of Certified Public Accountants, Georgia Society of Certified Public Accountants, Government Finance Officers Association, the National Association of Black Accountants, the Georgia Government Finance Officers Association and the Association of Government Accountants.

Doug is also an active member of the Georgia Southwestern's GSW Foundation, Inc., and the alumni board of trustees for Georgia Southwestern State University where he is the past-president of the Alumni Board, past-chair of the GSW Foundation, Executive Committee member, and current chair of the Development Committee. He has spoken at several graduation commencements which included the December 2005 Graduation Commencement at Georgia Southwestern State University in which the former President Jimmy Carter and his wife attended (the former President personally commended Doug on his speech during a private luncheon held on campus). Doug also serves on the Educational Foundation of the Ga Society of CPAs where he serves as the Chair for the College Outreach Committee and is a member of the Leadership Council of the Ga Society of CPAs.

Doug Moses

Tim Lyons, CPA
Alternate Quality Control Partner

Tim Lyons is a partner with Mauldin & Jenkins and is a certified public accountant as well as a chartered global management accountant. His experience covers a variety of clients throughout the Southeast, working mainly in North Carolina, South Carolina, and Georgia.

Tim spends 100% of his time serving clients in the governmental industry, working with all types of entities ranging from large state agencies to local counties/cities/townships, school districts, and authorities. In a leadership capacity, Tim is the partner-in-charge of the Firm's Columbia and Raleigh Offices and is also a member of the Firm's Assurance Committee, overseeing the entire audit practice of Mauldin & Jenkins, focusing on the Firm's Governmental Assurance services.

Years of Professional Experience and Years with Firm

Tim has more than fifteen years of experience in public accounting – a year and a half with a firm based out of Charleston, South Carolina and over thirteen years with Mauldin & Jenkins serving a wide variety of clients in the public services industry.

List of Governmental Clients Served in the Last Three (3) Years

Counties:
Aiken County, SC.
Buncombe County, NC.
Columbus County, NC.
Floyd County, Ga.
Forsyth County, Ga.
Gates County, NC.
Greene County, NC.
Halifax County, NC.
Jefferson County, AL.
Madison County, NC.
Montgomery County, NC.
Moore County, NC.
Orange County, NC.
Sumter County, SC.
Wake County, NC.
Walton County, Ga.

Cities and Townships:
Atlanta, Ga.
Black Mountain, NC.
Brookhaven, Ga.
Cartersville, Ga.
Cayce, SC.
College Park, Ga.
Decatur, Ga.
Douglasville, Ga.
Forest Park, Ga.
Garner, NC.
Hendersonville, NC.
Hollywood, SC
Kennesaw, Ga.
Jacksonville, NC.
Johns Creek, Ga.
LaGrange, Ga.
Loris, SC
Monroe, Ga.
Milton, Ga.
Rock Hill, SC.
Rockmart, Ga.
Rocky Mount, NC.
Rome, Ga.
Sandy Springs, Ga.
Social Circle, Ga.
Selma, NC.
Wilkesboro, NC.
Zebulon, NC.

School Districts:
Atlanta Public Schools
Beaufort County Schools
Clarendon County School District 1
Douglas County Board of Education
East Point Academy of South Carolina
Florence School District 1
Florence School District 3
Forsyth County Schools
Fulton County Board of Education
Horry County Schools
Marietta City Schools
Marlboro County School District
Montessori School of Camden
Orangeburg County School District
Richland County School District 1
South Carolina Public Charter School District
Sumter County School District

State Agencies:
Georgia Environmental Finance Authority (GEFA)
Georgia Higher Education Finance Authority (GHEFA)
Georgia Superior Court Clerks' Cooperative Authority (GSCCCA)
Georgia State Financing and Investment Commission (GSFIC)

Georgia World Congress Center Authority (GWCCA)
South Carolina Centers for Economic Excellence ("SmartState")
South Carolina Department of Transportation
South Carolina Education Lottery Commission
South Carolina Transportation Infrastructure Bank

Higher Education:
Aiken Technical College
Central Carolina Technical College
Francis Marion University
Greenville Technical College
Northeastern Technical College
Tri-County Technical College
Trident Technical College

Other Governmental Units:
Austell Natural Gas System
Buncombe County Tourism Development Authority
Cape Fear Public Utility Authority
Chatsworth Water Works Commission
Cobb County-Marietta Water Authority
Cobb County-Marietta Water Authority Retirement Plan
Columbus County Tourism Development Authority
Forsyth County Public Library
Fulton County School Employees' Pension Fund
Halifax-Northampton Regional Airport Authority
Halifax County Tourism Development Authority
Jacksonville Tourism Development Authority
Moore County Airport Authority
Moore County Convention and Tourism Bureau
Onslow Water and Sewer Authority

Degree/Certifications and Audit Training

Tim graduated in 2006 from Furman University in Greenville, South Carolina with a Bachelor of Arts in Accounting and subsequently, obtained his Masters of Science in Accountancy from the College of Charleston (South Carolina) in 2009. Tim holds active CPA licenses in both South Carolina and Georgia.

Tim has obtained and instructed a significant amount of continuing professional education over the last three years, including:

- Podcasts Hosted with LumiQ During 2023:
  - GASB Updates for 2023 and Beyond (Spring 2023)
  - Audit Considerations and Risks for Government Financing (Summer 2023)
  - GASB 94 (Fall 2023)
- 2023 Government Finance Officers of South Carolina Annual Conference – Live Conference (Hilton Head Island, SC) – Instructor ("Auditing Standards and Yellow Book Updates for 2023")
- 2023 Mauldin & Jenkins Annual Governmental Conference – Live Conference (Chattanooga, TN) – Instructor and Participant
- 2023 UNC School of Government Local Government Auditor Conference – Virtual Conference – Instructor ("Auditing Standards and Yellow Book Updates for 2023")
- 2023 Mauldin & Jenkins Government Client CPE– Virtual Conference – Instructor ("Updates in the Debt Environment for State and Local Governments")
- 2023 South Carolina Association of School Business Officials – Spring Conference Myrtle Beach, South Carolina – Instructor ("New GASB Standards and Upcoming Changes in School District Accounting")
- 2022 Mauldin & Jenkins Government Client CPE– Virtual Conference – Instructor ("Implementing GASB Statement 87")
- 2022 Mauldin & Jenkins Government Client CPE– Virtual Conference – Instructor ("GASB Update")
- 2022 Mauldin & Jenkins Annual Governmental Conference – Virtual Conference – Instructor and Participant
- 2022 UNC School of Government Local Government Auditor Conference – Virtual Conference – Instructor ("The Role of Risk Assessment in Local Government Audits")

- 2021 South Carolina Association of CPAs Fall Fest – Instructor ("Accounting for Debt in a Government")
- 2021 AICPA Webcast – Participant ("Navigating the New AICPA Ethics Interpretation: State and Local Government Client Affiliates")
- 2021 South Carolina Association of CPAs Virtual Webinar – Instructor ("Overview of the ACFR and Common Deficiencies in Seeking the GFOA Certificate")
- 2021 Mauldin & Jenkins Annual Governmental Conference – Virtual Conference – Instructor and Participant
- 2021 South Carolina Association of CPAs Spring Splash Virtual Conference – Instructor ("Reporting Issues with Component Units and Changes Brought on by GASBs 84 and 97")
- 2021 Mauldin & Jenkins Government Client CPE – Virtual Webinar – Instructor ("GASB Update and GASB 87")
- 2021 Mauldin & Jenkins Government Client CPE – Virtual Webinar – Panelist ("Ask the Auditor!")

Professional and Civic Activities

Tim is involved in a variety of organizations to both support the governmental industry and to promote the CPA profession overall. At the national level, he is a graduate of the AICPA's Leadership Academy, Class of 2012 and is a current member of the AICPA's State and Local Government Expert Panel. As a part of this fifteen member panel, Tim works on financial reporting, audit and attest matters relevant to audits of state and local government financial statements. The expert panel protects the public interest by bringing together knowledgeable parties in the state and local government industry to deliberate and come to agreement on key state and local government issues. It also plays a significant advocacy role through analysis and comment on exposure documents of the Governmental Accounting Standards Board and other proposals affecting state and local governments.

Also at the national level, Tim is a member of the Special Review Committee for the Government Finance Officers' Association (GFOA), reviewing Annual Comprehensive Financial Report submissions from all across the U.S. for governments seeking to obtain the Certificate of Achievement for Excellence in Financial Reporting.

At the state level, Tim is involved with the state GFOA organizations as a periodic presenter at the annual conferences as well as with the State CPA societies. Outside of the CPA profession, Tim is a member of the Board of Directors for Children's Trust of South Carolina whose Board is appointed by the Governor. Children's Trust is the only statewide organization whose mission is the prevention of child abuse, neglect and injury throughout South Carolina by forming partnerships with local governmental and nonprofit organizations including many counties, school districts, and other governmental agencies.

Tim Lyons

Trey Scott, CPA
Support Partner

Trey Scott is a partner and a certified public accountant with Mauldin & Jenkins specializing in serving local and state governmental entities. Trey's experience with the firm covers a variety of state and local governmental organizations in Georgia, South Carolina and Florida.

Trey spends 100% of his time serving local governments emphasizing cities, counties, school districts, business-type entities, state government entities, and special purpose entities and authorities.

Years of Professional Experience and Years with Firm

Trey has sixteen (16) years of experience in public accounting, all with Mauldin & Jenkins serving a wide range of governmental clients. Trey has specific experience with client computer systems (most commonly Tyler Munis and BS&A, among others). He is also thoroughly versed in Federal and State grant programs.

List of Audits Performed for Governments in the Last Three (3) Years

Trey serves both large and small governmental units, and is involved in serving over seventy (70) such governmental entities. The following is a current summary of governmental clients served by Trey in the capacity of engagement partner:

Cities:
Aiken, South Carolina
Bloomingdale
Bluffton, South Carolina
Brunswick
Cooper City, Florida
Covington
Conyers
Crystal River, Florida
Fayetteville
Griffin
Hallandale Beach, Florida
Hardeeville, South Carolina
Hinesville
Hilton Head Island, South Carolina
Hollywood, South Carolina
Kiawah Island, South Carolina
Kingsland
Morrow
North Charleston, South Carolina
Peachtree City
Pensacola, Florida
Savannah
St. Marys
Thunderbolt
Tybee Island
Village of Pinecrest, Florida
Union City

Counties:
Augusta-Richmond County
Beaufort County, South Carolina
Camden County
Colleton County, South Carolina
Chatham County
Charlton County
Dorchester County
Hampton County
Liberty County
Long County
Oconee County, South Carolina
Peach County
Pierce County
Rockdale County
Stephens County
Tattnall County
Toombs County

Other Governmental Units:
Beafort Jasper Water and Sewer Authority
Broad Creek Public Service District
Brunswick-Glynn Joint Water and Sewer Commission
Camden County Public Service Authority
Central Midlands Regional Transit Authority
Charleston County Park and Recreation Commission
Chatham Area Transit Authority
Clayton County Water Authority
Hardee County, FL Industrial Development Authority
Henry County Water and Sewerage Authority
Hospital Authority of St. Marys
Lakeland Area Mass Transit District
Live Oak Public Libraries
Lowcountry Regional Transportation Authority
Mount Pleasant Waterworks
Newton County Water Authority
Ocean Highway and Port Authority
Polk Transit Authority
Peachtree City Convention & Visitors Bureau
Peachtree City Development Authority
Peachtree City Water and Sewer Authority
Port of Corpus Christi Authority of Nueces County Texas
South Island Public Service District
Toccoa-Stephens County Public Library
Tampa Bay Water

State Entities:
Georgia Building Authority
Georgia State Road and Tollway Authority
Georgia Ports Authority
Georgia Student Finance Authority
South Florida Regional Transportation Authority

Degree/Certifications and Audit Training

Trey graduated from Austin College, in Sherman Texas with a Bachelor of Arts degree, majoring in Business Administration. Trey also has a Master of Public Accounting degree from the University of West Georgia in Carrollton. He is in his 16th year of public accounting and auditing, with an emphasis on state and local governments.

Trey has instructed or participated in a significant amount of continuing professional education over the last three years including:

- 2023 M&J Governmental Conference – Various Participant / Instructor
- 2023 GFOA South Carolina Conference – GASB Update – Instructor
- 2023 Ethics for CPAs in Florida
- 2023 Octane Conference – GASB Update - Instructor
- 2023 Carl Vinson Institute of Local Government ACFR class – Instructor
- 2023 M&J Quarterly Client CPE – Instructor
- 2022 GGFOA – GASB 87 Implementation - Instructor
- 2022 M&J Governmental Conference – Various topics – Instructor and Participant
- 2022 Octane Conference – Team Performance – Instructor
- 2021 FGFOA School of Governmental Finance – Presenting your Financial Report Card to Non-financial People - Instructor
- 2021 GFOASC – Governmental Financial Report Card – Instructor
- 2021 Georgia Fiscal Management Council Conference – GASB Update - Instructor
- 2021 South Carolina Association of Public Accountants – Evaluating Gov Financial Stmts Instructor
- 2021 M&J Governmental In-charge Training – Various - Instructor
- 2021 M&J Governmental Conference – Various – Participant / Instructor
- 2021 Octane Conference – Your Govts Financial Report Card – Instructor
- 2021 Carl Vinson Institute of Local Government ACFR class – Instructor

Professional and Civic Activities

Trey is a Certified Public Accountant and a member of the American Institute of Certified Public Accountants, Florida Institute of Certified Public Accountants, Georgia Society of Certified Public Accountants, the Government Finance Officers Association, the Florida Government Finance Officers Association, and the Georgia Government Finance Officers Association.

Trey Scott

Demetria Fluellyn, CPA
Senior Manager

Demetria is a Senior Manager with Mauldin & Jenkins. Her experience with the firm covers a variety of state and local governmental organizations, including cities, counties, state entities and special purpose governmental entities, but she has a definite affinity and experience in the school district/board of education sector. Demetria spends 100% of her time serving state and local governments. Demetria works with approximately 35 state and local governments in Georgia.

Years of Professional Experience and Years with the Firm

Demetria has over twelve (12) years of experience in public accounting, all with Mauldin & Jenkins, serving a wide range of clients in the public services industry.

List of Audits Performed for Governments in the Last Three (3) Years

School Systems:
Beaufort Co. School District
Bibb Co. School District
Butts County Schools
Camden Co. School District
Dougherty County Schools
Clayton Co. School District
Coweta Co. School District
Fayette Co. School District
Furlow Charter School
Glynn Co. School District
Henry Co. School District
Laurens County Schools
Pataula Charter Academy
Peach Co. School District
Rockdale Co. School District
Morgan County Schools
Houston County Schools
Griffin-Spalding County Schools
Newton County Schools
Academy for Classical Education
Twiggs County School District
Savannah-Chatham Schools
Dublin City Schools
Cirrus Academy Charter School

Counties:
Augusta-Richmond Co.
Macon-Bibb Co.
Mitchell Co.
Turner County

Cities:
Americus
Stockbridge
Leesburg
Albany

Other Governmental Entities:
Clayton Co. Housing Authority
Georgia Higher Education Assistance Corp. (GHEAC)
Georgia Infirmary Housing Corporation
Georgia Student Finance Authority (GSFA)

Degree/Certifications and Audit Training

Demetria graduated from Georgia Southern University with a B.B.A. in Accounting in 2010 and a Masters in Accounting in 2012. She is a Certified Public Accountant. Additionally, Demetria has obtained a significant amount of continuing professional education over the last three years, serving as a participant in several seminars and courses including:

- 2023 Introduction to Federal Grants
- 2023 Single Audits of Governmental and Nonprofit Entities
- 2023 Audits of State and Local Governments
- 2022 Overview of Governmental Accounting
- 2022 Grants Management
- 2022 Governmental In-Charge Training
- 2022 Coronavirus State & Local Fiscal Recovery Fund – The Final Rule Is Here!
- 2021 Single Audits Under the Uniform Guidance
- 2021 M&J IT Cybersecurity & Effectiveness in Governments
- 2021 M&J Let's Talk Grants – Administration & Auditing
- 2021 M&J 2nd Quarter CPE – GASB Update and GASB 87, *Leases*
- 2021 M&J 1st Quarter CPE – Achieving Excellence in Financial Reporting
- 2021 M&J Compliance Supplement Addendum Webinar

Professional and Civic Activities

Demetria is a Certified Public Accountant and a member of the American Institute of Certified Public Accountants and the Georgia Society of Certified Public Accountants. Demetria currently resides in Macon, Georgia with her husband, Antoine, daughter, Kyla, and son, Kobe. She is an active member of St. Phillip A.M.E. Church in Culloden, Georgia.

Ashley Smith
Senior Associate

Ashley is a Senior Associate with Mauldin & Jenkins. Her experience with the firm covers a variety of state and local governmental organizations.

Ashley joined the firm in 2018, and spends 100% of her time serving state and local governments. Her experience primarily revolves around cities, counties and school districts located in Georgia.

Years of Professional Experience and Years with the Firm

Ashley has six (6) years of experience in public accounting with Mauldin & Jenkins, serving clients in the public services industry.

List of Audits & Compilations Performed for Governments in the Past Three Years

School Systems:
Bibb County School District
Butts County School District
Clayton County School District
Dodge County School District
Glynn County School District
Harris County School District
Marion County School District
Putnam County School District
Rockdale County School District
Peach County School District
Dublin City School District
Fayette County School District

Other Governmental Entities:
Georgia Higher Education Assistance Corp.
Georgia Student Finance Authority
Macon Water Authority

Cities & Counties:
Macon-Bibb County
City of Albany
Jones County
City of Atlanta

Degree/Certifications and Audit Training

Ashley graduated from Mercer University with a B.B.A in accounting and also obtained her MBA from Mercer University. In addition, Ashley has obtained a continuing professional education over the last three years, serving as a participant in seminars and courses including:

- 2024 M&J GASB Update, Federal Compliance Update, & Internal Control over Disbursements & P-cards
- 2023 M&J Advancing Advisory – Governmental
- 2023 M&J Governmental Conference
- 2023 M&J Advancing Advisory – Nonprofit
- 2023 M&J ACFR Training
- 2023 AICPA Auditing the Most Common Programs Received by School Districts
- 2022 M&J Governmental In-Charge Training
- 2022 M&J Governmental Conference
- 2022 Thomson Reuters Tax and Accounting Professional Software & Services
- 2022 M&J ACFR Training
- 2022 M&J Coronavirus State & Local Fiscal Recovery Fund – The Final Rule Is Here!
- 2021 M&J Governmental In-Charge Training
- 2021 M&J Governmental Conference
- 2021 Thomson Reuters Audit Watch University: Experienced In-Charge Training
- 2021 M&J ACFR Training

Professional and Civic Activities

Ashley is a member of the American Institute of Certified Public Accountants, Georgia Society of Certified Public Accountants, and the National Association of Black Accountants. She attends Total Grace Baptist Church in Macon, Georgia.

Other Resources (Advisory Services &Information Technology Services)

David Roberts
Partner, Governmental Advisory Services

David Roberts has more than 22 years of experience as a consultant and trusted advisor providing operational/organizational assessments and similar transformational projects for federal, state, and local governments across the country. David's experience includes leading numerous enterprise-wide/departmental/functional assessments and transformations over his career measuring the efficiency and effectiveness of organizational structures and culture, performance management, technology systems and strategies, staffing models, service delivery models, and customer satisfaction.

David helps his clients turn visions and goals into reality. He has helped multiple clients win national government industry awards for innovation, transformation, and cost savings.

David leads our Government Advisory practice, where he focuses on helping governments and individual agencies fulfill and exceed their financial, operational, and regulatory obligations to the public.

David has completed hundreds of projects over his career. Below are representative sample management consulting projects demonstrating David's depth and breadth completed within the past 12 months:

Operational and Performance Assessment – *Walton County, Georgia*
David led a multi-department Operational and Performance Assessment for Walton County. The scope included assessing organizational structure, operational efficiency, staffing levels and resource utilization, comparison to leading practices, and observations and recommendations to assist the County in achieving the desired future state. The final report included numerous observations with associated recommendations and a detailed Roadmap/Implementation Plan.

Outsourcing Feasibility Study – *City of Rocky Mount, North Carolina*
David led a feasibility study for the City of Rocky Mount to assess its current service delivery model for providing parks maintenance and landscaping services. City operations used of a hybrid model of both internal resources and third-party contractors to provide parks maintenance and landscaping. The project evaluated the pros and cons (both financial and non-financial) of 1) maintaining the hybrid model, 2) performing all services in-house, and 3) performing all services externally.

Finance Functional Assessment – *Richland County Library, South Carolina*
David led a functional assessment of the Library's finance department. The project consisted of understanding the current state – current service provision, performance, workflow, business processes, internal controls, organizational structure, reporting, and communications. The current state was compared to leading practices and gaps were identified. An implementation roadmap was created that aligned recommendations to leaderships' vision to help the organization achieve its desired future state.

Technology Utilization Assessment – Mt. Pleasant Waterworks, South Carolina

David led an objective evaluation of the organization's system usage and governance related to the existing financial system (Microsoft Dynamics) and the existing workorder management system (Maximo). The organization wanted to maximize the efficiency and effectiveness of both systems while maintaining internal controls and system of record. The project consisted of numerous interviews, data review, system mapping, and a collaborative workshop among stakeholders to define a future state.

Grant Compliance Audit – *Decide DeKalb, Georgia*

David led a Grant Compliance Assessment of various development projects for Decide DeKalb. The project reviewed the established grant and contractual criteria to be maintained by developers and compared with tenant information related to low income occupants. The project identified areas of compliance, non-compliance, and recommendations for remediation.

Forensic Audit – *Confidential City*

David led a forensic investigation into questionable cash management activity for a City Parks and Recreation department. The project reviewed bank account activity, cancelled checks, cash withdrawals, and purchased item documentation as well as conducted interviews with account cardholders to determine the collection, handling, and use of several hundred thousand dollars collected in fees, sponsorships, and contributions made to the City. Numerous observations and corresponding recommendations were developed to enhance internal controls, written policies, and procedures to correct conflicts of interest, mishandling of funds, and misappropriation of funds.

From management consulting and identifying new opportunities, to increasing stakeholder satisfaction and implementing transformational strategies, David and our government advisory team deliver insights and techniques that help government clients leverage public resources efficiently while achieving overarching goals. Our Government Advisory Practice brings to market a team that has direct experience as government employees, change agents, and transformation consultants to help tackle the industry's toughest issues.

David Roberts

Jameson Miller, CPA, CISA, CISSP, CCSFP, CHQP
Partner in Charge, Technology Services Office,
Cybersecurity Advisory Services

Jameson Miller is a partner and has been with Mauldin & Jenkins since graduation from the University of Tennessee at Chattanooga.

For over 15 years, Jameson has provided information technology consulting and attest services to public and private entities throughout the Southeast. Jameson's experience includes audits of general controls, application controls, and cybersecurity risk management programs.

Jameson has extensive experience with Sarbanes Oxley, SSAE18 System and Organization Controls (SOC) Audits, National Automated Clearinghouse Association (NACHA) Operating Rules and Guidelines, and Gramm-Leach-Bliley Act (GLBA) compliance programs. His technical expertise includes performing vulnerability assessments and penetration testing of information systems using both technical and social engineering techniques. Further, Jameson:

- Maintains current and relevant information technology and financial accounting continuing professional education credits (CPE);
- Holds the American Institute of Certified Public Accountants' (AICPA) "Cybersecurity Advisory Services" and "Blockchain for Accounting and Finance" Certificates;
- Served as a Cybersecurity panelist and speaker at the 2020 Octane Conference and GGFOA's 2019 Annual Conference;
- Presented a firm sponsored 8 hours session entitled, "All Things IT – Are You Protected?"; and,
- Has spoken at other various conferences on topics, including:
    - Managing Cybersecurity Risk Through an Effective Vendor Management Program;
    - Technologies Transforming Accounting; and,
    - Data Analytics: Balancing the Good and the Ugly

Jameson Miller

Jameson is a member of the AICPA, the Tennessee Society of Certified Public Accountants, ISACA, and ISC2. Jameson is a licensed Certified Public Accountant with the State of Tennessee, a Certified Information Systems Auditor (CISA) through ISACA, a Certified Information Systems Security Professional (CISSP) through ISC2, a Certified Cybersecurity Framework Practitioner (CCSFP) and Certified HITRUST Quality Professional (CHQP) through the HITRUST Alliance.

Considering the fact that Jameson only provides non-traditional consulting-type services to governmental entities, and he does not (and will not) provide audit and accounting services under the guidance of the Yellow Book educational standards, no such continuing education is required or provided under this proposal to provide services.

Other Staff Auditors & Accountants

Prior experience with government audits is as important for the staff as it is for management. Experience in governmental accounting and auditing minimizes the amount of time the staff will require to fully understand the complexities of the operations and financial accounting and reporting systems. Prior experience also enables the staff to recognize problems early in the engagement. This, in turn, allows the desired early consideration and resolution of problems. All staff assigned to the City's engagement will have prior experience serving government clients and/or will have substantial government audit training. All staff assigned to the City will be on-site throughout the entire engagement.

We would like to stress the fact that the majority of our governmental staff work on state and local governments 100% of their time. This reduces the "learning curve" on most all audits by reducing the amount of "on-site training" that occurs at most national accounting firms. This is very evident in our proposed hours, which are typically much less than that of other firms. Our staff knows what is required and how to get the work done efficiently and effectively. Our staff members understand the laws and regulations specifically pertinent to governmental entities. We also normally have more high-level hours of service by our partners and managers (in the conduct of fieldwork) than other firms, thereby reducing redundancy and other audit engagement inequities. We bring our experience to the field where timely decisions can be made.

Partner & Staff Continuity

We are committed to providing continuity of our engagement team members. We recognize that this is also an important factor for the City as it limits the amount of retraining that needs to be performed each year. **Our staff retention rates of approximately 85%** are considered to be among the best in the profession (and much better than national firms). We are able to not only provide consistency with the partners and managers on our engagement teams, but seniors and staff as well.

Retention > 85%

This indicates that we retain 85% of our staff for a minimum of five years.

It is also our goal to minimize disruptions to your management personnel by staffing the engagement so as to provide continuity, both during and between audits. It is the Firm's policy not to rotate key audit staff, consultants or specialists off a multi-year contracted audit engagement. Consequently, it is not anticipated that any key audit personnel will be rotated away from this annual audit. In any business, however, turnover is inevitable. When this happens, we will provide resumes of suggested replacements and any changes in key personnel would always be discussed timely with officials to their satisfaction.

Continuing Education of Partners and Staff

All members (i.e., partners) and staff of Mauldin & Jenkins receive substantial continuing education in audit and accounting – typically over 100 hours of such study per year. As soon as a staff person becomes a key ingredient to any type of niche service such as governmental audit, accounting and consulting, specific continuing education is sought. A good example includes sending our staff with over one year of governmental audit experience to various GFOA and AICPA training for audit, accounting and financial reporting courses.

All partners and staff serving in the governmental sector join together in July each year for the M&J Annual Governmental Conference in which three days' worth of audit, accounting and financial reporting training is provided. Mauldin & Jenkins also provides week long audit efficiency training via Audit Watch every June to all staff persons with less than five years of experience. Further, every July staff persons from various levels of experience are provided with four days of training relative to the conduct of Single Audits and the preparation of Annual Comprehensive Financial Reports. All staff associated with the annual audit of the City will exceed all the continuing professional education requirements contained in the Yellow Book throughout the term of the agreement.

PART 2
TECHNICAL PROPOSAL

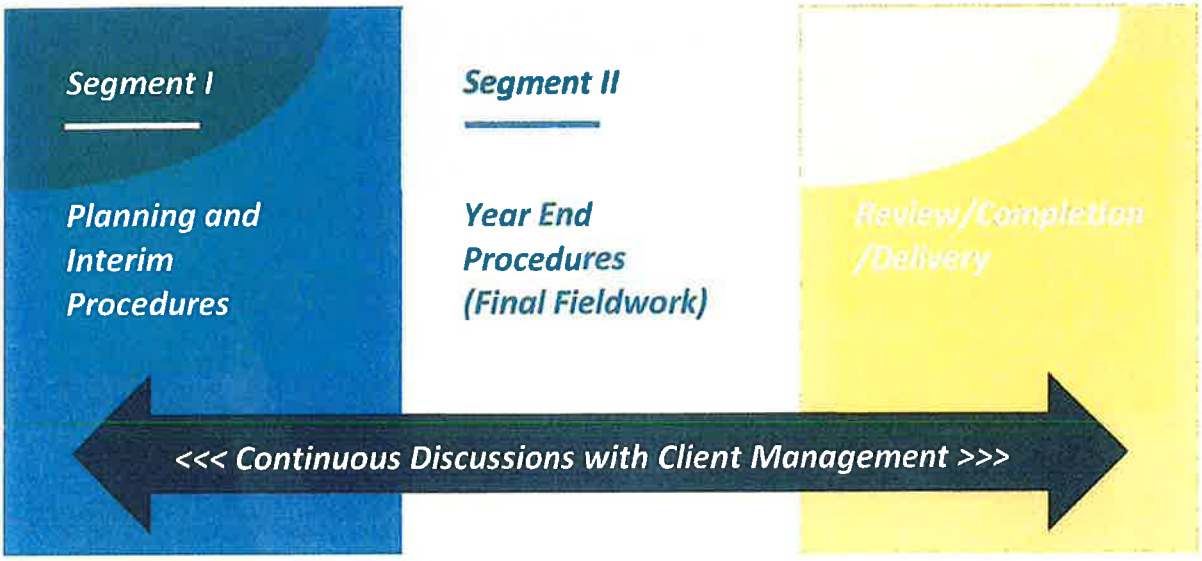
MAULDIN & JENKINS

CPAs & ADVISORS

Project Plan -Specific Audit Approach

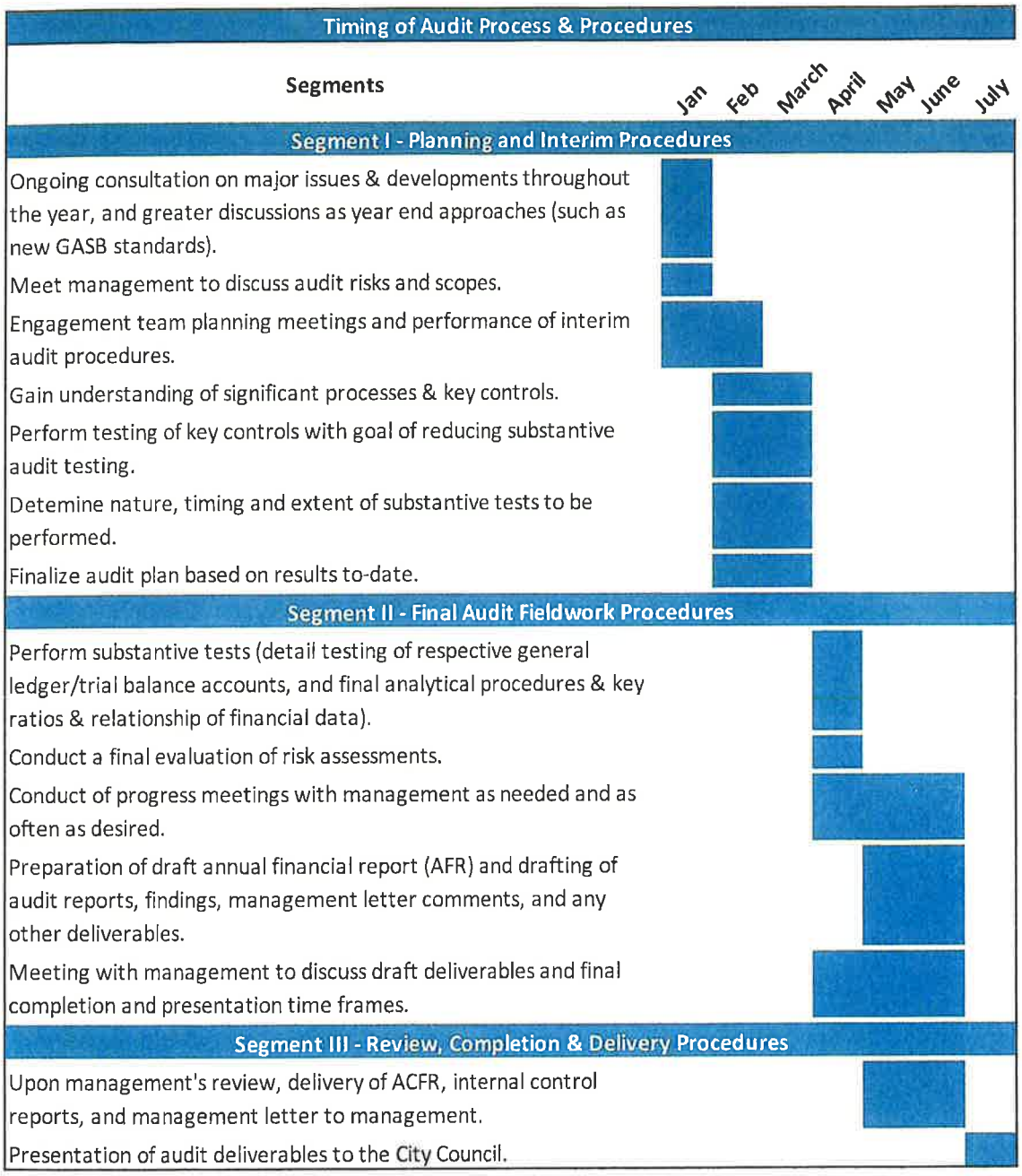
Proposed Segmentation of Audit Engagement and Level of Staff Assigned

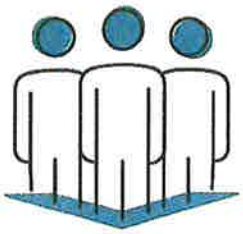
Our professionals, who are knowledgeable with respect to audit requirements for governmental entities, will be assigned based on their expertise with respect to each segment. Our audit is enhanced by our utilization of advanced technology tools. With those tools we continue to evolve and modernize our audit process. Our audit procedures, related documentation and quality review will be segregated by each segment as follows based on our review of the City's prior financial statements, budgets,



request for proposal, and other information available:

The below time frames are estimates based on our understandings with the City as to its desires. We at Mauldin & Jenkins would be flexible in the timing of certain events as requested by the City. As noted in the table below, we want to work with City personnel in an effective manner. We intend to do a great deal of planning and tailoring of our approach from our initial visits. We do not want our clients to feel that they have to reinvent the wheel every time we ask for something. However, to make this process cost the City as little as possible (both in dollars and their individual time), it is important to start only when ready and avoid auditing a moving target.


Timing of Audit Process & Procedures
Segments
Jan
Feb
March
April
May
June
July
Segment I - Planning and Interim Procedures
Ongoing consultation on major issues & developments throughout the year, and greater discussions as year end approaches (such as new GASB standards).
Meet management to discuss audit risks and scopes.
Engagement team planning meetings and performance of interim audit procedures.
Gain understanding of significant processes & key controls.
Perform testing of key controls with goal of reducing substantive audit testing.
Detemine nature, timing and extent of substantive tests to be performed.
Finalize audit plan based on results to-date.
Segment II - Final Audit Fieldwork Procedures
Perform substantive tests (detail testing of respective general ledger/trial balance accounts, and final analytical procedures & key ratios & relationship of financial data).
Conduct a final evaluation of risk assessments.
Conduct of progress meetings with management as needed and as often as desired.
Preparation of draft annual financial report (AFR) and drafting of audit reports, findings, management letter comments, and any other deliverables.
Meeting with management to discuss draft deliverables and final completion and presentation time frames.
Segment III - Review, Completion & Delivery Procedures
Upon management's review, delivery of ACFR, internal control reports, and management letter to management.
Presentation of audit deliverables to the City Council.

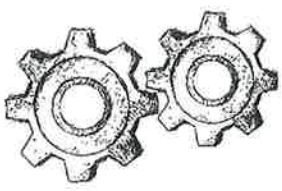


Segment I - Planning and Interim Procedures (January – March 2025):

- Obtain a signed engagement letter for the financial and compliance audit;
- Prior to our planning visit, creation of an "Interim Procedures PBC" listing in Suralink, our request list management software (more information about Suralink in the section immediately following).
- Meet with City management to discuss the scope of the audit, timing of our work, and preparation of client schedules, and to address any concerns;
- Review previously issued and interim financial reports, comment letters, monitoring reports, and other supporting workpapers;
- Familiarize ourselves with the organizational structure of the City;
- Read minutes of City meetings;
- Review the City's current year budget, as adopted and revised;
- Review debt agreements, and other various documentation;
- Gain an understanding of the City's accounting policies and procedures, including the financial and other management information systems utilized by the City;
- Obtain an in-depth knowledge of the software and systems in use;
- Obtain interim financial data from the general ledger for the purpose of performing preliminary analytics;
- Perform a preliminary evaluation of the internal control structure at the account and assertion level;
- Design and perform applicable tests of controls related to the financial statements and internal accounts;
- Make fraud inquiries and assessing the risks of material misstatement;
- Obtain a list of cash, investment, receivables, debt, and selected revenue accounts for confirmation purposes, as applicable;
- Determine audit strategies for balance sheet and operating statement accounts based on audit risk;
- Obtain a preliminary schedule of expenditures of Federal awards to initiate planning and internal control testing for the Single Audit;
- Prepare year-end audit programs;
- Meet with appropriate City personnel to discuss the results of our preliminary audit work; and,
- Finalize the "Final Fieldwork PBC Listing" and upload to Suralink.

Segment II - Final Audit Fieldwork Procedures (April -May 2025):

- Analyze the final trial balance and scan transaction for unusual transactions, data, or analytical relationships;
- Use data scanned above in various substantive analytical reviews of account balances (such as reasonableness tests, trend analysis, and predictive tests) to reduce other substantive tests of details;
- Test the valuation, restrictions and cut-offs of cash and investment balances, as applicable;
- Test receivable cut-offs and balances, including an analysis of subsequent receipts;
- Test cut-off and valuation of inventory;
- Review and testing supporting documentation for the allowance for doubtful accounts, any material prepaid items and other assets;
- Vouch capital asset additions and deletions, analyzing charges for appropriate accounting and testing depreciation;



- Test accounts payable cut-offs and balances, including an analysis of subsequent disbursements;
- Test accrued payroll, compensated absences, claims payable, and other accrued liability cut-offs and balances;
- Review actuarial methodologies, assumption, and census data and determine the appropriateness and accounting of the pension and OPEB liabilities;
- Test debt balances and debt covenant compliance;
- Test compliance with applicable laws and regulations;
- Test the classification of net position (unrestricted, restricted and net investment in capital assets) and fund balance (nonspendable, restricted, committed, assigned, unassigned);
- Perform analytical procedures and substantive testing of revenues and expenditures/expenses;
- Obtain and auditing the final schedule of expenditures of Federal awards;
- Complete compliance tests for the major programs selected for testing as required by the Uniform Guidance, as applicable;
- Review the PBC listings in Suralink for any outstanding items and hold and end of fieldwork exit conference with management.

Segment III - Review, Completion & Delivery Procedures (June 2025):

- Review workpapers to ensure quality and thoroughness of audit procedures;
- Summarize the results of audit procedures;
- Obtain attorney letters;
- Evaluate commitments, contingencies and subsequent events;
- Propose audit adjustments;
- Summarize and evaluating passed audit adjustments;
- Evaluate compliance exceptions;
- Review draft financial statements and related note disclosures;
- Perform financial condition assessment procedures;
- Prepare drafts of audit reports and management letter;
- Deliver drafts of audit reports and letters to appropriate client officials;
- Finalize all reports and management letter;
- Obtain signed representation letter and the City's approval of the final financial statements;
- Draft the Data Collection Form and obtaining the City's approval;
- Prepare and provide the City a final PDF document of the audited financial statements;
- Hold final exit conferences and presentations with appropriate City officials (June or July, as desired)

Based on the City's request for proposal, we have also prepared a schedule, including level of staff and number of hours to be assigned, to each proposed segment of the engagement, which is representative of the expected 2024 audit in the following tabular presentation:

Segmented Hours by Staff Level				
Segments	Engagement Team Members by Level			
	Partner	Manager	Senior/Staff	Total
Segment I - Planning and Interim Procedures	4	20	10	34
Segment II - Final Audit Fieldwork Procedures	22	30	160	212
Segment III - Review, Completion & Delivery Procedures	24	50	30	104
Total Engagement	**50**	**100**	**200**	**350**

Upon notification of renewal of the audit contract with the City, we would determine with City management a more detailed timetable for the audit process, and a detailed audit plan leading up to a list of all schedules to be prepared by the City. Adequate supervision and lead time will be provided by the auditor with respect to assistance needed by the City staff.

Mauldin & Jenkins believes that we are uniquely qualified to perform the audit of the City. In a time in which very significant changes continue to be implemented in the City's financial reporting model, it is imperative for the City's auditors to understand the City's financial reporting environment and processes and utilize advances technology and tools in performing your audit. The team proposed to serve you is made up of individuals who have significant experience in auditing local governments of various sizes in the Southeast.

Public Involvement Plan

Mauldin & Jenkins prides itself in developing professional relationships and rapport with clients which facilitate open and honest communication. We will present the results of the audit and all irregularities and illegal acts or indications of illegal acts of which we become aware (if any), to the following parties:

- The Mayor and City Council
- The City's Attorney
- The City's Manager
- The City's Treasurer

Understanding of Scope of Services

Our audit of the financial statements will be conducted in accordance with auditing standards generally accepted in the United States of America and will conform to the standards as set forth in the following:

- "Generally Accepted Auditing Standards" developed by the American Institute of Certified Public Accountants (AICPA)
- "*Government Auditing Standards*" issued by the Comptroller General of the United States
- "Audits of State and Local Government Units" prepared by the State and Local Government Committee and published by the AICPA

Our audit will include advanced methodologies and technology, tests of the accounting records and such other auditing procedures as we consider necessary in the circumstances, which include, but are not limited to, those procedures necessary to test compliance and to disclose non-compliance with specified laws, regulations, and contracts.

We will use Firm manuals specifically designed for governments to develop audit programs tailored to the City which incorporate the requirements set forth above. We anticipate that these procedures will enable us to express our professional opinion that the financial statements of the City present fairly, in all material respects, the financial position and results of operations of the various opinion units in conformity with accounting principles generally accepted in the United States of America. If conditions are discovered which lead to the belief that material errors, defalcations, or other irregularities exist which might prohibit us from expressing an unqualified opinion or if any other circumstances are encountered that require extended services, we will promptly advise the City. No extended services will be performed unless they are authorized in contractual agreement or in an amendment to the agreement.

Assistance Requested from the City Staff

The audit is an annual process that we know the City prepares for each year. However, we also know that the regular, on-going operations and day-to-day requirements do not stop just because the annual audit is occurring. The assistance that will be requested from the City staff will be clearly communicated by Mauldin & Jenkins during the preliminary / interim procedures to allow for maximum lead time so that our requests can be met with as little disruption to the City's operations as possible.

Our expectation for assistance from the City staff includes the following: preparation of cash, investment, debt, and other audit confirmations; provision of access to the City's system or response to requests to provide reports, reconciliations, queries, etc.; preparation of certain elements of the Annual Comprehensive Financial Report (transmittal letter, organization chart, etc.); and availability via telephone, video conference, and in-person to respond to various questions and inquiries.

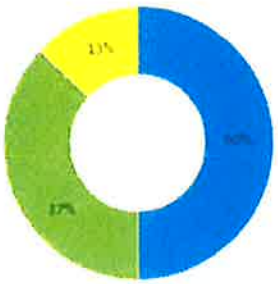
Project Team

See Technical Proposal Part 1, Tab 6 for a detail of our proposed staffing and qualifications for the City's project team.

Additional Information of Value Added Services

Our Request List Management Software – Suralink

For all of our governmental audit engagements, we use Suralink. Suralink is the leader in PBC request list management software, helping all of our audit teams stay on track throughout the engagement and improving the overall client experience.



Prior to our visit to the City's offices for interim/planning work, we will create an account for the Entity. We can add as many people to the City's account as requested – and even have the ability to limit which people can see which items in the portal for security of sensitive information.

All requests for the audit will run through Suralink which our audit team members will update throughout fieldwork. Our periodic audit status meetings will start with a review of the Suralink portal and a general discussion of the progress to date. Suralink will provide a summary status that looks similar to the diagram below, and will also include details of the specific items for each category.

Request Summary

- Outstanding - 50%
- Fulfilled - 13%
- Returned - 0%
- Accepted - 37%

Total Requests	
Accepted: 33	Returned: 0
Outstanding: 43	Fulfilled: 12

By using Suralink, we will (1) eliminate inefficient and unsecured email exchange of audit information; (2) ensure that all members of the Mauldin & Jenkins team as well as the City's team remain on the same page throughout the conduct of the audit; and (3) encourage the efficient assignment of audit tasks on both the audit team and client team for the engagement.

Remote Audit Approach As Requested

Governmental organizations are choosing remote audits with increasing frequency, and Mauldin & Jenkins is very effective in working from a remote environment. The spring of 2020 brought an increasing demand for remote audits due to the spread of COVID-19 and the inability for work to be conducted on site. However, even before the complexities brought on by the spread of COVID-19, many organizations opted for remote audits for a variety of reasons. It will be the City of Stockbridge's preference whether to conduct the audit remotely, but should you desire this service delivery option, Mauldin & Jenkins is trained to conduct remote audits while maintaining all professional standards.

Remote audit engagements offer significant advantages over those that follow a more traditional format: faster results, less disruption, and reduced stress for governmental finance personnel. Current technology allows our clients and their audit teams to stay in regular communication, securely share information, and collaborate effectively. Our staff professionals have grown accustomed to being provided read-only access to client systems to run reports, view purchase orders, invoices, reconciliations, etc. As a result, work that used to require extended on-site time can be performed anywhere, easing the burden on the audit process for both the auditor and auditee.

Though audits can still require some on-site time, reconfiguring the City of Stockbridge's audit engagement to maximize efficiency and to take advantage of technological tools can dramatically reduce the amount of time spent on-site. While the remote audit can generate far less disruption for the organization undergoing the audit, it does not necessarily reduce client contact very much – or even at all. As we leverage the technological tools at our disposal (Suralink, Zoom, LeapFile, Google Hangouts, etc.) we maintain consistent contact with our clients throughout the process and find that in many ways, communication between our teams and clients are as good, if not better, in the remote working environment than during traditional onsite engagements.

A successful audit experience requires careful planning, timely preparation and strong communication, regardless of where the work takes place. That is especially true for a remote engagement, so preparing for this type of audit sometimes helps organizations identify ways to improve their internal data management strategies – a welcome bonus! We are proud of the strong governmental practice we've built and it's upon that foundation that we can leverage these technological tools to conduct remote audits as the environment demands or the client chooses.

Upcoming GASB Statements

As has been the case for the past 10 years, GASB has issued several other new pronouncements which will be effective in future years. The following is a brief summary of the new standards for which we will utilize our continuing education trainings and governmental newsletters. Additionally, we regularly assist our clients with understanding and implementing these new standards. The standards which will be implemented in the near future:

Statement No. 100, *Accounting Changes and Error Corrections*
Statement No. 101, *Compensated Absences*
Statement No. 102, *Certain Risk Disclosures*

As noted by the numerous pronouncements issued by GASB over the past decade, the GASB continues to research various projects of interest to governmental units. Subjects of note include:

Revenue and Expense Recognition
Going Concern Uncertainty and Severe Financial Stress
Classification and Disclosure of Capital Assets

Free Continuing Education for Governmental Clients

We provide free quarterly continuing education for all of our governmental clients. Each quarter, we pick a couple of significant topics tailored to be of interest to governmental entities, and offer the sessions several times per quarter virtually and at a variety of client provided locations resulting in greater networking among our governmental clients. We normally see approximately 100-200 people per quarter. We obtain the input and services of experienced outside speakers along with our in-house professionals.

> ***"I've been a CPA for 32 years. Today's CPE class by Mauldin & Jenkins has been the best of my career". Terry Nall, CPA, City of Dunwoody (GA) Council Member***

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"They are always on top of new accounting pronouncements and provide training well before implementation deadlines. This is a very valuable resource for our organization".
Laurie Puckett, CPA, CPFO, Gwinnett County (GA), Accounting Director

Examples of subjects addressed in past quarters include:

- Accounting for Debt Issuances
- Achieving Excellence in Financial Reporting
- Best Budgeting Practices, Policies and Processes
- Budget Preparation
- Capital Asset Accounting Processes and Controls
- Coaching and Mentoring
- Closing Out and Audit Preparation
- Collateralization of Deposits and Investments
- Component Units
- Coronavirus State and Local Fiscal Recovery Funds (CSLFRF)
- Cybersecurity Risk Management
- Detecting Fraud in Revenues and Expenditures
- Evaluating Financial and Non-Financial Health of a Local Government
- Financial Report Card – Where Does Your Government Stand?
- Financial Reporting Model Improvements
- GASB No. 74 & 75, New OPEB Standards
- GASB No. 77, Tax Abatement Disclosures
- GASB No. 84, Fiduciary Activities
- GASB No. 87, Leases
- GASB No. 96, SBITAs
- GASB No. 100, Accounting and Error Corrections
- GASB No. 101, Compensated Absences
- GASB No. 102, Certain Risk Disclosures
- GASB Projects & Updates (ongoing and several sessions)
- Grants (Accounting and Auditing)
- Human Capital Management
- Information Technology (IT) Risk Management
- Internal Controls Over Accounts Payable, Payroll and Cash Disbursements
- Internal Controls Over Receivables & the Revenue Cycle
- Legal Considerations for Debt Issuances & Disclosure Requirements
- Navigating IRS Communications with Success
- Policies and Procedures Manuals
- Presenting Financial Information to Non-Financial People
- Procurement Card Red Flags
- Risk, Efficiency, & Effectiveness in Governments
- Single Audits for Auditees
- SPLOST Accounting, Reporting & Compliance
- Uniform Grant Guidance

Governmental Newsletters

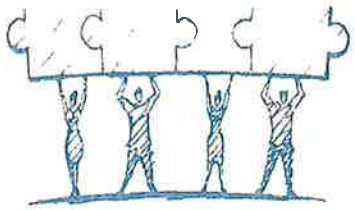
We produce quarterly newsletters tailored to meet the needs of governments. We also provide additional timely newsletters and announcements as necessary on any emerging topics to ensure governments stay informed of current developments in the government finance environment. The newsletters are authored by Mauldin & Jenkins governmental industry specialists and have addressed a variety of subjects. In the past several years, the following topics have been addressed in our newsletters:

- Are Your Government's Funds Secure?
- COVID-19 Updates (several)
- Cybersecurity Awareness
- Changes to FEMA's Disaster Recovery Grant Program
- Deposit Collateralization
- Employee vs Independent Contractor
- Escheat Laws on Unclaimed Property
- Federal Funding and Accountability Transparency Act
- Financial Data Transparency Act
- Forensic Audit or Financial Audit?
- Form PT 440
- GASB No. 72, Fair Value, It is Not Totally About Disclosure
- GASB No.'s 74 & 75, Other Post-Employment Benefits (OPEB)
- GASB No. 77, Abatements – Go Viral with GASB 77
- GASB No. 84 Fiduciary Activities (Series)
- GASB No. 87, Leases
- GASB No. 89, Accounting for Interest Cost Incurred Before the End of Construction
- GASB No. 91, Conduit Debt Obligations
- GASB No. 93, Replacement of Interbank Offered Rates
- GASB No. 100, Accounting Changes and Error Corrections
- General Data Protection Regulation (GDPR)
- GFOA announces new COA Submission Requirement
- Grants Management
- IRS Imposing ACA Penalties – Including to Governmental Entities
- OMB Compliance Supplements
- OPEB, What You Need to Know
- Public Funds and Secure Deposit Program
- Rotating or Not Rotating Auditors
- Property Tax Assessments
- Remote Auditing Best Practices
- Refunding Debt
- Sales & Use Taxes on Retail Sales of Jet Fuel
- Sales Tax Collections and Remittances by the State
- SAS Clarity Standards and Group Audits
- Single Audit, including Uniform Guidance (several)
- Social Security Administration (SSA) Incentive Payments

> ***You are the best auditors I have ever worked with over my career. It is a big difference having a group that is dedicated to governmental accounting.***
>
> ***Wesley Ropp,***
> ***Charleston Water System,***
> ***Chief Financial Officer***

- Special Purpose Local Option Sales Taxes (SPLOST) Expenditures
- Subrecipient Risk Assessment Tool
- Supplemental Social Security for Inmates
- The New Tax Cuts and Jobs Act – Impact on Bond Refunding
- Uniform Guidance & New Procurement Requirements
- What's Happening with Property Tax Assessments

Auditor's Discussion & Analysis



During the course of serving our clients, we stress the importance of timely and frequent communication. Such communication takes place throughout the audit and throughout the year, and includes proactive communications regarding new and upcoming accounting standards and auditing standards, as well as, the availability to answer questions and provide advice to the government.

We believe such communication is a key to providing timely value-added service to our clients.

At the conclusion of the audit process, Mauldin & Jenkins prepares an Auditor's Discussion & Analysis (formerly called the Audit Agenda) which provides auditor insight and summarizes the audit process, conclusions, and year-end financial analysis all under one cover.

Elements of the Auditor's Discussion & Analysis include the following:

- Information about the Firm, and the respective personnel serving the government;
- Results of the audit and other matters which should be emphasized to the governing board;
- An overview of the governments year-end financial results and auditor insights relative to key financial elements of the government;
- An understanding of the internal control/compliance audit reports and the results of our testing of internal controls and compliance with laws and regulations;
- A summary of certain audit scopes and procedures utilized by Mauldin & Jenkins during the audit process;
- Documentation of certain required communications as required by auditing standards;
- If applicable, a summary of any findings (material weaknesses and/or significant deficiencies) and management recommendations resulting from the audit;
- Practical information regarding upcoming new financial reporting and auditing standards and pronouncements affecting the government;
- A summary of the free continuing education and newsletters made available to the government during the past year.

Mauldin & Jenkins Partner Joel Black Appointed GASB Chairman

In 2020, the Financial Accounting Foundation's board of trustees appointed Joel Black, partner-in-charge of Mauldin & Jenkins audit practice, the next Chairman of the Governmental Accounting Standards Board.

"I am very excited to take on this new professional challenge. I have been immersed my entire adult life in the important, complex world of governmental accounting. I am eager to join my new colleagues in the mission to establish and improve accounting standards, and to engage with the remarkably diverse groups of stakeholders who care so much about public sector financial reporting."

"Joel Black has a longstanding and demonstrated commitment to the mission and work of the GASB and will make an excellent chair," said Financial Accounting Foundation Chairman Kathy Casey in a statement. "He brings extensive knowledge and experience to the role and has genuine appreciation for the opportunities and challenges that our stakeholders face as accounting standards change. We are pleased to welcome him to the organization and look forward to his future leadership."

Governmental Attestation Services

Other attestation services beyond financial and compliance audits which Mauldin & Jenkins currently provides to our clients include:

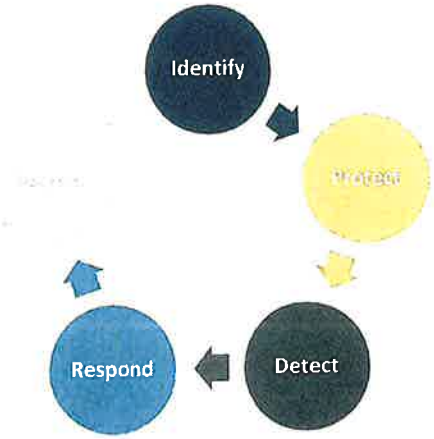
- Forensic audits
- Performance audits
- Information systems audits
- Agreed-upon procedures
- Bond issuance services
- Capital asset inventory services

Governmental IT Solutions

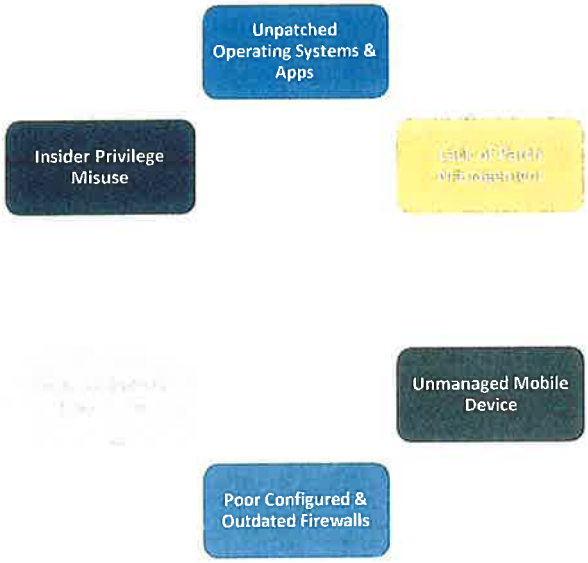
As noted above, Mauldin & Jenkins performs various IT attestation and non-attestation services. The following are three such services.

Cybersecurity Framework Engagements

With governments dealing with IT ransoms, cybersecurity is one of the top issues on the minds of nearly every government (large & small). Managing this business issue is especially challenging. A government with a highly mature cybersecurity risk management program still has a residual risk that a material cybersecurity breach could occur and not be detected in a timely manner.



Services can be provided via: 1) attestation engagements or 2) consulting engagements. The AICPA has established standards for performing attestation engagements in this arena with the issuance of the SOC for Cybersecurity as part of its suite of System and Organization Controls (SOC) reporting. Consulting services can be provided while not compromising auditor independence.

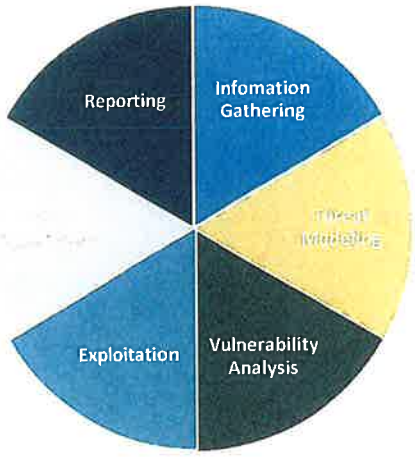


System Vulnerability Assessments Engagements

This is the process of defining, identifying, classifying and prioritizing vulnerabilities in computer systems, applications and networks infrastructures, and providing an assessment with necessary knowledge, awareness and risks to understand the threats to determine appropriate reactions. Using specialized tools and applications, we can access networks to scan with automated tools and interrogate every device connected to network with the objective of searching for misconfigurations, unsupported software, missing software updates and patches, etc.

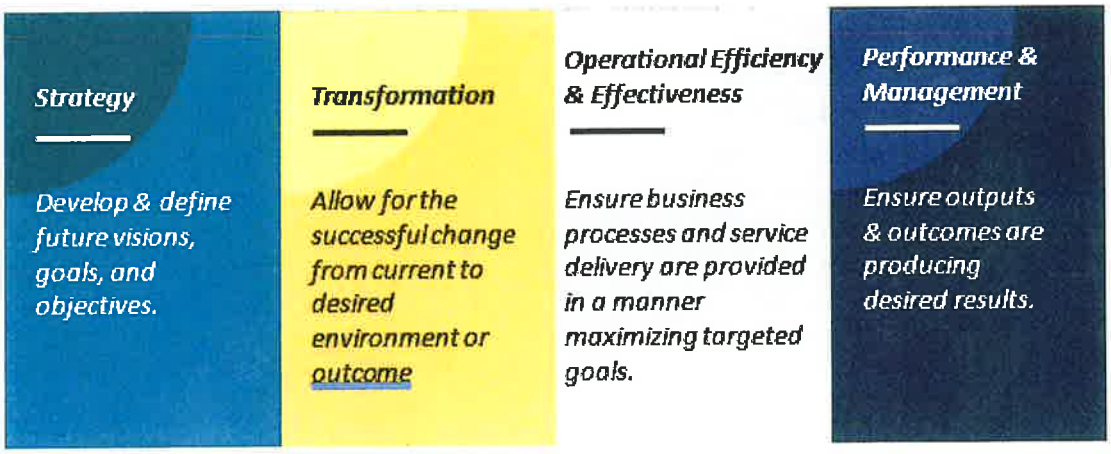
Penetration Testing Engagements

This is the practice of testing a computer system to find security vulnerabilities that a hacker / attacker could exploit using automation or manual applications. The process involves gathering information about the target before the test, identifying possible entry points, attempting to break in – actually or virtually – and reporting back the findings. Tests come from external or internal angles of entry. Our main objective is to identify security weaknesses. Penetration testing can also be used to: test an organization's security policy; its adherence to compliance requirements; its employees' security awareness; and, the government's ability to identify and respond to security incidents.



Governmental Advisory Services

Beyond traditional audit and accounting services and IT services, we provide advisory services that are wide-ranging in nature. Our experienced government advisory team helps governments, governmental agencies and special purpose governmental organizations balance fiscal responsibility with the latest business strategies to achieve targeted and overarching objectives. Our advisory services can be summarized via the following bubbles.



Closing

We appreciate the opportunity to serve the City of Stockbridge, Georgia. We believe Mauldin & Jenkins continues to be the "right" Firm for the City. Our experience and knowledge in the governmental sector of accounting is vast and ever-improving. We would be very pleased to continue to share our experience and understanding of governmental accounting and operations for the benefit of the City.

We would greatly appreciate your recommending us for your continued audit, accounting, and financial reporting needs. Should you or anyone at the City have any questions with regards to this proposal or about Mauldin & Jenkins, please feel free to contact us.

Appendices

MAULDIN & JENKINS

CPAs & ADVISORS

CONTRACTOR AFFIDAVIT AND AGREEMENT

(Failure to submit will render Proposal non-responsive you must use this form, you must be enrolled in this program, and you must include your user ID #)

By executing this affidavit, the undersigned contractor verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm, or corporation which is contracting with The City of Stockbridge has registered with and is participating in a federal work authorization program [Employment Eligibility Verification (EEV) / Basic Pilot Program, operated by the U.S. Citizens and Immigration Services Bureau of the U. S. Department of Homeland Security, in conjunction with the Social Security Administration (SSA)] in accordance with O.C.G.A. § 13-10-91. Further, the undersigned contractor states affirmatively that the individual, firm, or corporation contracting with The City of Stockbridge will continue to utilize and participate in the EEV federal work authorization program throughout the term of this contract.

The undersigned further agrees that, should it employ or contract with any subtractor(s) in connection with the physical performance of services pursuant to this contract with The City of Stockbridge contractor will secure from such subcontractor(s) similar verification of compliance with O.C.G.A. § 13-10-91 on the Subcontractor Affidavit provided in Rule 300-10-01-.08 or a substantially similar form provided by The City of Stockbridge, Contractor further agrees to maintain records of such compliance and provide a copy of each such verification to The City of Stockbridge at the time the subcontractor(s) is retained to perform such service.

105410
EEV Number

Lauren Wood
Authorized Officer or Agent (Contractor Name)

March 6, 2008
Date

HR Director
Title of Authorized Officer or Agent

Lauren Wood
Printed Name of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME
ON THIS THE DAY OF March 14, 2024

Benita L Day
Notary Public

My Commission Expires: May 24, 2024

Benita L Day
My Commission Expires
Notary
Public
May 24, 2024
Houston County, Georgia

Note: As of the effective date of O.C.G.A. 13-10-91, the applicable federal work authorization program is the "EEV/Basic Pilot Program" operated by the U.S. Citizenship and Immigration Services Bureau of the U.S. Department of Homeland Security in conjunction with the Social Security Administration (SS)

REPRESENTATION AFFIDAVIT

(TO BE SUBMITTED)

This proposal is submitted to The City of Stockbridge, (City) by the undersigned who is an authorized officer of the company and said company is licensed to do business in Georgia and The City of Stockbridge. Further, the undersigned is authorized to make these representations and certify these representations are valid. The Proposer recognizes that all representations herein are binding on the Company and failure to adhere to any of these commitments, at the City's option, may result in a revocation of the granted contract.

Consent is hereby given to the City to contact any person or organization in order to make inquiries into the legal, character, technical, financial, and other qualifications of the Proposer.

The Proposer understands that, at such time as the City decides to review this proposal, additional information may be requested. Failure to supply any requested information within a reasonable time may result in the rejection of the Proposer's proposal with no re-submittal rights.

The successful Proposer understands that the City, after considering the legal, financial, technical, and character qualifications of the Proposer, as well as what in the City's judgment may best serve the public interest of its citizens and employees, may grant a contract.

The successful Proposer understands that this proposal is made without prior understanding, agreement, or connection with any corporation, firm or person submitting a proposal for the same, and is in all respects fair and without collusion or fraud. I understand that collusive action is a violation of state and federal law and can result in fines, prison sentences, and civil damage awards.

Company Name: Mauldin & Jenkins, LLC

Authorized Person: Hope Pendergrass Signature Hope Pendergrass

(Print/Type)

Title: Partner Date: April 8, 2024

Address: 300 Mulberry Street, Suite 300, Macon, GA 31201

Telephone: (478) 464-8000 Fax: (478) 464-8051

Name and telephone number of person to whom inquiries should be directed:

Name: Mauldin & Jenkins, LLC

Address: 300 Mulberry Street, Suite 300, Macon, GA 31201

Title: Partner Telephone (478) 464-8000

Fax: (478) 464-8051 E-mail: hpendergrass@mjcpa.com

LEGAL AND CHARACTER QUALIFICATIONS

Convictions: Has the Proposer (including parent corporation, if applicable) or any principal ever been convicted in a criminal proceeding (felonies or misdemeanors) in which any of the following offenses were charged?

		Y	N
a	Fraud		X
b	Embezzlement		X
c	Tax Evasion		X
d	Bribery		X
e	Extortion		X
f	Jury Tampering		X
g	Anti-Trust Violations		X
h	Obstruction of justice (or any other misconduct affecting public or judicial officers' performance of their official duties		X
i	False/misleading advertising		X
j	Perjury		X
k	Conspiracy to commit any of the foregoing offenses		X

Civil Proceedings: Has the Proposer or any principal ever been a party, or is now a party, to civil proceeding in which it was held liable for any of the following?

		Y	N
a	Unfair/anti-competitive business practices		X
b	Consumer fraud/misrepresentation		X
c	Violations of securities laws (state and federal)		X
d	False/misleading advertising		X
e	Violation of local government ordinance		X

License Revocation:

	Y	N
Has the Proposer or any principal ever had a business license revoked, suspended, or the renewal thereof denied, or is a party to such a proceeding that may result in same?		X

Responses: If "yes" is the response to any of the foregoing, provide Information such as date, court, sentence, fine, location, and all other specifics for each "yes" response.

Principals: The full names and addresses of persons or parties interested in the foregoing Proposal, as principals, are as follows:

NAME	ADDRESS
Hope Pendergrass, Partner	300 Mulberry Street, Suite 300, Macon, GA 31201
Doug Moses, Partner	200 Galleria Dr SE # 1700, Atlanta, GA 30339
Tim Lyons, Partner	508 Hampton Street Suite 100, Columbia, SC 29201
Trey Scott, Partner	6600 Abercorn Street, Suite 200, Savannah, GA 31405

References: The Proposer lists below work he has done of similar nature as this solicitation, as references that will afford the City opportunity to judge as to experience, skill, business standing, and financial ability.

Contact Person	Title	Phone Number/Email
Althea Philord-Bradley	Finance Director	(404) 767-1537 Ext. 1101 apbradley@collegeparkga.com
Jeremi K. Patterson	Deputy Finance Director	(404) 366-4720 jpatterson@forestparkga.gov
David Smith	Chief Financial Officer	(770) 288-6529 davidsmith@co.henry.ga.us
Tiffany Sandefur	City Administrator	(478) 956-5555 tsandefur@byronga.com

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 01/18/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME: Nadine Friedman Daniels
1-847-385-6800 Edgewood Partners Insurance Center Lemme, a division of EPIC 111 West Campbell 4th Floor Arlington Heights, IL 60005	PHONE (A/C, No, Ext): 847-385-6800 FAX (A/C, No): E-MAIL ADDRESS: PSGCerts@lemme.com
INSURED Mauldin & Jenkins, LLC 200 Galleria Parkway Suite 1700 Atlanta, GA 30339-5918	INSURER(S) AFFORDING COVERAGE — NAIC # INSURER A: MSIG Specialty Insurance USA and various INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES **CERTIFICATE NUMBER:** 70450368 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
	COMMERCIAL GENERAL LIABILITY CLAIMS-MADE OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: POLICY PRO-JECT LOC OTHER:						EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG $	$ $ $ $ $ $ $
	AUTOMOBILE LIABILITY ANY AUTO OWNED AUTOS ONLY HIRED AUTOS ONLY SCHEDULED AUTOS NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident) $	$ $ $ $ $
	UMBRELLA LIAB OCCUR EXCESS LIAB CLAIMS-MADE DED RETENTION $						EACH OCCURRENCE AGGREGATE $	$ $ $
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y / N If yes, describe under DESCRIPTION OF OPERATIONS below	N/A					PER STATUTE OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ $ $
A	Professional Liability			MSTAPL-00010	01/23/24	01/23/25	Each Claim Aggregate	1,000,000 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

For Information Only

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Nadine F. Daniels

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The ACORD name and logo are registered marks of ACORD

CONTRACTOR INFORMATION FORM

(This form must be completed and returned with your response)

RFP Number: 2024-0004

Full Company Legal Name: Maudlin & Jenkins, LLC

Street Address: 300 Mulberry Street, Suite 300

City, State, Zip Code: Macon, GA 31201

Contact Name for Solicitation: Hope Pendergrass Title: Partner

Telephone: (478) 464-8000 Fax: (478)464-8051 E-mail: hpendergrass@mjcpa.com

Company Web Site: www.mjcpa.com State of Incorporation: GA

Taxpayer ID Number: 58-0692043 Duns #: 07-585-6542

Check one of the following: ☐ Independently owned and operated: ☒ An Affiliate or Division of:

Company Name: Mauldin & Jenkins, LLC

Address: 200 Galleria Dr SE # 1700
Atlanta, GA 30339

JOINT VENTURE AFFIDAVIT

(This form must be completed and returned with your response)

Primary Vendor Name: Mauldin and Jenkins

If this will not be a joint venture, check this box: ☒

State of: _____

County of: _____

We, the undersigned, being duly sworn according to law, upon our respective oaths depose and say that:

1. The following named contractors/companies have entered into a joint venture for the purpose of carrying out all the provisions of the Contract for the above-named solicitation:

Joint Venture Company "A"

Company Name_____Federal ID No._____

Address: _____

City:_____ State: _____Zip: _____

Check all that apply:

☐ Sole Proprietorship
☐ Partnership
☐ Corporation
☐ N/A, other

Joint Venture Company "B"

Company Name_____Federal ID No._____

Address: _____

City:_____ State: _____Zip: _____

Check all that apply:

☐ Sole Proprietorship
☐ Partnership
☐ Corporation
☐ N/A, other

2. The contractors/companies, under whose names we have affixed our respective signatures, have duly authorized and empowered us to execute this Joint Venture Statement in the name of and on behalf of such contractors for the purpose hereinbefore stated.

   Under the provision of such Joint Venture, the assets of each of the contractors named in Paragraph 1 hereof, and in case any contractor so named above is in partnership, the assets of the individual members of such partnership, will be available for the performance of such Joint Venture and liable therefore and for all obligations incurred in connection therewith.

JOINT VENTURE AFFIDAVIT

(This form must be completed and returned with your response)

Primary Vendor Name: Mauldin and Jenkins

If this will not be a joint venture, check this box: ☒
RFP Name:
RFP Number:

State of: _____

County of: _____

We, the undersigned, being duly sworn according to law, upon our respective oaths depose and say that:

1. The following named contractors/companies have entered into a joint venture for the purpose of carrying out all the provisions of the Contract for the above named solicitation:

Joint Venture Company "A"

Company Name_____Federal ID No._____

Address: _____

City:_____ State: _____Zip: _____

Check all that apply:
☐ Sole Proprietorship
☐ Partnership
☐ Corporation
☐ N/A, other

Joint Venture Company "B"

Company Name_____Federal ID No._____

Address: _____

City:_____ State: _____Zip: _____

Check all that apply:
☐ Sole Proprietorship
☐ Partnership
☐ Corporation
☐ N/A, other

2. The contractors/companies, under whose names we have affixed our respective signatures, have duly authorized and empowered us to execute this Joint Venture Statement in the name of and on behalf of such contractors for the purpose hereinbefore stated.

   Under the provision of such Joint Venture, the assets of each of the contractors named in Paragraph 1 hereof, and in case any contractor so named above is in partnership, the assets of the individual members of such partnership, will be available for the performance of such Joint Venture and liable therefore and for all obligations incurred in connection therewith.

PRIMARY CONTRACTOR / SUBCONTRACTOR UTILIZATION

(This form must be completed and returned with your response)

RFP Number: 2024-0004

Primary Vendor Name: Mauldin & Jenkins, LLC

If subcontractors will not be used check this box: ☒

List all subcontractors to be used during the performance of this contract. Submit additional forms if needed.

Company Name: _____

Street Address: _____

City, State, Zip: _____

Telephone: (____) _____ Fax: (____) _____

Primary Contact: _____

E-mail Address: _____

Services to be provided: _____

_____

_____

Company Name: _____

Street Address: _____

City, State, Zip: _____

Telephone: (____) _____ Fax: (____) _____

Primary Contact: _____

E-mail Address: _____

Services to be provided: _____

_____

_____

Company Name: _____

Street Address: _____

City, State, Zip: _____

Telephone: (____) _____ Fax: (____) _____

Primary Contact: _____

E-mail Address: _____

Services to be provided: _____

_____

_____

PROMISE OF NON-DISCRIMINATION

(This form must be completed and returned with your response)

In consideration of, and as condition precedent, the right and privilege to bid on construction projects and other procurement contracts of the City of Stockbridge, each potential vendor shall be required to submit to the City of Stockbridge a duly executed and attested Promise of Non-Discrimination, enforceable at law, which by agreement, affidavit or other written instrument acceptable to the General Counsel for City of Stockbridge, shall contain promises, averments and/or affirmations voluntarily made by the bidder.

"Know All Men by These Presents, that I/We,

(Hope Pendergrass)
Authorized Company Representative Name(s)

(Partner)
Authorized Company Representative Title(s)

(Maudlin & Jenkins, LLC)
Name of Company
(Hereinafter "Company"), in consideration of the privilege to bid on contracts funded in whole or in part by City of South Fulton, hereby consents, covenants and agrees as follows:

(1) No person shall be excluded from participation in, denied the benefit of, or otherwise discriminated against on the basis of race, color, sex, religion, national origin, marital status, sexual orientation, age, or disability in connection with any bid submitted to City of South Fulton, or the performance of any contract resulting there from.

(2) That it is and shall be the policy of Company to provide equal opportunity to all businesspersons seeking to contract or otherwise interested in contracting with this Company, including those companies owned and controlled by racial minorities, cultural minorities and females:

(3) That the promises of non-discrimination as made and set forth herein shall be continuing in nature and shall remain in full force and effect without interruption for so long as any contract between Company City of Stockbridge remains in force and effect.

(4) That the promises of non-discrimination as made and set forth herein shall and are hereby deemed to be made a part of, and incorporated by reference into, any contract or portion thereof which the Company may hereafter obtain with City of Stockbridge; and

(5) That the failure of this company to satisfactorily discharge any of the promises of non-discrimination as

made and set forth herein shall constitute a material breach of contract entitling the City of Stockbridge to declare the contract in default and to exercise any and all applicable rights and remedies including but not limited to cancellation of the contract, termination of the contract, suspension and debarment from future contracting opportunities, and withholding and/or forfeiture of compensation due and owing on a contract.

Request for Proposal for Financial Audit Services
Solicitation Name

2024-0004
Solicitation Number

Hope Pendergrass
Authorized Company Representative Name

Hope Pendergrass
Authorized Company Representative Signature

April 11, 2024
Date

NON-COLLUSION AFFIDAVIT

I, Hope Pendergrass certify that pursuant to O.C.G.A. Section 36-91-21 (d) and (e), Mauldin & Jenkins, LLC has not, by itself or with others, directly or indirectly, prevented or attempted to prevent competition in such bidding or proposals by any means whatsoever. Affiant further states that (s)he has not prevented or endeavored to prevent anyone from making a bid or offer on the project by any means whatever, nor has Affiant caused or induced another to withdraw a bid or offer for the work.

Affiant further states that the said offer of Mauldin & Jenkins, LLC is bona fide, and that no one has gone to any supplier and attempted to get such person or company to furnish the materials to the bidder only, or if furnished to any other bidder, that the material shall be at a higher price.

Mauldin & Jenkins, LLC
(COMPANY NAME)

Hope Pendergrass
(PARTNER)

Sworn to and subscribed before me this 11 day of April, 2024

(SECRETARY/ASSISTANT SECRETARY)
(Affix corporate seal here, if a corporation)

Notary Public: Benita L. Day

County: Houston

Commission Expires: May 24, 2024

Benita L Day
My Commission Expires
Notary
Public
May 24, 2024
Houston County, Georgia

NOTE:
IF THE OFFEROR IS A PARTNERSHIP, ALL OF THE PARTNERS AND ANY OFFICER, AGENT, OR OTHER PERSON WHO MAY HAVE REPRESENTED OR ACTED FOR THEM IN BIDDING FOR OR PROCURING THE CONTRACT SHALL ALSO MAKE THIS OATH.

IF THE OFFEROR IS A CORPORATION, ALL OFFICERS, AGENTS, OR OTHER PERSONS WHO MAY HAVE ACTED FOR OR REPRESENTED THE CORPORATION IN BIDDING FOR OR PROCURING THE CONTRACT SHALL MAKE THE OATH.

Local and Locally Owned Business Form

(This form must be completed and returned with your response)

In order to encourage and promote local and locally owned businesses with contracting opportunities with the City of Stockbridge, formal solicitation processes may give preference to proposals and bids from local and locally owned businesses based on the following:

A business shall comply with all of the following to be designated a Local Business:

a) The business shall have an office with at least one (1) employee within the City of Stockbridge.
b) The business shall not be delinquent with any payments to the City; and
c) The business shall hold a valid City of Stockbridge, business license.

A business shall comply with both of the following to be designated a Locally Owned Business:

a) The business shall meet the requirements for a local business designation; and
b) At least fifty percent (50%) of the business' owners live in the City of Stockbridge.

Certification

Local and Locally Owned businesses that wish to receive preferential consideration shall submit a copy of a valid Occupational Tax Registration Certificate(s) issued by City of Stockbridge to certify qualification for the preference as part of each proposal or response.

Procedures for local and locally owned preference

Request for Proposals (RFP) – If a local and locally owned business meets the quality standards established for the RFP process, the local business shall be awarded two (2) additional percentage points in the total evaluation; the locally owned business shall be awarded six (6) additional percentage points in the total evaluation. The evaluation and scoring of all proposals shall be conducted in accordance with departmental procedures issued by the Chief Financial Officer or his/her designee.

To qualify, you must submit with your proposal a copy of your Occupational Tax Registration Certificate.

Company Name: Mauldin & Jenkins, LLC

Company Qualifies for Local Business Preference: Yes ☐ No ☒

Company Qualifies for Locally Owned Business Preference: Yes ☐ No ☒

Occupational Tax Registration Certificate issued by:

City: _____

City of Stockbridge, Georgia

Cost Proposal to Provide Audit Services

Fiscal Year December 2024 through 2028

Mauldin & Jenkins Certified Public Accountants
Contact Person: Hope Pendergrass, CPA, Partner
Phone: (478) 464-8000
Email: hpendergrass@mjcpa.com
300 Mulberry Street, Suite 300
Macon, GA 31201

mjcpa.com

April 11, 2024

Honorable Mayor and Members of City Council
City of Stockbridge, Georgia
Attn: Drexal D. Paulk
4640 N. Henry Boulevard
Stockbridge, Ga 30281

Ladies and Gentlemen:

Mauldin & Jenkins is pleased to submit a qualifications package including cost estimates to provide annual financial and compliance auditing services for the City of Stockbridge, Georgia (the "City"). It is our understanding that the City is requesting proposals from qualified firms of certified public accountants to establish a contract for the professional services of a Certified Public Accountant (the "auditor") for financial and compliance audits. The contract for such audit services will be for the fiscal year ended December 31, 2024, with an option for each of the four subsequent fiscal years, subject to annual review and the annual availability of an appropriation for audit services by the City.

As requested by the City, we have enclosed on the following pages an all-inclusive maximum fee for the financial and compliance audit services for the fiscal years noted above. This sealed cost proposal contains all pricing information relative to the performance of the audit. The total all-inclusive maximum price for the fiscal years ending December 2024 through 2028 is as follows:

- 2024 - $62,500
- 2025 - $65,000
- 2026 - $67,500
- 2027 - $70,000
- 2028 - $72,500

As a partner at Mauldin & Jenkins, LLC, I am certified and authorized to represent Mauldin & Jenkins, empowered to submit the bid, and authorized to sign a contract with the City. Our total all-inclusive maximum price for providing annual financial auditing services to the City is contained on the following pages. We appreciate the opportunity to propose and we look forward to hearing from you.

Sincerely,

MAULDIN & JENKINS, LLC

Hope Pendergrass

Hope Pendergrass, CPA
Partner

SCHEDULE OF PROFESSIONAL FEES AND EXPENSES

FOR THE AUDIT OF THE 2024 FINANCIAL STATEMENTS

	Hours	Hourly Rate	Total
Partners	50	$275	$ 13,750
Managers	100	215	21,500
Professional Staff	200	165	33,000
Total for Services Described in RFP	350		**68,250**
Out-of-pocket expenses:			
Meals and lodging			500
Transportation			2,000
Mauldin & Jenkins discount from standard fees and expenses			**(8,250)**
Total all inclusive not to exceed price for 2024 audit			**$ 62,500**

SCHEDULE OF PROFESSIONAL FEES AND EXPENSES

FOR THE AUDIT OF THE 2025 FINANCIAL STATEMENTS

	Hours	Hourly Rate	Total
Partners	50	$280	$ 14,000
Managers	100	220	22,000
Professional Staff	200	170	34,000
Total for Services Described in RFP	350		**70,000**
Out-of-pocket expenses:			
Meals and lodging			500
Transportation			2,000
Mauldin & Jenkins discount from standard fees and expenses			**(7,500)**
Total all inclusive not to exceed price for 2025 audit			**$ 65,000**

SCHEDULE OF PROFESSIONAL FEES AND EXPENSES

FOR THE AUDIT OF THE 2026 FINANCIAL STATEMENTS

	Hours	Hourly Rate	Total
Partners	50	$285	$ 14,250
Managers	100	225	22,500
Professional Staff	200	175	35,000
Total for Services Described in RFP	350		**71,750**
Out-of-pocket expenses:			
Meals and lodging			500
Transportation			2,000
Mauldin & Jenkins discount from standard fees and expenses			**(6,750)**
Total all inclusive not to exceed price for 2026 audit			**$ 67,500**

SCHEDULE OF PROFESSIONAL FEES AND EXPENSES

FOR THE AUDIT OF THE 2027 FINANCIAL STATEMENTS

	Hours	Hourly Rate	Total
Partners	50	$290	$ 14,500
Managers	100	230	23,000
Professsional Staff	200	180	36,000
Total for Services Described in RFP	350		**73,500**
Out-of-pocket expenses:			
Meals and lodging			500
Transportation			2,000
Mauldin & Jenkins discount from standard fees and expenses			**(6,000)**
Total all inclusive not to exceed price for 2027 audit			**$ 70,000**

SCHEDULE OF PROFESSIONAL FEES AND EXPENSES

FOR THE AUDIT OF THE 2028 FINANCIAL STATEMENTS

	Hours	Hourly Rate	Total
Partners	50	$295	$ 14,750
Managers	100	235	23,500
Professional Staff	200	185	37,000
Total for Services Described in RFP	350		**75,250**
Out-of-pocket expenses:			
Meals and lodging			500
Transportation			2,000
Mauldin & Jenkins discount from standard fees and expenses			**(5,250)**
Total all inclusive not to exceed price for 2028 audit			**$ 72,500**

Important Notes to be Considered:

Note (1) – Unlimited Correspondence: It is Mauldin & Jenkins' policy to not charge for simple discussions and conversations that occur between the governmental entity and Mauldin & Jenkins that are only simple discussions (i.e., a phone call to ask certain questions that do not require additional research).

Note (2) – Free Periodic/Quarterly Continuing Education: As noted in our technical proposal, we provide free quarterly continuing education classes to our clients. This could amount to approximately $3,500 of annual savings for the City's estimated finance department per person.

Note (3) – Additional Services: If it should become necessary for the City to request Mauldin & Jenkins to provide any additional services (such as bond issurances, etc.), then such additional work shall be performed only if set forth in an addendum to the contract between the City and Mauldin & Jenkins.

Note (4) – No Hidden Fees or Costs: The pricing schedules contain all pricing information relative to performance of the audit as required by the City including all reimbursement for travel, lodging, communications, etc. Our estimated number of hours and the associated fee estimate indicated are based on our professional judgment and experience with similar governmental entities. So long as there are no significant changes in the operations or the number of major programs of the City and or the scope of services requested or significant problems requiring additional time, our quoted fees will not change.

Note (5) – Single Audit: The amounts above include provision of a Single Audit of 1 major program. Due to the uniqueness and variety of Federal grant programs, should an additional major program be identified, we will address such a need at that time.

MAULDIN & JENKINS

CPAs & ADVISORS

478-464-8000

www.mjcpa.com

STATE OF GEORGIA
HENRY COUNTY
CITY OF STOCKBRIDGE

RESOLUTION NO. R24-1728

A RESOLUTION TO APPROVE RFP 2024-0004 FOR FINANCIAL AUDIT SERVICES WITH MAULDIN AND JENKINS CPA

WHEREAS, the City of Stockbridge ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia and is charged with being fiscally responsible concerning the use and expenditure of all public funds; and,

WHEREAS, the City Manager seeks Council consideration to approve Request for Proposal (RFP) 2024-0004 from Mauldin & Jenkins CPA for financial services to audit City of Stockbridge financial statements for the years ending December 31, of 2024-2028, according to generally accepted auditing standards by the U.S. General Accounting Offices (GAO), Government Auditing Standards; the provisions of the Federal Single Audit Act of 1984, and the U.S. Office of Management and Budget (OMB) Circular A-133, "Audits of State, Local Governments, and nonprofit organizations," as detailed in Exhibit A; and,

WHEREAS, City Staff seeks approval to award the auditing contract to Mauldin & Jenkins CPA in the amounts not to exceed Base Year $62,500, 1st Option Year $65,000, 2nd Option Year $67,500, 3rd Option Year $70,000, and 4th Option Year $72,500; with the option to renew annually at the City's sole discretion for up to four (4) years, as detailed in Exhibit A attached; and,

WHEREAS, On April 11, 2024, The City Procurement Department received RFP's from qualified firms to provide financial audit services, which were ranked by a selection committee based on factors outlined in the RFP, as detailed in Exhibit A; and,

WHEREAS, On April 11, 2024, The City Procurement Department received RFP's from qualified firms to provide financial audit services, which were ranked by a selection committee based on factors outlined in the RFP, as detailed in Exhibit A; and,

WHEREAS, Three firms submitted proposals which were evaluated and scored by a five-person selection committee based on the firm's Qualification/Qualifications of Key Personnel, Technical Approach/Project Management, Experience, and Cost, ranked as follows:

1. Mauldin & Jenkins CPA
2. CKH CPA's & Advisors, LLC
3. HCT Certified Public Accountants and Consultants, LLC

WHEREAS, The City Manager, Treasurer, City Attorney Procurement and Counsel have approved RFP 2024-0004;

THEREFORE, IT IS NOW RESOLVED BY THE CITY COUNCIL OF THE CITY OF STOCKBRIDGE GEORGIA AS FOLLOWS:

SECTION 1. Approval of RFP 2024-0004 for Financial Audit Services. The Council hereby approves the contract with Mauldin & Jenkins CPA for financial services to audit the City of Stockbridge financial statements for the years ending December 31, of 2024-2028. The contract will automatically renew unless terminated by either party 60 days prior to the end of December.

SECTION 2. Severability. To the extent any portion of this Resolution is declared to be invalid, unenforceable, or non-binding, which shall not affect the remaining portions of this Resolution.

SECTION 3. Repeal of Conflicting Provisions All City Resolutions inconsistent with this Resolution are hereby repealed.

SECTION 4. Public Record This document shall be maintained as a public record by the City Clerk and shall be accessible to the public during all normal business hours of the City of Stockbridge.

SECTION 5. Effective Date. This resolution shall become effective immediately upon its adoption by the City Council of the City of Stockbridge as provided in the City Charter.

SECTION 6. Attorney Authorization. The City Attorney, backed by the City's charter and with the explicit endorsement of the City Council, is authorized to make necessary amendments to contracts, ordinances, resolutions, and documents to align them with the intent of the City Council and ensure compliance with all pertinent city laws and regulations.

SO RESOLVED this 30th day of July 2024

[SIGNATURES ON THE FOLLOWING PAGE]

SO BE IT RESOLVED this 30th day of July, ~~2024~~.

CITY OF STOCKBRIDGE, GEORGIA

Anthony S. Ford, Mayor

ATTEST:

Vanessa Holiday, City Clerk

APPROVED AS TO FORM:

Quinton G. Washington, City Attorney

City of Stockbridge

AGENDA ITEM

MEETING DATE
June 26, 2024

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

☐	GENERAL FUNDS
☐	FUND BALANCE
☐	SPLOST OR TSPOST
☐	ARPA
☐	GRANT
☐	HOTEL/MOTEL
☐	TOURISM
☐	COUNCIL INITIATIVE
☐	PARTNER/SPONSOR
☐	DEPARTMENT FUND
☐	BALANCE

PRESENTER: Frederick Gardiner

DEPARTMENT: Finance

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

ITEM/PROJECT/EVENT:

Consideration for approval of Contract No. 2024-0004, Financial Audit Services with Mauldin & Jenkins Certified Public Accountants.

BACKGROUND INFORMATION:

On April 11, 2024, the City of Stockbridge, Procurement Department received Request for Proposals from qualified firms to provide Financial Audit Services. Upon completion of the review and evaluation of the response proposals, the Selection Committee ranked the responses based on the factors outlined in the RFP.

Three firms submitted proposals which were evaluated and scored by a five-person selection committee based on the firm's Qualifications/Qualifications of Key Personnel, Technical Approach/Project Management, Experience, and Cost. The firm ranks were as follows:

BACKGROUND INFORMATION:

COMPANY	RANKED
Mauldin & Jenkins Certified Public Accountants	#1
CKH CPAs & Advisors, LLC	#2
HCT Certified Public Accountants and Consultants, LLC	#3

This contract will provide Financial Audit Services for the City of Stockbridge financial statements for the fiscal years ending December 31, 2024, December 31, 2025, December 31, 2026, December 31, 2027, and December 31, 2028. These audits will be performed in accordance with generally accepted auditing standards, the standards set forth for financial audits in the U.S. General Accounting Offices (GAO) Government Auditing Standards, the provisions of the Federal Single Audit Act of 1984 and U.S. Office of Management and Budget (OMB) Circular A-133, Audits of State, Local Governments, and nonprofit organizations.

STAFF RECOMMENDATION:

City Staff are requesting approval to award the contract to Mauldin & Jenkins Certified Public Accountants in the amounts of not to exceed Base Year $62,500.00, 1st Option Year $65,000.00, 2nd Option Year $67,500.00, 3rd Option Year $70,000.00, and 4th Option Year $72,500.00. The Agreement is for one (1) year, with the option to renew for four (4) one (1) year periods, with such options in the City's sole discretion.

ATTACHMENTS:

Contract
Mauldin & Jenkins Certified Public Accountants Response Proposal
Mauldin & Jenkins Certified Public Accountants Cost Proposal

Fiscal Impact: Funds will be provided from account number

APPROVALS:

CITY MANAGER _____

CITY TREASURER _____

CITY ATTORNEY _____

PROCUREMENT Shakera Hall

☐ FINANCIAL IMPACT ■ N/A

AMOUNT $

ATTACHMENTS: [X]

Stockbridge
Where Community Connects

APPENDIX B
Contract Agreement

This Contract Agreement made and entered into this_____day of_____in the year 2024 (the "Agreement"); by and between The City of Stockbridge, Georgia (the "City"), having its principal place of business at 4640 North Henry Boulevard, Stockbridge, Georgia 30281 and _ **Mauldin & Jenkins Certified Public Accountants** (the "Contractor").

WHEREAS, the City has caused the Request for Proposal 2024-004 to be issued soliciting proposals from qualified firms to furnish all items, labor services, materials and appurtenances called by them in accordance with the RFP No. 2024-0004; and

WHEREAS, the Contractor submitted a proposal in response to the RFP; and

WHEREAS, the Contractor's proposal was deemed by the City to be the most advantageous to the City;

NOW, THEREFORE, for and in consideration of the mutual covenants and promises contained herein, the receipt and sufficiency of which being hereby acknowledged by the parties, the parties agree as follows

1.0 **SCOPE OF WORK**

In accordance with Stockbridge's Financial Audit Services, the Contractor shall furnish all materials, equipment, and labor to provide the services described in the RFP to the specifications as directed in the RFP and pursuant to the terms of this Agreement, including all incidentals as directed by the City's Public Works Department and the City Manager or his/her representative.

The services shall be performed in a prompt and professional manner in accordance with the standards of the profession.

The scope of services for this Agreement consists of the following listed under the proposal, to include janitorial services for the City of Stockbridge's nine (9) locations which are listed within this proposal from a certified, bonded Contractor.

2.0 **PAYMENT**

The City shall pay and the Contractor shall receive the prices stipulated in the bid/proposal hereto attached as full compensation for everything furnished and done by the Contractor under this Agreement, based on the bid/proposal which sum shall be paid in the manner and terms specified in the Agreement. Before issuance of certificate of payment, if the Contractor has not submitted evidence satisfactory to the City that all payrolls, materials bills, and other indebtedness connected with the Project have been paid, the City may withhold, in addition to the retained percentages,

such amount or amounts as may be necessary to pay just claims for labor and services rendered and materials in and about the work on the Project (the "Work"), and such amount or amounts withheld or retained may be applied by the City to the payment of such just claims.

Payment will be made by the City within thirty (30) days of receipt of an accurate invoice by the Finance Department. To ensure prompt and accurate payment all invoices must accompany a purchase order number provided by the City.

2.1 **TERM**

This Agreement shall be effective upon its execution (the "Effective Date") The initial term of this Contract shall be through December 31, 2024. This Contract shall terminate absolutely and without further obligation on the part of the City on December 31, 2024, and each December 31 of each succeeding and renewed year, as required by O.C.G.A. §36-60-13, as amended, unless terminated earlier in accordance with the provisions of this Contract.

This Contract may be renewed for four (4) additional twelve-month terms, upon the same terms and conditions, as provided for in this Contract, unless terminated by the City, by notice to service provider or termination and non-renewal by December 31 of the Contract year.

If the Project has not been completed by (_____N/A_____), this Agreement shall automatically renew for an additional one year or part of the year necessary to conclude the Project unless the City chooses to terminate this Agreement pursuant to the provisions of this Agreement by giving seven (7) days written notice to the Contractor. There are ninety (30) calendar days scheduled for Project duration.

2.2 **CHANGE ORDERS**

Written approval shall be obtained by the Contractor for all change orders or contingency items prior to the start of any work.

3.0 **INDEPENDENT CONTRACTOR**

3.1 The Contractor shall be an independent contractor. The Contractor is not an employee, agent or representative of the City. The Contractor shall obtain and maintain, at the Contractor's expense, all permits, licenses or approvals that may be necessary for the performance of the services. The Contractor shall furnish copies of all such permits, licenses or approvals to the City Representative at the time of executing the Agreement.

3.2 Neither the City nor the Contractor has the authority to bind the other to any third person or otherwise to act in any way as the representative of the other, unless otherwise expressly agreed to in writing signed by both parties hereto. The Contractor agrees not to represent itself as the City's agent for any purpose to any party or to allow any employee of the Contractor to do so, unless specifically authorized, in advance and in writing, to do so, and then only for the limited purpose stated in such authorization.

The Contractor shall assume full liability for any contracts or agreements the Contractor enters into on behalf of the City without the express knowledge and prior written consent of the City.

4.0 INDEMNIFICATION

The Service Provider agrees to indemnify the City (including elected officials and employees) and hold the City harmless from and against any and all claims, liabilities, damages, losses, costs or expenses, including, without limitation, reasonable attorney's fees arising out of or related to: (a) a breach of the contract by Service Provider or (b) the performance of this Contract, whether by Service Provider, a subcontractor, or anyone directly or indirectly employed by them or anyone for whose acts they may be liable, regardless of whether or not such claim, liability, damage, loss, cost or expense is caused by the gross negligence or willful misconduct of a party indemnified hereunder. Service Provider's indemnification obligation shall not be limited by a limitation on amount or type of damages, compensation or benefits payable by or for Service Provider or subcontractor under any insurance required by the contract, including workers' compensation acts, disability benefit acts, other employee benefit acts, or any other insurance. Service Provider shall not settle or compromise any indemnifiable claims hereunder without the prior written consent of the City. The City cannot and does not agree to indemnify, hold harmless, exonerate or assume the defense of Service Provider or any other person or entity whatsoever, for any purpose whatsoever.

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5.0 INSURANCE

The Contractor shall, at its own cost and expense, obtain and maintain workers' compensation and commercial general liability insurance coverage covering the period of this Agreement, such insurance to be obtained from a responsible insurance company acceptable to the City and legally licensed and authorized to transact business in the State of Georgia. Any such insurance shall be in force on the date of execution of the Agreement and shall remain continuously in force for the duration of the Agreement.

The Contractor and its sub-Contractors shall secure and maintain the following insurance as itemized below:

5.1.1 WORKERS' COMPENSATION INSURANCE

Workers' Compensation insurance shall meet the statutory obligations with Coverage B- Employers Liability limits of at least $100,000 each accident, $5,00,000 disease-policy limit and $100,000 disease each employee.

5.1.2 COMMERICAL GENERAL LIABILITY INSURANCE

Commercial General Liability insurance shall be at the limits of at least $1,000,000 general aggregate, $1,000,000 personal and advertising injury, $1,000,000 each occurrence, $50,000 fire damage and $1,000 medical expense any one person. The

policy shall be on an "occurrence "basis shall include contractual liability coverage and the City shall be named an additional insured. The insurance shall include up to $10,000 expenses to extract pollutants from land or water at the" premises" if the discharge, dispersal, seepage, migration, release, escape or emission of the pollutants is caused by or results from a covered cause of loss.

5.1.3 COMMERICAL AUTOMOBILE LIABILITY INSURANCE

Commercial Automobile Liability insurance covering all owned, non-owned and hired automobiles with limits of at least $1,000,000 per accident. This insurance shall include a cause of loss where there is a spill of fuels and lubricants used in the vehicle for its operation.

5.1.4 PROFESSIONAL LIABILITY INSURANCE OR ERRORS & OMISSIONS INSURANCE

The Contractor shall maintain Professional Liability (Errors & Omissions) Insurance with coverage and limits no less than $1,000,000 each occurrence and $1,000,000 annual aggregate, in the event a contractor is performing design, engineering or other professional services.:

The insurance policy must provide the protection stated for three (3) years after completion of the Work. Acceptance of the insurance by the City shall not relieve, limit or decrease the liability of the Contractor. Any policy deductibles or retention shall be the responsibility of the Contractor. The Contractor shall control any special or unusual hazards and be responsible for any damages that results from those hazards.

The City does not represent that the insurance requirements are sufficient to protect the Contractor's interest or provide adequate coverage. Evidence of coverage is to be provided on a City-approved Insurance Certificate. If the policy is canceled, not renewed or materially changed, Contractor must provide notice to the City no more than thirty (30) days after the date of such cancellation, non-renewal or change.

The Contractor shall require any of its Sub-Contractors, if sub-contracting is allowable under this Agreement, to comply with these provisions.

5.2 ACCOUNTING STANDARDS

The Contractor agrees to maintain the necessary source documentation and enforce sufficient internal controls as dictated by Generally Accepted Accounting Principles (GAAP) to properly account for expenses incurred under this Agreement.

5.3 RETENTION OF RECORDS

The Contractor shall retain all records pertinent to expenditures incurred under this Agreement for a period of three (3) years after the resolution of all audit findings. Records for non-expendable property acquired with funds under this Agreement shall be retained for three (3) years after final disposition of such property.

6.0 TERMINATION

6.1 TERMINATION FOR CAUSE:

The City may terminate this Contract for cause upon ten (10) days prior written notice to the Service Provider of the Service Provider's default in the performance of any term

of this Contract. Such termination shall be without prejudice to any City's rights or remedies provided by law.

6.2 **TERMINATION FOR CONVENIENCE:**

The City may terminate this Contract for its convenience at any time upon (30) days written notice to the Service Provider. In the event of the City's termination of this Contract for convenience, the Service Provider will be paid for those services actually performed. Partially completed performance of the Contract will be compensated based upon a signed statement of completion to be submitted by the Service Provider who shall itemize each element of performance.

6.3 **TERMINATION FOR FUND APPROPRIATION:**

The City may unilaterally terminate this Contract due to lack of funding at any time by written notice to the Service Provider. In the event of the City's termination of this Contract for fund appropriation, the Service Provider will be paid for those services actually performed. Partially completed performance of the Contract will be compensated based upon a signed statement of completion to be submitted by the Service Provider which shall itemize each element of performance.

7.0 **INCLUSION OF DOCUMENTS**

The Agreement, any amendments thereto, the RFP, and the Contractor's Bid/Proposal submitted in response thereto, including any best and final offer, are incorporated in this Agreement by reference and form an integral part of this Agreement. In the event of a conflict in language between this Agreement and the foregoing documents incorporated herein, the provisions and requirements set forth in this Agreement shall govern. In the event of a conflict between the language of the RFP, as amended, and the Contractor's Proposal, the language in the former shall govern.

8.0 **COMPLIANCE WITH ALL LAWS AND LICENSES**

The Contractor must obtain all necessary licenses and comply with local, state and federal requirements. The Contractor shall comply with all laws, rules and regulations of any governmental entity pertaining to its performance under this Agreement.

9.0 **ASSIGNMENT**

The Contractor shall not assign or subcontract the whole or any part of this Agreement without the City's prior written consent.

10.0 **AMENDMENTS IN WRITING**

No amendments to this Agreement shall be effective unless it is in writing and signed by duly authorized representatives of the parties.

11.0 DRUG-FREE AND SMOKE-FREE WORKPLACE

11.1 A drug-free and smoke-free workplace will be provided for the Contractor's employees during the performance of this Agreement; and

11.2 The Contractor will secure from any subcontractor hired to work in a drug-free and smoke-free work place a written certification so stating and in accordance with Paragraph (7), subsection (b) of the Official Code of Georgia Annotated Section 50-24-3.

11.3 The Contractor may be suspended, terminated, or debarred if it is determined that:

11.3.1 The Contractor has made false certification herein; or

11.3.2 The Contractor has violated such certification by failure to carry out the requirements of Official Code of Georgia Annotated Section 50-24-3.

12.0 WORK AUTHORIZATION PROGRAM

Exhibit "A" is hereby incorporated into this Agreement and made a part hereto. Exhibit "A" enables all parties to be in compliance with O.C.G.A. § 13-10-91 as it pertains to statutorily-required verification of employees.

13.0 GOVERNING LAW AND VENUE

This Agreement shall be governed in all respects by the laws of the State of Georgia. Any disputes that arise under this Agreement shall be subject to the jurisdiction of the courts of Henry County, Georgia or the Northern District of Georgia, as applicable.

14.0 MISCELLANEOUS PROVISIONS

A. It is understood and agreed by and between the City and the Contractor that, on account of breach or default by either party of any of their obligations hereunder, it shall become necessary for the other party to employ and/or consult with an attorney to give advice, or to enforce or demand any of either party's rights or remedies hereunder, then, and in any such event, the defaulting or breaching party shall pay all attorney's fees, court costs and other expenses occasioned by such default(s) or breach(es).

B. All notices from Contractor to the City shall be served on or sent to the City at the following address:

City of Stockbridge
Attn: Procurement Department
4640 North Henry Boulevard
Stockbridge, Georgia 30281-3651

With a copy to:
City of Stockbridge
Attn: City Attorney
4640 North Henry Boulevard
Stockbridge, Georgia 30281-3651

All notices from the City to the Contractor shall be served on or sent to the Contractor at its registered office and at the following contact format:

Name:	
Address:	
City, State &Zip	
Telephone Number:	

C. Force Majeure. Neither party hereto shall be liable to the other party for any nonperformance, in whole or in part, of its obligations under this Agreement caused by the occurrence of any contingencies beyond the control of the parties, including but not limited to the weather (including but not limited to rain, showers, hurricanes, floods), declared or undeclared war, sabotage, insurrection, riot or other acts of civil disobedience, acts of a public enemy acts of governments or agencies affecting the terms of this Agreement, strikes, labor disputes, acts of third parties not within the control of the party whose performance is affected, shortages of fuel, failures of power, accidents, fires, explosions, hurricanes, storms, floods, or other acts of GOD. In the event that any such contingencies occur, the party whose performance is affected shall have a reasonable time in which to resume performance and such party's nonperformance shall not constitute a default. Notwithstanding the foregoing, if the non-performing party is unable to resume full performance despite reasonable attempts to do so, the other party shall have the right to terminate this Agreement pursuant to the provisions of Paragraph 4 above.

15.0 **ENTIRE AGREEMENT**

This Agreement constitutes the entire agreement between the parties with respect to the subject matter contained herein; all prior agreements, representations, statement, negotiations, and undertakings are suspended hereby. Neither party has relied on any representation, promise, nor inducement not contained herein WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed by their duly authorized officers as of the day and year set forth next to each signature.

MAYOR AND COUNCIL FOR
THE CITY OF STOCKBRIDGE

(SEAL)

By:_____
ANTHONY S. FORD, Mayor

ATTEST:

_____
VANESSA HOLIDAY, City Clerk

Approved as to form:

_____
City Attorney

CONTRACTOR

(SEAL)

By:_____

_____, _____
ATTEST:

_____
_____, _____

[THIS SPACE INTENTIONALLY LEFT BLANK]

Stockbridge

Where Community Connects

CONTRACT RENEWAL EVALUATION FORM

Date: August 1, 2025

To: Mr. Frank Milazi
City Treasurer/Chief Financial Officer

From: Wanda J. Cooley, *Contract Specialist*
Email: wcooley@stockbridge.org

Subject: Contract No. RFP No. 2024-0004, Financial Audit Services with Mauldin & Jenkins CPA's - Exercise of Second (2nd) Renewal Option

It is time to review the option to renew RFP No. 2024-0004 with Mauldin & Jenkins CPA's for Financial Auditing Services. The contract expires December 31, 2025.

Please indicate your recommendation as to exercising the option, along with the option-year budgeted amount, account number, and department head's signature. Return to Wanda J. Cooley, Procurement Department, no later than Monday, August 4, 2025. If you intend to disapprove this option, please provide a concise statement of your rationale for disapproval.

Per Section 1, please indicate whether you wish to renew this contract.

Complete the Survey (Section 2, below) evaluating the Contractor's performance during the past Contract Term. If answering "No" to any question, please explain briefly.

Section 1: Renewal

Approve Option: _____ 9/2/2025
(Signature) (Date)

Disapprove Option: _____ _____
(Signature) (Date)

Amount Budgeted for Option Year: $ 67,500.00

Account #: 100-15100-521210

Department Head: _____
(Signature)

Section 2: Contractor Evaluation

	YES	NO	N/A
1. Contractor performed all work in conformance with the Contract requirements?	✓		
2. Contractor was responsive and professional?	✓		
3. Are you satisfied with the quality of the work performed by the Contractor?	✓		
4. Did the Contractor anticipate your needs and provide value-added services beyond the scope/requirements of the Contract?		✓	

Comments: N/A

ORIGINAL

City of Stockbridge, Georgia

Technical Proposal to Provide Audit Services
Fiscal Year December 2024 through 2028

Mauldin & Jenkins Certified Public Accountants
Contact Person: Hope Pendergrass, CPA, Partner
Phone: (478) 464-8000
Email: hpendergrass@mjcpa.com
300 Mulberry Street, Suite 300
Macon, GA 31201

mjcpa.com

April 11, 2024

Honorable Mayor and Members of City Council
City of Stockbridge, Georgia
Attn: Drexal D. Paulk
4640 N. Henry Boulevard
Stockbridge, Ga 30281

Ladies and Gentlemen:

Mauldin & Jenkins is pleased to submit a qualifications package including cost estimates to provide annual financial and compliance auditing services for the City of Stockbridge, Georgia (the "City"). It is our understanding that the City is requesting proposals from qualified firms of certified public accountants to establish a contract for the professional services of a Certified Public Accountant (the "auditor") for financial and compliance audits. The contract for such audit services will be for the fiscal year ended December 31, 2024, with an option for each of the four subsequent fiscal years, subject to annual review and the annual availability of an appropriation for audit services by the City.

As requested by the City, we have enclosed on the following pages an all-inclusive maximum fee for the financial and compliance audit services for the fiscal years noted above. This sealed cost proposal contains all pricing information relative to the performance of the audit. The total all-inclusive maximum price for the fiscal years ending December 2024 through 2028 is as follows:

- 2024 - $62,500
- 2025 - $65,000
- 2026 - $67,500
- 2027 - $70,000
- 2028 - $72,500

As a partner at Mauldin & Jenkins, LLC, I am certified and authorized to represent Mauldin & Jenkins, empowered to submit the bid, and authorized to sign a contract with the City. Our total all-inclusive maximum price for providing annual financial auditing services to the City is contained on the following pages. We appreciate the opportunity to propose and we look forward to hearing from you.

Sincerely,

MAULDIN & JENKINS, LLC

Hope Pendergrass

Hope Pendergrass, CPA
Partner

SCHEDULE OF PROFESSIONAL FEES AND EXPENSES

FOR THE AUDIT OF THE 2024 FINANCIAL STATEMENTS

	Hours	Hourly Rate	Total
Partners	50	$275	$ 13,750
Managers	100	215	21,500
Professional Staff	200	165	33,000
Total for Services Described in RFP	350		**68,250**
Out-of-pocket expenses:			
Meals and lodging			500
Transportation			2,000
Mauldin & Jenkins discount from standard fees and expenses			**(8,250)**
Total all inclusive not to exceed price for 2024 audit			**$ 62,500**

SCHEDULE OF PROFESSIONAL FEES AND EXPENSES

FOR THE AUDIT OF THE 2025 FINANCIAL STATEMENTS

	Hours	Hourly Rate	Total
Partners	50	$280	$ 14,000
Managers	100	220	22,000
Professional Staff	200	170	34,000
Total for Services Described in RFP	350		**70,000**
Out-of-pocket expenses:			
Meals and lodging			500
Transportation			2,000
Mauldin & Jenkins discount from standard fees and expenses			**(7,500)**
Total all inclusive not to exceed price for 2025 audit			**$ 65,000**

SCHEDULE OF PROFESSIONAL FEES AND EXPENSES

FOR THE AUDIT OF THE 2026 FINANCIAL STATEMENTS

	Hours	Hourly Rate	Total
Partners	50	$285	$ 14,250
Managers	100	225	22,500
Professional Staff	200	175	35,000
Total for Services Described in RFP	350		**71,750**
Out-of-pocket expenses:			
Meals and lodging			500
Transportation			2,000
Mauldin & Jenkins discount from standard fees and expenses			**(6,750)**
Total all inclusive not to exceed price for 2026 audit			**$ 67,500**

SCHEDULE OF PROFESSIONAL FEES AND EXPENSES

FOR THE AUDIT OF THE 2027 FINANCIAL STATEMENTS

	Hours	Hourly Rate	Total
Partners	50	$290	$ 14,500
Managers	100	230	23,000
Professsional Staff	200	180	36,000
Total for Services Described in RFP	350		**73,500**
Out-of-pocket expenses:			
Meals and lodging			500
Transportation			2,000
Mauldin & Jenkins discount from standard fees and expenses			**(6,000)**
Total all inclusive not to exceed price for 2027 audit			**$ 70,000**

SCHEDULE OF PROFESSIONAL FEES AND EXPENSES

FOR THE AUDIT OF THE 2028 FINANCIAL STATEMENTS

	Hours	Hourly Rate	Total
Partners	50	$295	$ 14,750
Managers	100	235	23,500
Professional Staff	200	185	37,000
Total for Services Described in RFP	350		**75,250**
Out-of-pocket expenses:			
Meals and lodging			500
Transportation			2,000
Mauldin & Jenkins discount from standard fees and expenses			**(5,250)**
Total all inclusive not to exceed price for 2028 audit			**$ 72,500**

Important Notes to be Considered:

Note (1) – Unlimited Correspondence: It is Mauldin & Jenkins' policy to not charge for simple discussions and conversations that occur between the governmental entity and Mauldin & Jenkins that are only simple discussions (i.e., a phone call to ask certain questions that do not require additional research).

Note (2) – Free Periodic/Quarterly Continuing Education: As noted in our technical proposal, we provide free quarterly continuing education classes to our clients. This could amount to approximately $3,500 of annual savings for the City's estimated finance department per person.

Note (3) – Additional Services: If it should become necessary for the City to request Mauldin & Jenkins to provide any additional services (such as bond issurances, etc.), then such additional work shall be performed only if set forth in an addendum to the contract between the City and Mauldin & Jenkins.

Note (4) – No Hidden Fees or Costs: The pricing schedules contain all pricing information relative to performance of the audit as required by the City including all reimbursement for travel, lodging, communications, etc. Our estimated number of hours and the associated fee estimate indicated are based on our professional judgment and experience with similar governmental entities. So long as there are no significant changes in the operations or the number of major programs of the City and or the scope of services requested or significant problems requiring additional time, our quoted fees will not change.

Note (5) – Single Audit: The amounts above include provision of a Single Audit of 1 major program. Due to the uniqueness and variety of Federal grant programs, should an additional major program be identified, we will address such a need at that time.

City of Stockbridge, Georgia

Technical Proposal to Provide Audit Services
Fiscal Year December 2024 through 2028

Mauldin & Jenkins Certified Public Accountants
Contact Person: Hope Pendergrass, CPA, Partner
Phone: (478) 464-8000
Email: hpendergrass@mjcpa.com
300 Mulberry Street, Suite 300
Macon, GA 31201

mjcpa.com

VISION

To be a trusted advisor, earning trust and building respect through our consistent commitment to sustainable excellence, leadership, and integrity.

Over 725 Governmental Units Served Throughout the Southeast

INSIDE public accounting

top 100 FIRMS 2023

Going Further.

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PART 1
TECHNICAL PROPOSAL

MAULDIN & JENKINS

CPAs & ADVISORS

TAB 1 - COVER LETTER

MAULDIN & JENKINS

CPAs & ADVISORS

Transmittal Letter

April 11, 2024

Honorable Mayor and Members of City Council
City of Stockbridge, Georgia
Attn: Drexal D. Paulk
4640 N. Henry Boulevard
Stockbridge, Ga 30281

Ladies and Gentlemen:

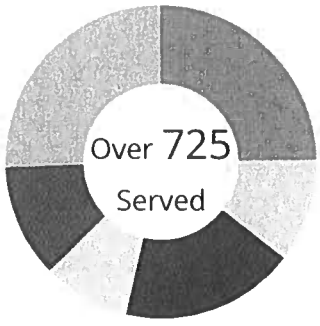
We appreciate the opportunity to propose on providing audit services to the City of Stockbridge, Georgia (the "City"), and we are pleased to submit a qualifications package including cost estimates to provide annual financial and compliance auditing services for the City. The contract for such audit services will be for five consecutive fiscal years beginning with the fiscal year ended December 31, 2024, and ending with the fiscal year ended December 31, 2028.

We have read the Request for Proposal (RFP) and fully understand its intent and contents. We understand the time frame for performance of the annual financial audits as stipulated by the City and agree to provide the services described in the proposal. We will conduct preliminary and final fieldwork and will issue all of the deliverables and reports substantially prior to the required due dates.

As professionals serving the public sector, Mauldin & Jenkins is qualified to serve the City. We believe that **Mauldin & Jenkins is the leader in auditing state and local governments in the Southeast**. This leadership was achieved by recognizing that we are an important part of our client's success, with our objective being to ensure that accurate information is reported to the City Council, management, and its citizens. Given the complexities of the City's financial operations and the ongoing significant changes in accounting standards, we feel that it is very important that you select an auditing firm that is **focused and experienced** in the governmental industry. We differentiate ourselves from our peers via:

- **Experience with Governments. As auditors for more governments in the Southeast than any other firm**, our professionals are thoroughly versed in the complex governmental arena, and have consistently provided the highest quality of service to our government clients. We serve:

  - 725+ state and local governments across the Southeastern U.S.A.
  - **175 governments awarded the GFOA's and, or ASBO's Financial Reporting Certificates.**
  - **290+ of Single Audits as required by the Uniform Guidance.**



Cities	180+
Counties	90+
School Districts & Charter Schools	125+
State Entities	65+
Utility Authorities	85+
Special Purpose	180+

Mauldin & Jenkins provides over 155,000 hours of service to over 725 governmental units in the Southeast on an annual basis utilizing over 150 professionals.

- **Responsiveness and Large Firm Resources with Small Firm Sensitivity.** We pride ourselves in responding to the needs of our clients; not only the ability to meet deadlines, but also to respond to other requests. Our ability to be responsive is enhanced by the open communications and good working relationship we have with our clients. Our resources provide for the flexibility to meet your needs and to perform our services in an efficient and effective manner.
- **Nationally Recognized.** Mauldin & Jenkins is consistently ranked in the Top 100 by various publications as one of the largest certified public accounting firms in the country. We are a regional firm, but the firm's influence is shared nationally. Our partners have volunteered to serve: as the American Institute of CPA's (AICPA's) Governmental Audit Quality Center's (GAQC) Executive Committee in 2022 (Pendergrass); the AICPA's State and Local Government Expert Panel in 2021 (Lyons); the AICPA's sole representative to Government Accounting Standards Advisory Council (GASAC); the 2015 Chairman of the board of the AICPA; and a board member of the International Federation of Accountants (IFAC) in 2016. In 2020, our own Joel Black was appointed to serve as the Chairman of the Governmental Accounting Standards Board (GASB). Mauldin & Jenkins is a leader nationally.
- **On-site or Remote Audits and Suralink**. Whether management elects for a remote or on-site audit, Mauldin & Jenkins is very effective in working from a hybrid environment. We also utilize software, like Suralink, on all audits to add organization and transparency to the audit process.
- **Staff Continuity.** Our staff retention rates are considered to be among the best in the profession. We are able to not only provide consistency with the partner and manager on our engagement teams, but seniors as well. We also have enough resources at the partner, manager, and senior levels to provide for periodic rotations as requested by our clients.
- **Education.** Mauldin & Jenkins' clients have the opportunity to register and receive approximately 30 hours of continuing education on an annual basis, free of charge. We take our experience in serving governments, and choose timely and relevant topics to provide ongoing education to our clients, both virtually and in-person. Sessions are limited to clients only.

This proposal represents a firm offer for 90 days from the date of the proposal. As a member of Mauldin & Jenkins, Hope Pendergrass is authorized to bind, and make representations for the Firm, and she will be the ultimate party responsible for the quality of the report and working papers. We welcome the opportunity to meet with you to present our proposal and our qualifications. Please contact us at 300 Mulberry Street, Suite 300, Macon, GA, (478) 464-8000 (phone), (478) 464-8051 (fax), or via email at hpendergrass@mjcpa.com. Again, on behalf of Mauldin & Jenkins, thank you for the opportunity to serve.

Sincerely,
MAULDIN & JENKINS, LLC

Hope Pendergrass

Hope Pendergrass, Partner

TAB 2 – EXECUTIVE SUMMARY

MAULDIN & JENKINS

CPAs & ADVISORS

Project Team and Scope of Work

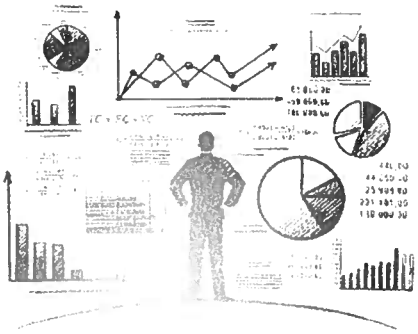
Proposed Project Team and Responsibilities

The proposed project team will include Hope Pendergrass (Point of Contact – Partner in Charge of the Engagement), Doug Moses or Tim Lyons (Quality Control Partners) Trey Scott (Support Partner), Demetria Fluellyn (Senior Manager), and Ashley Smith (Senior Associate). Other staff professionals and specialists will be utilized as the City's needs dictate.

Please see **Tab 6 – Company Principles** for more information on the background and experience of the individuals listed above.

Summary of Proposed Services

The overall objective in serving the City is to determine whether the financial statements present fairly the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information and the respective changes in financial position and cash flows, where applicable, thereof and the respective budgetary comparison for the major governmental funds in conformity with accounting principles generally accepted in the United States of America. In addition, to determine whether the combining and individual non-major fund financial statements are fairly stated in all material respects in relation to the basic financial statements taken as a whole.



The audit will be conducted in accordance with auditing standards generally accepted in the United States of America, promulgated by the American Institute of Certified Public Accountants (AICPA) and in accordance with: *Government Auditing Standards* issued by the Comptroller General of the United States; the provisions of the Federal Single Audit Act, and the audit requirements of Title 2 U. S. *Code of Federal Regulations* Part 200 *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) standards.

Our audit will consider the City's internal controls over financial reporting in order to determine the auditing procedures for the purpose of expressing an opinion on the financial statements and not to provide an opinion on the internal control over financial reporting.

We will perform tests of compliance with certain provisions of laws, regulations, contracts, and grants, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. Providing an opinion on compliance with these provisions is not an objective of the audits. However, the results of the tests disclosing instances of noncompliance and other matters will be reported as required under *Government Auditing Standards.*

Following the completion of the audit of the fiscal year's financial statements, we shall prepare the required audit reports (if applicable) including those required by *Government Auditing Standards* and the Single Audit:

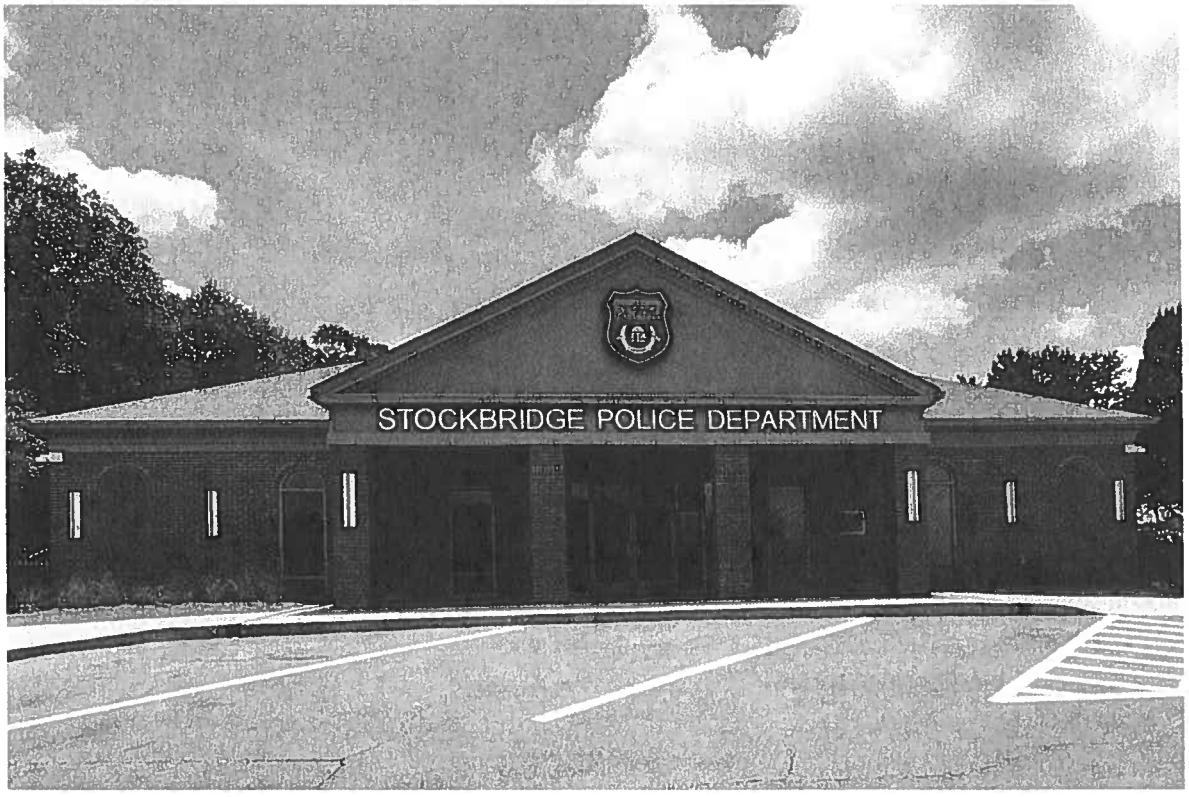
1) A report on the fair presentation of the financial statements in conformity with Generally Accepted Accounting Principles. This report shall include Required Supplemental Schedules (RSI) as required by GASB 34.
2) A report on Internal Control over Financial Reporting and on Compliance and on Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*.

Recently, a client provided a compliment (to a large audience) describing her experience with Mauldin & Jenkins:

"They Speak Our Language"

Cynthia Wood, Director of Accounting
Charleston (SC) Water System

3) A report on Compliance for Each Major Federal Program and on Internal Control Over Compliance required by the Uniform Guidance.
4) A Schedule of Findings and Questioned Costs in accordance with the Uniform Guidance.



TAB 3 – COMPANY HISTORY

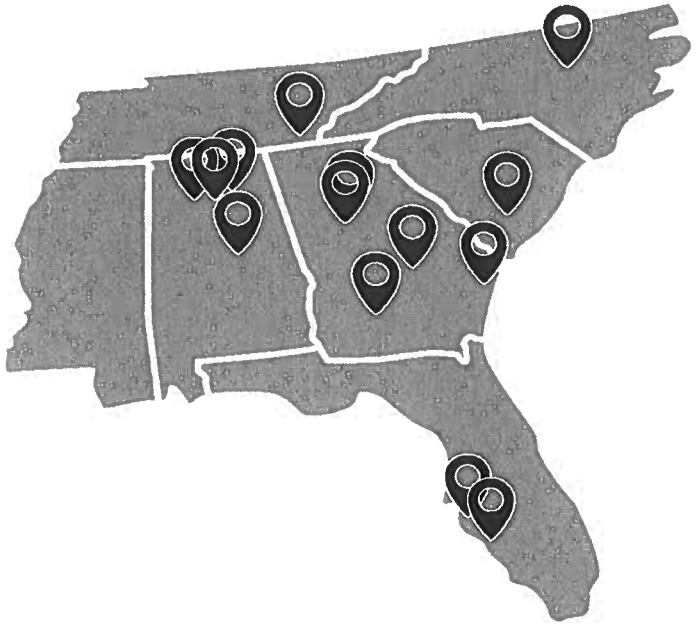
MAULDIN & JENKINS

CPAs & ADVISORS

Primary Business- Firm Qualifications and Experience

Organization and Size – Regional Firm

Mauldin & Jenkins was formed in approximately 1918 and has been actively engaged in governmental auditing since its inception. Mauldin & Jenkins is one of the largest certified public accounting firms in the Southeast and in the U.S.A., and a leading provider of audit and accounting services. Mauldin & Jenkins serves clients whose operations span the entire U.S.A. Mauldin & Jenkins is considered to be a large regional firm with offices in the following communities:



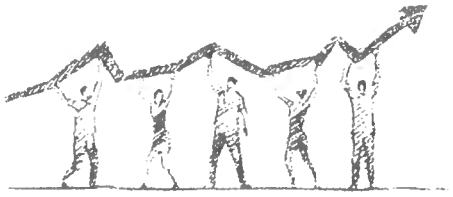
- ***Albany, GA***
- ***Alpharetta, GA***
- ***Athens, AL***
- ***Atlanta, GA***
- ***Birmingham, AL***
- ***Bradenton, FL***
- ***Chattanooga, TN***
- ***Columbia, SC***
- ***Florence, AL***
- ***Huntsville, AL***
- ***Macon, GA***
- ***Raleigh, NC***
- ***Sarasota, FL***
- ***Savannah, GA***

Our current footprint of governmental clients extends as far northeast as Gates County in North Carolina (on the Virginia line) to Corpus Christi, Texas to Islamorada, Florida in the Florida Keys.

Other key information relative to the size and experience of Mauldin & Jenkins is as follows:

- **515,000** - approx. total hours of service provided annually to clients of the Firm
- **155,000** - approx. total hours of service provided annually to governmental clients
- **55%** - percentage of governmental practice as compared to Firm's attestation practice
- **31%** - percentage of governmental practice as compared to Firm's overall practice
- **725** - approx. total governmental entities served in past three (3) years
- **515** - total number of Firm personnel
- **175** - total clients served who obtain the GFOA/ASBO Certificates
- **47** - total clients with publicly issued debts in excess of $76 million
- **77** - total number of Firm partners
- **25** - total number of full-time governmental partners & directors
- **20** - total number of full-time governmental managers
- **150** - total number of professionals with current governmental experience
- **50%** - percentage of Firm offices led by governmental partners

A Century of Service



Mauldin & Jenkins' commitment to government began when our Firm was established in 1918. Since then, we have viewed service to governments as significant to the overall success of the Firm. Today, the governmental sector is an industry that has been specifically identified for our continued growth in professional services. Accordingly, all professionals, from entry-level accountants to partners (who select the governmental sector as their focus) are trained to understand the issues and meet the needs of state and local governmental entities.

As noted previously, **Mauldin & Jenkins employs 45 partners, directors and managers who dedicate 100% of their time serving government clients**. We also have numerous additional professionals with current experience in providing services to governmental entities, many of whom spend their time exclusively on government clients.

Mauldin & Jenkins' dedicated professionals can bring a comprehensive understanding of the issues that face government entities as well as "bench strength" at all levels, allowing us to respond swiftly and effectively to your evolving needs.

The goal of our government practice is to help governments improve their financial processes and strategies so that they can in turn achieve their goal of improving the lives of their citizens. This shared commitment to the goals of our clients has resulted in a significant government clientele.

As noted in our transmittal letter, we currently serve over 725 governments in the Southeast. We know of no other regional firm that can match our governmental experience.

> *I was apprehensive when the decision was made to go with Mauldin & Jenkins thinking our city was too small for a larger firm. I couldn't be more pleased with their helpful attitude and professionalism. The audit process is now smooth and painless.*
>
> ***Pam Herring,***
> ***City of Rockmart,***
> ***Clerk/Finance Officer***

Location of the Office from which the Work is to be Performed

The Macon office will act as the lead in providing services to the City with additional staff roles coming from our other offices as needed. We have a working relationship between all our offices that we utilize quite often in serving the governmental sector, and it works quite well for all of our clients.

The individuals mentioned in this proposal, Mrs. Hope Pendergrass, Mr. Doug Moses, Mr. Tim Lyons and Mr. Trey Scott, are known across the Southeast for their involvement with governmental entities. They have significant experience in governmental audit and accounting, and will play significant roles in providing ongoing services to the City.

The Macon office currently employs **41 professionals with current experience in providing services to governmental entities** and who will meet the continuing professional education requirements set forth in the U.S. General Accounting Office *Government Auditing Standards*.

A further profile of the Macon office and the Firm's professional staff as a whole is as follows:

Professional Staff by Level	Macon	Firm-Wide
Partners	7	70
Directors/Managers	10	120
Senior Associates	11	104
Associates	13	221
Total	41	515

Quality Control Review

External Peer Review

In the mid 70s, the Private Companies Practice Section (PCPS) was founded by the American Institute of CPAs (AICPA) to establish a voluntary quality assurance program for CPA firms. There are requirements for membership in the section, which include mandatory continuing education for each member of the professional staff and a key element is a tri-annual independent review of a firm's quality control system in its practice of public accounting. Mauldin & Jenkins has been a member of the section from inception.

The peer review aspect has evolved from being voluntary to mandatory and Mauldin & Jenkins is in full compliance with the requirements of having a tri-annual review. In the peer reviewer's latest report dated December 29, 2023, our reviewing firm gave a rating of "pass" which is the highest form of assurance they can render on the system of quality control for our accounting and audit practice.

A copy of the report on our most recent external quality control review is provided on the next page. **The quality control review included a review of specific government engagements, including compliance audits under the Single Audit Act.** No letter of comment was received as a result of this review. We are quite proud to be one of the few Southeast based firms to have undergone this review and to have received such an excellent opinion from a large reputable national firm.

PBMares
CPAs and Consultants

REPORT ON THE FIRM'S SYSTEM OF QUALITY CONTROL

December 29, 2023

To the Shareholders of Mauldin & Jenkins, LLC
and the National Peer Review Committee

We have reviewed the system of quality control for the accounting and auditing practice of Mauldin & Jenkins, LLC (the firm) applicable to engagements not subject to PCAOB permanent inspection in effect for the year ended May 31, 2023. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a system review as described in the Standards may be found at www.aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported on in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing and complying with a system of quality control to provide the firm with reasonable assurance of performing and reporting in conformity with the requirements of applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of and compliance with the firm's system of quality control based on our review.

Required Selections and Considerations

Engagements selected for review included engagements performed under *Government Auditing Standards*, including compliance audits under the Single Audit Act; audits of employee benefit plans; audits performed under FDICIA; and an examination of service organizations (SOC 2 engagement).

As a part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

PBMares, LLP | 725 Jackson Street, Suite 210 | Fredericksburg, VA 22401 | P: 540.371.3556 | F: 540.371.5568 | www.PBMares.com

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Mauldin & Jenkins, LLC applicable to engagements not subject to PCAOB permanent inspection in effect for the year ended May 31, 2023, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)*, or *fail*. Mauldin & Jenkins, LLC has received a peer review rating of *pass*.

PBMares, LLP

PBMares, LLP
Fredericksburg, Virginia

We chose Mauldin & Jenkins and have continued with them, because of their deep understanding and accounting knowledge of our industry and they are an invaluable resource to us. The professionals on their team are easy to work with and pay close attention to our specific concerns. They provide exceptional expertise and service, responding to questions quickly and proficiently. Without question, our decision to use Mauldin & Jenkins for the past years was a sound business decision, delivering the expected results and then some.

David Smith, Henry County (GA), Chief Financial Officer

Desk Reviews or Field Reviews

Mauldin & Jenkins audits most of the largest school districts in the State of Georgia. Based on that fact, the State of Georgia's Department of Audits & Accounts (DoAA) periodically performs a review of a sample of our local school district audits. No report has ever been formally issued, and no matters or issues have ever been noted by this annual effort.

As part of the review process, the DoAA has asked to send teams of auditors to review our workpapers in their own effort to better approach financial and compliance audits from a risk based perspective.

With the exception of the above paragraph's thoughts, Mauldin & Jenkins has not had a federal or state desk review or field review of its audits during the past three years.

Regarding one of our past Federal desk reviews or field reviews, we would like to provide the following details of that review, as we believe its results further distinguish Mauldin & Jenkins from other firms.

> *In the six years that I've gone through internal and external audits this has been by far the best experience with auditors. Your personalities make a huge difference and we haven't regretted changing auditors.*
>
> ***Crystal Coleman, Edgefield County (SC), Former Finance Director***

> As part of the Federal Department of Education's random testing of the audits of local boards of education, a review was performed by the Federal Office of Inspector General (OIG) regarding a Single Audit engagement of a local board of education. We are quite pleased to note the examiner provided Mauldin & Jenkins a letter of high marks for the performance of the respective Single Audit and this comes at a time when Federal regulators are condemning the profession for poor performance of such Single Audits. **Unofficially and orally provided, the examiner noted this Single Audit engagement to be the best such engagement reviewed in his experience**.

We at Mauldin & Jenkins are quite proud of our Firm's governmental practice and appreciate the efforts of state and Federal inspectors and examiners, and their kind words of our doing things right and doing the right things in our attestation engagements.

No Disciplinary Actions

Mauldin & Jenkins has not had any disciplinary actions taken (nor are any pending) against the Firm during the past three years with any state or Federal regulatory bodies or professional organizations.

TAB 4 – EXPERIENCE

MAULDIN & JENKINS

CPAs & ADVISORS

Similar Engagements with Governmental Entities

Governments Served in the Past Three Years

Perhaps the greatest indicator of our reliability as a professional service provider to state and local governments is our list of governmental clients.

The following governmental client listings are provided to demonstrate Mauldin & Jenkins' vast experience serving the governmental sector, and these listings are broken down by type of governmental unit, and the respective listings represents clients we have served in the past three years (and not over a lifetime).

Cities. Cities we have served within the past three years:

Georgia

1) Albany
2) Alpharetta
3) Americus
4) Ashburn
5) Atlanta
6) Austell
7) Avondale Estates
8) Bainbridge
9) Baldwin
10) Ball Ground
11) Barnesville
12) Bloomingdale
13) Brookhaven
14) Brunswick
15) Butler
16) Byron
17) Cartersville
18) Cedartown
19) Centerville
20) Chamblee
21) Chattahoochee Hills
22) Clarkston
23) College Park
24) Colquitt
25) Conyers
26) Cordele
27) Covington
28) Dacula
29) Dalton
30) Darien
31) Decatur
32) Doraville
33) Douglasville
34) Duluth
35) Dunwoody
36) Fairburn
37) Fayetteville
38) Flovilla
39) Forest Park
40) Forsyth
41) Garden City
42) Grovetown
43) Griffin
44) Hapeville
45) Hinesville
46) Holly Springs
47) Jefferson
48) Johns Creek
49) Kennesaw
50) Kingsland
51) LaGrange
52) Lake Park
53) Lawrenceville
54) Leesburg
55) Lilburn
56) Lone Oak
57) Lyons
58) Manchester
59) Mansfield
60) Milledgeville
61) Milner
62) Milton
63) Monroe
64) Morrow
65) Nashville
66) Newton
67) Norcross
68) Oxford
69) Palmetto
70) Peachtree City
71) Peachtree Corners
72) Pearson
73) Perry
74) Pooler
75) Powder Springs
76) Port Wentworth
77) Reynolds
78) Richmond Hill
79) Riverdale
80) Rockmart
81) Rome
82) Roswell
83) Sandy Springs
84) Savannah
85) Sharpsburg
86) Social Circle
87) South Fulton
88) St. Marys
89) Stockbridge
90) Stonecrest
91) Suwanee
92) Temple
93) Thunderbolt
94) Tifton
95) Toccoa
96) Tucker
97) Turin
98) Tybee Island
99) Union City
100) Valdosta
101) Villa Rica
102) Waycross
103) West Point
104) Willacoochee

Alabama / Mississippi

105) Athens, AL
106) Huntsville, AL
107) Tuscaloosa, AL
108) Gulfport, MS
109) Meridian, MS
110) Prattville, AL
111) Sheffield, AL

Florida

112) Apopka
113) Atlantis
114) Callaway
115) Clewiston
116) Crystal River
117) Destin
118) Gulf Stream
119) Fernandina Beach
120) Ft. Myers Beach
121) Haines City
122) Hallandale Beach
123) Indiantown
124) Islamorada
125) Juno Beach
126) Jupiter Inlet Colony
127) Jupiter Island
128) LaBelle
129) Lake Placid
130) Longboat Key
131) Marco Island
132) Naples
133) New Port Richey
134) North Port
135) Palmetto
136) Plant City
137) Tarpon Springs
138) Tequesta
139) Wildwood
140) Winter Haven

North Carolina

141) Black Mountain
142) Garner
143) Hendersonville
144) Jacksonville
145) Rocky Mount
146) Selma
147) Zebulon
148) Wilkesboro

South Carolina

149) Aiken
150) Beaufort
151) Bluffton
152) Cayce
153) Chapin
154) Charleston
155) Clemson
156) Clinton
157) Clover
158) Fountain Inn
159) Hanahan
160) Hardeeville
161) Hemingway
162) Hilton Head Island
163) Hollywood
164) Georgetown
165) Greenwood
166) Goose Creek

167) Johnsonville
168) Kiawah Island
169) Mount Pleasant
170) North Augusta
171) North Charleston
172) Orangeburg
173) Pamplico
174) Rock Hill
175) Seabrook Island
176) Seneca
177) Summerville
178) Winnsboro

Tennessee
179) Bristol
180) Clarksville
181) Jackson
182) Lebanon
183) Morristown
184) Spring Hill

Counties. Counties we have served within the past three years:

Georgia
1) Athens-Clarke
2) Augusta-Richmond
3) Bacon
4) Barrow
5) Bryan
6) Butts
7) Camden
8) Charlton
9) Chatham
10) Clayton
11) Columbus-Muscogee
12) Crisp
13) DeKalb
14) Dougherty
15) Douglas
16) Emanuel
17) Floyd
18) Forsyth
19) Gwinnett
20) Henry
21) Irwin
22) Jackson
23) Jeff Davis
24) Jenkins
25) Jones
26) Lamar
27) Lee
28) Liberty
29) Long
30) Lumpkin
31) Macon
32) Macon-Bibb
33) McIntosh
34) Meriwether
35) Mitchell
36) Monroe
37) Morgan
38) Newton
39) Paulding
40) Pierce
41) Polk
42) Rockdale
43) Spalding
44) Stephens
45) Stewart
46) Sumter
47) Talbot
48) Tattnall
49) Taylor
50) Toombs
51) Troup
52) Turner
53) Walton
54) Whitfield
55) Wilkes

Florida
56) Alachua
57) Hernando
58) Union
59) Walton

North Carolina
60) Bertie
61) Buncombe
62) Columbus
63) Gates
64) Greene
65) Halifax
66) Madison
67) Montgomery
68) Moore
69) Orange
70) Wake

South Carolina
71) Aiken
72) Beaufort
73) Berkeley
74) Calhoun
75) Colleton
76) Darlington
77) Dorchester
78) Edgefield
79) Fairfield
80) Florence
81) Greenville
82) Hampton
83) Horry
84) Jasper
85) Lancaster
86) Laurens
87) Newberry
88) Oconee
89) Orangeburg
90) Richland
91) Sumter

Tennessee
92) Hamilton

Alabama
93) Jefferson

State Governmental Entities. States have many entities as part of financial reporting: agencies, departments, colleges, university foundations, and other component units that are audited. Please see the following for a listing of State governmental entities we have served in the past three years:

1) Abraham Baldwin Agri. College Foundation
2) Aiken Technical College
3) Athens State University, AL
4) Calhoun Community College
5) Central Carolina Technical College
6) College of Coastal Georgia Foundation
7) Denmark Technical College
8) Drake State Community and Technical College
9) Francis Marion University
10) Ga. Building Authority (GBA)
11) Ga. Business Success Center
12) Ga. College & State Univ. Foundation
13) Ga. Dept. of Behavioral Health
14) Ga. Dept. of Economic Development
15) Ga. Education Authority
16) Ga. Environmental Finance Auth. (GEFA)
17) Ga. Higher Education Assistance Corp.
18) Ga. Higher Education Facilities Authority
19) Ga. Highlands College Foundation
20) Ga. Lottery Corporation (LOTTO)
21) Ga. Military College Foundation
22) Ga. Ports Authority (GPA)
23) Ga. Southern Univ. Athletic Foundation
24) Ga. Southern Univ. Foundation
25) Ga. State Financing & Investment Com. (GSFIC)
26) Ga. State Univ. Athletic Foundation
27) Ga. State Univ. Foundation
28) Ga. Student Finance Authority (GSFA)
29) Ga. Superior Court Clerk's Cooperative Auth.
30) Ga. Technology Authority
31) Ga. World Congress Center Authority
32) Gadsden State Community College
33) Greenville Technical College
34) University of Chattanooga Foundation
35) Trident Technical College
36) Kennesaw State Univ. Athletic Department

37) Kennesaw State Univ. Athletic Foundation
38) Kennesaw State Univ. Research Foundation
39) Kennesaw State Univ. Foundation
40) Medical College of Georgia Foundation
41) Mississippi College of Georgia Foundation
42) New College of Florida
43) Northeast Alabama Community College
44) Northeastern Technical College
45) Northwest Florida College Foundation
46) Northwest Shoals Community College
47) Polytechnic Foundation of Kennesaw State Univ.
48) REACH Georgia (of the GSFC)
49) Snead State Community College
50) South Carolina Comptroller Generals Office
51) South Carolina Education Lottery Commission
52) South Carolina Transportation Infrastructure Bank
53) South Carolina Infrastructure Bank
54) South Carolina Insurance Reserve Fund
55) South Carolina Department of Transportation
56) South Carolina Jobs-Economic Development Auth
57) South Carolina Office of the State Auditor
58) Southern Polytechnic Applied Research Foundation
59) State College of Florida Sarasota-Manatee
60) Stone Mountain Memorial Association
61) Tri County Technical College
62) University of North Alabama
63) University of North Georgia Foundation
64) University of West Alabama
65) University of West Georgia Foundation
66) University System of Georgia
67) Williamsburg Technical College

School Systems. Boards of Education we have served within the past three years:

Georgia

1) Atlanta Independent Schools
2) Barrow County Schools
3) Bartow County Schools
4) Bibb County Schools
5) Buford City Schools
6) Butts County Schools
7) Camden County Schools
8) Carroll County Schools
9) Carrollton City Schools
10) Cartersville City Schools
11) Clayton County Schools
12) Cobb County Schools
13) Colquitt County Schools
14) Commerce City Schools
15) Coweta County Schools
16) Dawson County Schools
17) Decatur City Schools
18) DeKalb County Schools
19) Dodge County Schools
20) Dougherty County Schools
21) Douglas County Schools
22) Dublin City Schools
23) Effingham County Schools
24) Fannin County Schools
25) Fayette County Schools
26) Floyd County Schools
27) Forsyth County Schools
28) Fulton County Schools
29) Gilmer County Schools
30) Glynn County Schools
31) Gordon County Schools
32) Greene County Schools
33) Griffin-Spalding County Schools
34) Gwinnett County Schools
35) Habersham County Schools
36) Hancock County Schools
37) Henry County Schools
38) Houston County Schools
39) Jefferson City Schools
40) Laurens County Schools
41) Lumpkin County Schools
42) Marietta City Schools
43) Marion County Schools
44) Newton County Schools
45) Oconee County Schools
46) Peach County Schools
47) Pickens County Schools
48) Polk County Schools
49) Putnam County Schools
50) Rockdale County Schools
51) Rome City Schools
52) Savannah-Chatham Co. Schools
53) Stephens County Schools
54) Thomas County Schools
55) Troup County Schools
56) Twiggs County Schools
57) Union County Schools
58) Walton County Schools
59) Ware County Schools
60) White County Schools

Alabama

61) Athens City Schools
62) Sheffield City School
63) Limestone County Board of Education
64) Jackson County Board of Education

Florida

65) Hardee County Schools
66) Highland County Schools
67) Manatee County Schools
68) Lee County Schools

South Carolina

69) Beaufort County Schools
70) Berkeley County School District
71) Calhoun County Schools
72) Charleston County Schools
73) Clarendon Co. School Dist. 1
74) Colleton County Schools
75) Florence School Dist. 1
76) Florence School Dist. 3
77) Horry County Schools
78) Marlboro County Schools
79) Orangeburg County School District
80) Richland Co. School Dist. 1
81) South Carolina Public Charter School District
82) Sumter County Schools

Tennessee

83) Bristol City Schools
84) Hamilton County Schools

Charter School Systems. Charter schools we have served within the past three years:

1) Academy for Classical Education (ACE)
2) Atlanta Classical Charter Academy
3) Atlanta Heights Charter Academy
4) Brookhaven Innovation Academy
5) Coastal Empire Montessori Academy
6) Cherokee Charter Academy
7) Cirrus Academy
8) Coweta Charter Academy

9) East Point Academy of South Carolina
10) Florida School for the Deaf and Blind
11) Furlow Charter School
12) Gwinnett County BOE Charter Schools
13) Gwinnett Online Campus
14) Graduation Achievement Charter High School
15) International Charter Academy of Georgia
16) International Community School
17) Just for Girls Academy
18) Kendezi School
19) KIPP Metro Atlanta Collaborative
20) KIPP Opportunity Fund
21) KIPP South Fulton Academy
22) Lighthouse Academies
23) Manatee School of Arts & Sciences
24) Northwest Classical Charter Academy
25) NW Florida St. College – Collegiate High School
26) Pataula Charter Academy
27) Pensacola State College Charter Academy
28) Phoenix Center Community Service Board
29) Provost Academy of Georgia
30) School for Arts Infused Learning
31) Scintilla Charter Academy
32) SKY Academy Englewood
33) SKY Academy Venice
34) SLAM Academy
35) Spring Creek Charter Academy
36) SW Georgia STEM Charter School
37) St. Petersburg Collegiate High School
38) Susie King Taylor Community School
39) Troup County College & Career Academy
40) Tybee Island Maritime Academy

Business-Type Special Purpose Governments. Please see the following for a listing of business-type stand-alone special purpose business-type governments we have served in the past three years:

Water/Sewer & Electric Utility

1) Albertville Municipal Utilities Board
2) Athens Electric Utility
3) Athens Water and Sewer Utility
4) Atlanta Watershed
5) Augusta Utilities (Water/Sewer Ops)
6) Barrow County Water & Sewer Authority
7) Beaufort Jasper Water & Sewer Authority
8) Berkeley County Water & Sanitation
9) Bristol Essential Services
10) Bristol Joint Sewer System
11) Broad Creek Public Service District
12) Brunswick - Glynn Joint Water & Sewer Comm.
13) Butts County Water & Sewer Authority
14) Cape Fear Public Utility Authority
15) Catawba River Water Supply Project
16) CDE Lightband
17) Charleston Regional Resources Recovery Auth.
18) Charleston Water System
19) Chatsworth Water Works Commission
20) City of Sheffield Utilities
21) Clarksville Gas, Water & Wastewater
22) Clayton County Water Authority
23) Cobb County - Marietta Water Authority
24) Crisp County Power Commission
25) Dutton Waterworks
26) Eatonton-Putnam Water & Sewer Authority
27) Edgefield County Water & Sewer Authority
28) Electric Power Board of Chattanooga
29) Electric Power Board of Chattanooga, TN
30) Emerald Coast Utilities Authority
31) Englewood Water District
32) Gladeville Utility District
33) Grand Strand Water & Sewer Authority
34) Greenville Water System
35) Greenwood Commissioners of Public Works
36) Greer Commission of Public Works
37) Guntersville Water and Sewer Board
38) Gwinnett County Water and Sewerage Authority
39) Hamilton Co. Water & Wastewater Treatment
40) Henry County Water Authority
41) Huntsville Utilities
42) Limestone County Water and Sewer Authority
43) Lumpkin County Water & Sewerage Authority
44) Macon Water Authority
45) Middle Chattahoochee Regional Water & Sewer Authority
46) Middle Georgia Regional Water & Sewer Authority
47) Mount Pleasant Waterworks
48) Newton County Water & Sewerage Authority
49) North Charleston Sewer District
50) Onslow Water & Sewer Authority
51) Orangeburg Department of Public Utilities
52) Peace River/Manasota Reg. Water Supply Auth.
53) Peachtree City Water & Sewerage Authority
54) Polk County Water Authority
55) Renewable Water Resource
56) Seabrook Island Utility Commission
57) Seacoast Utility Authority
58) Section Waterworks
59) Sheffield Utilities
60) Susanville Sanitary District
61) Tampa Bay Water
62) Warren County Utility District
63) Waterworks & Sewer Board of the Town of Parrish

Airports

64) Atlanta Hartsfield-Jackson International Airport
65) Augusta-Richmond County Regional Airport
66) Charleston County Aviation Authority
67) Glynn County Airport Commission
68) Gwinnett Airport Authority
69) Halifax-Northampton Regional Airport Authority
70) Horry County Airport
71) Moore County (Pinehurst) Airport Authority
72) Paulding County Airport Authority
73) Walterboro-Colleton County Airport Commission

Transit

74) Chatham Area Transit Authority
75) Chattanooga Area Reg. Transportation Authority
76) Jackson Transit Authority, TN
77) Lakeland Area Mass Transit District
78) Lowcountry Regional Transit Authority
79) Macon-Bibb County Transit Authority
80) Pee Dee Regional Transit Authority
81) Santee Wateree Regional Transit Authority
82) South Florida Regional Transportation Authority
83) Waccamaw Regional Transportation Authority

Gas

84) Athens Gas Utility
85) Austell Natural Gas System
86) Natural Gas Acquisition Corp.

Other Governments. Other governmental entities we have audited within the past three years:

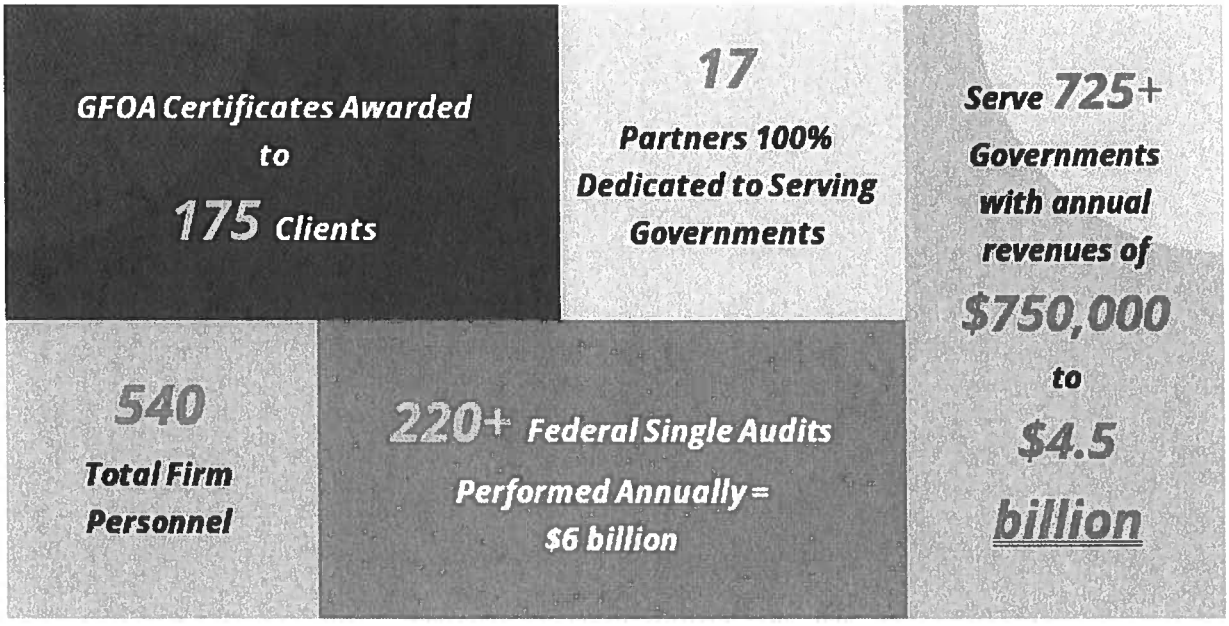
1) Albany - Dougherty Inner City Authority
2) Albany – Dougherty County Land Bank
3) Amelia Island Convention & Visitors Bureau
4) Amelia Island Mosquito District
5) Allendale County Hospital
6) Athens Limestone 911 District
7) Athens Limestone Hospital
8) Athens Limestone Industrial Development Board
9) Athens Limestone Landfill
10) Atlanta Firefighters Pension Plan
11) Atlanta General Employees Pension Plan
12) Atlanta Police Pension Plan
13) Atlanta Development Authority
14) Atlanta Economic Renaissance Corporation
15) Atlanta Housing Opportunity
16) Avita Community Partners
17) Bayshore Gardens Park & Recreation District
18) Berkeley County Water & Sanitation
19) Bledsoe County Nursing Home
20) Bradenton Downtown Development Authority
21) Bristol Public Library
22) Brookhaven Convention and Visitors Bureau
23) Buncombe County Tourism Development Authority
24) Camden County Joint Development Authority
25) Camden County Public Service Authority
26) Captiva Erosion Prevention District
27) Central Community Redevelopment Agency
28) Central Georgia Joint Development Authority
29) Central Midlands Council of Govts.
30) Central Savannah River Area Regional Comm.
31) Charleston Co. Parks & Recreation Authority
32) Chatham County Jail Complex
33) Chatham County Tax Commissioner
34) Chatham County-Savannah Metro Planning Comm.
35) Chattahoochee River 911 Authority
36) Chattanooga Area Regional Council of Govts.
37) Citrus County Mosquito District
38) City of Albany- Chehaw Park Authority
39) City of East Point Retirement Plan
40) City of Sandy Springs Development Authority
41) Classic Center Auth. of Clarke County
42) Clayton Center Community Service Board
43) Clayton Co. Pension Fund
44) Clayton Co. Sheriff's Office
45) Coastal Heritage Society
46) Cobb Center Community Service Board
47) Cobb County-Marietta Water Auth. Pension
48) Colleton County Commission on Drug & Alcohol Abuse
49) Columbia Development Corp.
50) Columbia Empowerment Zone
51) Columbia Housing Development Corp.
52) Columbus County Tourism Development Authority
53) Community Housing Services Agency (CHSA)
54) Convention and Visitors Bureau of Dunwoody
55) Crisp Co.- Cordele Industrial Development Authority
56) Crisp Co.- Cordele Industrial Development Council
57) Cumberland Community Improvement District
58) Decide DeKalb
59) DeKalb County Public Library
60) Dev. Auth. of City of Jeffersonville & Twiggs Co.
61) Development Authority of City of Roswell
62) Development Authority of Lumpkin County
63) Development Authority of Peachtree City
64) Development Authority of Warner Robins
65) Downtown Atlanta Revitalization
66) Downtown Chattanooga Alliance
67) East Alabama Regional Planning & Development Comm
68) Eau Development Corporation
69) E.G. Fisher Public Library
70) Ensor Forest Apartments
71) Fairfield County Library
72) Fayette County Development Authority
73) Fifth Circuit Solicitor of Richland County
74) Florida Bar
75) Florida Bar Retiree Health Plan
76) Foundation for the Mental Health Center of NC Alab
77) Forsyth County Public Library
78) Georgia Charter Educational Foundation
79) Georgia Mountains Regional Commission
80) Georgia Pines Community Service Board
81) Georgia Ports Auth. DB & OPEB Plan
82) Georgia Ports Auth. Defined Contribution Plan
83) Grand Strand W&S Auth OPEB Plan
84) Griffin Spalding County Land Bank Authority
85) Gwinnett Civic/Cultural Center Operations
86) Gwinnett Convention and Visitors Bureau
87) Gwinnett County Development Authority
88) Gwinnett County Public Facilities Authority
89) Gwinnett County Public Library
90) Gwinnett County Recreation Authority
91) Hallandale Beach CRA
92) Halifax County Tourism Development Authority
93) Hardee County Industrial Development Authority
94) Heart of Georgia Altamaha Regional Commission
95) Hospital Authority of St. Marys
96) Housing Authority of Clayton County
97) Houston County Library System
98) Islamorada,City of Islands, Florida
99) Jacksonville, NC Tourism Development Authority
100) Jefferson Co. Economic and Industrial Dev Authority
101) Keep Peachtree City Beautiful Commission
102) Kennesaw State University Athletic Department
103) Lamar County Recycling Authority
104) Lawrence County Health Care Authority
105) Lebanon Senior Center
106) Legacy Community Health Services
107) Liberty Consolidated Planning Commission
108) Liberty County Development Authority
109) Live Oak Public Library
110) Lumpkin County Hospital Authority
111) Macon-Bibb County Land Bank Authority
112) Macon-Bibb County Urban Development Authority

113) Madison Tourism Development Authority
114) Manatee County Mosquito Control Dist
115) Manatee Technical Institute
116) Manchester Development Authority
117) MARTA/ATU Local 732 Employees Retirement
118) McIntosh Trail Community Service Board
119) McMinn County Library
120) McPherson Implementing Local Redev. Authority
121) McPherson Planning Local Redevelopment Authority
122) Mental Health Center of North Central Alabama
123) Meriwether County Industrial Development Authority
124) Metropolitan Planning Commission (MPC)
125) Miami Beach Employees Retirement Plan
126) Middle Flint Regional E-911 Authority
127) Middle Georgia Community Service Board
128) Milledgeville-Baldwin County Dev. Authority
129) Moore County Convention & Visitors Bureau
130) NE Corridor, LLC
131) Newton County Industrial Development Auth
132) North Charleston District
133) North Fulton Regional Radio Authority
134) Northeast Georgia Regional Commission
135) Northwest Florida State College Foundation
136) North Port Fire Pension
137) North Port Police Pension
138) Ocean Highway and Port Auth. of Nassau County
139) Oconee Center Community Service Board
140) Orangeburg Co. Development Commission
141) Orangeburg County Library
142) Palm Bay Police & Fire Pension Plan
143) Palm Tran Amalgamated Transit Union Pension
144) Palm Beach Gardens Firefighters Pension
145) Paulding County Industrial Development Authority
146) Peace River/Manasota Regional Water Supply Authority
147) Peachtree City Convention & Visitor's Bureau
148) Phoenix Center Community Service Board
149) Pooler Chamber of Commerce
150) Port Authority of Corpus Christi & Nueces County
151) Private Colleges and Universities Authority
152) Public Bldg. Auth. of Knox Co. & City of Knoxville
153) Redevelopment Agency of Warner Robins
154) Richland County Libraries
155) Riverdale Downtown Development Authority
156) River's Edge Community Service Board
157) Saluda Nursing Center
158) Sandy Springs Hospitality Board
159) Santee-Lynches Reg. Council of Governments
160) Santee-Lynches Reg. Development Corp.
161) Sarasota General Employees Pension
162) Sarasota Firefighters Pension
163) Sarasota Police Officers Pension
164) Savannah Chatham County Land Bank Authority
165) Savannah Development & Renewal Authority
166) Seacoast Utility Authority
167) Serenity Behavioral Health Systems
168) South Carolina Centers of Economic Excellence
169) South Island Public Service District
170) SOWEGA Council on Aging
171) St. Augustine Municipal Firefighters Pension
172) Talbot County Development Authority
173) Toccoa-Stephens County Public Library
174) Trailer Estates (FL)
175) Two Notch Development Corp.
176) Tybee Island Maritime Academy
177) Vidalia Onion Committee
178) Walterboro-Colleton County Airport Commission
179) Waycross / Ware County Development Authority
180) West Jackson Fire District
181) Wilson County / Lebanon Development Board

Water & sewer operations. Below is a listing of water/sewer operations we have served within the past three years:

1. Aiken County
2. Athens-Clarke County
3. Augusta-Richmond Co.
4. Barrow County
5. Berkeley County, SC
6. Bertie County
7. Calhoun County
8. Camden County
9. Chatham County
10. City of Aiken
11. City of Albany
12. City of Americus
13. City of Arcadia
14. City of Ashburn
15. City of Bainbridge
16. City of Ball Ground
17. City of Barnesville
18. City of Bloomingdale
19. City of Bradenton
20. City of Brunswick
21. City of Butler
22. City of Byron
23. City of Callaway
24. City of Canton
25. City of Cartersville
26. City of Cayce
27. City of Cedartown
28. City of Clarksville
29. City of Clemson
30. City of Clinton
31. City of Clover
32. City of College Park
33. City of Colquitt
34. City of Conyers
35. City of Cooper City
36. City of Cordele
37. City of Covington
38. City of Crystal River
39. City of Fairburn
40. City of Fayetteville
41. City of Fernandina
42. City of Forsyth
43. City of Ft. Myers Beach
44. City of Garden City
45. City of Georgetown
46. City of Goose Creek
47. City of Griffin
48. City of Gulfport
49. City of Gulf Stream
50. City of Haines City
51. City of Hendersonville
52. City of Hinesville
53. City of Islamorada
54. City of Jackson
55. City of Jacksonville
56. City of Jefferson
57. City of Johnsonville
58. City of Kingsland
59. City of Lagrange
60. City of Lake Placid
61. City of Lawrenceville
62. City of Lebanon
63. City of Leesburg
64. City of Long Boat Key
65. City of Manchester
66. City of Mansfield
67. City of Marco Island
68. City of Milledgeville
69. City of Monroe

70. City of Morristown
71. City of Naples
72. City of North Augusta
73. City of North Port
74. City of Palmetto
75. City of Perry
76. City of Plant City
77. City of Pooler
78. City of Port Wentworth
79. City of Powder Springs
80. City of Reynolds
81. City of Richmond Hill
82. City of Rock Hill, SC
83. City of Rockmart
84. City of Rocky Mount
85. City of Rome
86. City of Roswell
87. City of Savannah
88. City of Seneca, SC
89. City of Social Circle
90. City of St. Marys
91. City of Stockbridge
92. City of Suwanee
93. City of Thomasville
94. City of Thunderbolt
95. City of Tifton
96. City of Toccoa
97. City of Tuscaloosa
98. City of Tybee Island
99. City of Union City
100. City of Valdosta
101. City of Villa Rica
102. City of Wildwood
103. Columbia Co.
104. Crisp County
105. DeKalb County
106. Floyd County
107. Forsyth County
108. Gates County
109. Greene County
110. Halifax County
111. Lee County
112. Liberty County
113. Lincoln County
114. McIntosh County
115. Mitchell County
116. Montgomery County
117. Monroe County
118. Moore County
119. Orange County
120. Orangeburg County
121. Paulding County
122. Richland County, SC
123. Rockdale County
124. Spalding County
125. Talbot County
126. Taylor County
127. Walton County
128. Town of Black Mountain
129. Town of Chapin
130. Town of Hemingway
131. Town of Pamplico
132. Town of Selma
133. Town of Wilkesboro
134. Town of Winnsboro
135. Village of Tequesta



Our project costs vary widely in range due to services desired and the unique operations of each client. Our proposed hours are normally significantly less than other firms, as by focusing on the governmental industry, we achieve efficiencies based on experience and expertise. We have included a proposed project cost for the City based on these efficiencies.

TAB 5 – CAPABILITIES

MAULDIN & JENKINS

CPAs & ADVISORS

Additional Firm Capabilities

In addition to including information on our experience with other governmental entities and related expertise, we would also like to highlight other capabilities that we feel position uniquely to serve the City.

Certificates of Achievement & Excellence in Financial Reporting

Mauldin & Jenkins has served over 725 governments in the past several years, and 175 governmental units who obtain the GFOA's Certificate of Achievement for Excellence in Financial Reporting (and, or the ASBO's Certificate of Excellence in Financial Reporting).

Mauldin & Jenkins' clients have never failed to obtain the Certificate! Every Annual Comprehensive Financial Report submitted has received the award. The following are current clients:

Counties:

1) Aiken, SC
2) Athens-Clarke
3) Augusta-Richmond
4) Barrow
5) Beaufort, SC
6) Buncombe, NC
7) Butts
8) Camden
9) Cartersville
10) Chatham
11) Clayton
12) Colleton, SC
13) Columbus-Muscogee
14) Dekalb
15) Douglas
16) Edgefield, SC
17) Florence, SC
18) Floyd
19) Forsyth
20) Glynn
21) Greenville, SC
22) Gwinnett
23) Halifax, NC
24) Hamilton, TN
25) Henry
26) Horry, SC
27) Jackson
28) Lancaster, SC
29) Liberty
30) Macon-Bibb
31) Morgan
32) Moore, NC
33) Newton
34) Oconee, SC
35) Orange, NC
36) Paulding
37) Polk
38) Richland, SC
39) Rockdale
40) Spalding
41) Wake, NC
42) Walton
43) Whitfield

Cities:

44) Aiken, SC
45) Albany
46) Alpharetta
47) Americus
48) Apopka, FL
49) Austell
50) Avondale Estates
51) Ball Ground
52) Beaufort, SC
53) Black Mountain, NC
54) Bluffton, SC
55) Bradenton, FL
56) Bristol, TN
57) Brookhaven
58) Brunswick
59) Callaway, FL
60) Cartersville
61) Cayce, SC
62) Chamblee
63) Charleston, SC
64) Chamblee
65) Chapin, SC
66) Clarksville, TN
67) Clemson, SC
68) College Park
69) Conyers
70) Cooper City, FL
71) Covington
72) Decatur
73) Doraville
74) Douglasville
75) Dunwoody
76) Fayetteville
77) Fairburn
78) Forest Park
79) Forsyth
80) Garden City
81) Garner, NC
82) Georgetown
83) Griffin
84) Gulfport, MS
85) Haines City, FL
86) Hallandale Bch, FL
87) Hapeville
88) Hardeeville, SC
89) Hendersonville, NC
90) Hilton Head Island, SC
91) Hinesville
92) Holly Springs
93) Huntsville, AL
94) Jacksonville, NC
95) John's Creek
96) Juno Beach, FL
97) Kennesaw
98) Kiawah Island
99) Kingsland
100) Marco Island, FL
101) Lagrange
102) Lawrenceville
103) Longboat Key, FL
104) Milledgeville
105) Milton
106) Monroe
107) Morristown, TN
108) Morrow
109) Mount Pleasant, SC
110) Naples, FL
111) N. Augusta, SC
112) N. Charleston, SC
113) North Port, FL
114) Palmetto
115) Peachtree City
116) Perry
117) Plant City, FL
118) Pooler
119) Port Wentworth
120) Powder Springs
121) Prattville
122) Richmond Hill
123) Riverdale
124) Rockhill
125) Rockmart
126) Rocky Mount, NC
127) Rome
128) Roswell
129) St. Marys
130) Sandy Springs
131) Savannah
132) Social Circle
133) Stockbridge
134) Suwanee
135) Thunderbolt
136) Tarpon Springs, FL
137) Thomasville
138) Tuscaloosa, AL
139) Union City
140) Valdosta
141) Villa Rica
142) Zebulon, NC

Boards of Education:

143) Atlanta Public Schools
144) Beaufort County Schools
145) Bibb County Schools
146) Cartersville City Schools
147) Cobb County Schools
148) Fayette County Schools
149) Fulton County Schools
150) Griffin-Spalding County Schools
151) Gwinnett County Schools
152) Horry County Schools
153) Lee County School District
154) Marietta City Schools
155) Putnam County Schools
156) Richland Co. School District One
157) Savannah-Chatham County Schools

State Governmental Entities:

158) Ga. Environ. Fin. Auth. (GEFA)
159) Ga. Ports Authority

Other Governmental Entities:

160) Beaufort Jasper Water & Sewer Authority
161) Cape Fear Public Utility Authority
162) Central Savannah River Area Regional Comm.
163) Charleston Water System
164) Clayton County Water Authority
165) Cobb County - Marietta Water Authority
166) Emerald Coast Utilities Authority
167) Greenville Technical College
168) Greenville Water System
169) Greenwood Commissioners of Public Works
170) Greer Commission of Public Works
171) Hartsfield-Jackson International Airport
172) Henry County Water Authority
173) Lowcountry Regional Transportation Authority
174) Macon Water Authority
175) Mount Pleasant Waterworks
176) North Charleston Sewer District
177) Onslow Water & Sewer Authority
178) Port of Corpus Christi Authority
179) Public Building Authority of Knox Co. & Knoxville
180) South Florida Transportation Authority
181) Tampa Bay Water Authority

Municipal Bond Experience

In case the City plans to issue and refund bonds in the coming years, we have elected to share with the City some of our experience in the municipal bond area of auditing and financial reporting.

Please see our qualifications regarding our bond program auditing experience within the past three years. Such qualifications include our auditing municipal bond programs with at least $76 million of outstanding bonded debt for which much of the debt has been issued in the past three years, and we have issued numerous consent letters and comfort letters as part of the overall service to our governmental clients during the issuance of such bonded debt. As part of such a large government client base, Mauldin & Jenkins serves 47 clients who meet the above criteria.

Additionally, we audit the Georgia State Finance and Investment Commission (GSFIC) who has issued several billions of general obligation bonds on behalf of the State of Georgia.

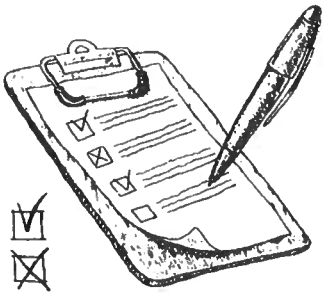
Please see the following list for a sample of clients we have performed bond procedures, and, or audited the financial statements for in the past three years whose publicly issued debts are in excess of $75,000,000.

	Governmental Entity	Amount		Governmental Entity	Amount
1	Jefferson County	$ 2,512,564,000	25	City of Pensacola	173,600,000
2	South Car. Transportation Infrastructure Bank	1,408,180,000	26	City of Marco Island	173,000,000
3	Georgia Ports Authority	1,328,668,000	27	City of Sandy Springs	172,230,000
4	Gwinnett County Board of Education	1,171,193,000	28	Charleston County Airport District	172,000,000
5	DeKalb County	1,051,950,000	29	City of College Park	165,683,000
6	Tampa Bay Water	988,700,000	30	Atlanta Development Authority	164,277,000
7	City of Huntsville	738,933,000	31	City of Savannah	151,712,000
8	Gwinnett County	727,267,000	32	Henry County Water & Sewer Authority	151,021,000
9	Charleston Water System	605,734,000	33	Douglas County Board of Education	132,690,000
10	Augusta-Richmond County	549,068,000	34	Clayton County Water Authority	130,018,000
11	Richland County School District 1	408,840,000	35	City of Charleston	126,518,000
12	Forsyth County	396,049,000	36	City of Alpharetta	120,985,000
13	Emerald Coast Utilities Authority	378,200,000	37	Macon-Bibb County	111,774,000
14	Henry County Board of Education	370,827,000	38	Columbus Consolidated Government	109,870,000
15	Hamilton County, Tennessee	360,180,000	39	South Carolina Dept.of Transportation	109,839,000
16	Forsyth County Board of Education	359,256,000	40	Islamorada, Village of Islands	99,900,000
17	Richland County	342,177,000	41	Rockdale County	93,346,000
18	Paulding County	312,923,000	42	Clayton County	86,864,000
19	Electric Power Board of Chattanooga	280,000,000	43	City of Hallandale Beach	85,400,000
20	GA. Higher Education Facilities Auth. (GHEFA)	232,019,000	44	Sumter School District	80,000,000
21	Beaufort County	218,159,000	45	Orange County, North Carolina	78,429,000
22	Athens-Clarke County	214,831,000	46	Macon Water Authority	76,806,000
23	City of Decatur	179,959,000	47	Atlanta Public Schools	76,740,000
24	City of Tuscaloosa	177,068,000			$ 15,312,745,000

Capabilities and Limitations

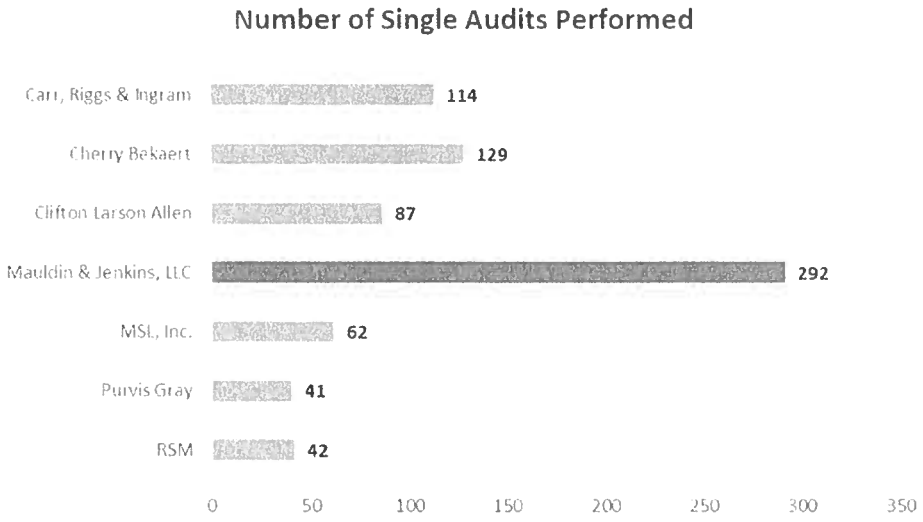
As detailed in our proposal, M&J has a significant number of employees with current governmental experience, both in the Macon office, as well as other offices. We feel confident we can serve the City in a timely and responsive manner and anticipate ***no limitations*** in serving the City and issuing the required deliverables in a timely manner. That being said, as the auditor, M&J cannot perform services which could be construed as functioning in a management capacity. Should additional needs beyond those outlined in this proposal be needed, we will work with the City to provide additional services, while not impacting our independence and adherence to professional standards.

Audits of Federally Funded Programs (Single Audits)



Based on the most recent data provided by the Federal Audit Clearinghouse (FAC) which is for calendar year 2022, Mauldin & Jenkins audits **292 entities** representing approximately **$7 billion in federal expenditures** for state, local government, and non-profit clients which is the:

- **Highest** among public accounting firms in the Southeast as it relates to the number of Single Audits conducted; and
- **Highest** among public accounting firms in the Southeast as it relates to total expenditures audited under the Single Audit Act.



The above information was summarized from the Federal Audit Clearinghouse for audits with fiscal year-ends in calendar year 2022 (the last year for which complete information is available) for states in which our Firm has offices.

Rotating or Not Rotating Auditors

There are proponents in the governmental sector that believe in changing auditors periodically. The belief is that changing auditors improves audit quality of an audit by providing a "fresh look".

Recognizing this proposal is a rebid of financial and compliance audit services currently provided by Mauldin & Jenkins to the City and the possibility that governing board members and evaluation team members may believe it to be prudent to rotate auditors on a periodic basis, we would like to offer the following actual headline and article which was posted on the AICPA's Center for Audit Quality website:

CENTER FOR AUDIT QUALITY

Accounting Today reports that a new academic paper calls mandatory audit firm rotation into question. Based on a complex experiment involving students who did not even know they were playing the role of auditors, **the study concludes that mandatory rotation could inhibit professional skepticism rather than encourage skepticism.**

"**Professional skepticism requirements are intended to elevate auditors' skepticism of their clients and, ultimately, audit quality,**" the study says. "**This benefit disappears and even reverses when auditors rotate.** That is, rotation and a skeptical mindset interact to the detriment of audit effort and financial reporting quality."

The study argues that auditors who are subject every few years to mandatory rotation feel less confident about their ability to audit a new client. "Rotating auditors, aware that they will not be in a long-term relationship, will...likely perceive themselves to be less competent in evaluating the honesty or dishonesty of the [corporate] manager relative to auditors who do not rotate." As a result, "**rotating auditors would find it difficult to garner psychological support for the probability of manager dishonesty, leading them to be less likely to choose high levels of audit effort than non-rotating auditors.**"

The above conceptual thoughts as researched and issued by ***Accounting Today*** and the AICPA Audit Quality Center are considered to be relevant to all certified public accounting firms. We tend to agree with the thoughts communicated herein by the AICPA's Center for Audit Quality. **That being said, if you feel differently from the conceptual thoughts communicated above, and that a rotation of auditors is necessary, it is important to note that Mauldin & Jenkins has substantial people resources, and can accommodate a change in: 1) lead partner, 2) quality assurance partner, 3) audit staff, and 4) office, should the City believe such changes are necessary.**

TAB 6 – COMPANY PRINCIPLES

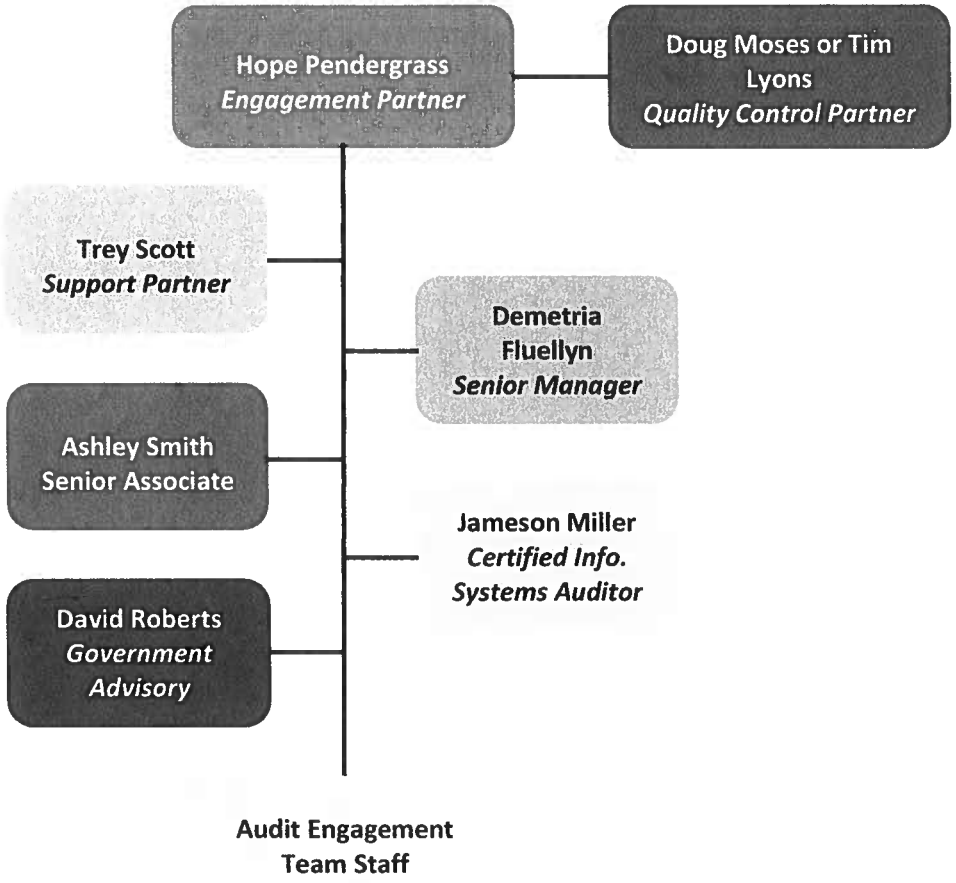
MAULDIN & JENKINS

CPAs & ADVISORS

Proposed Engagement Team

Staff

In order to provide the highest quality service in the most cost efficient manner, Mauldin & Jenkins has formed a client service team which will function as a cohesive unit, and would represent a superb assortment of talent and experience for the audit of the City. The unit would be assembled as:



The above team dedicated to audit the City will include (at a minimum): three partners, one full-time manager, and at least two staff professionals. The manager (Demetria Fluellyn) and the staff professionals will be substantially on-site full time throughout the conduct of their role in the audit. Other governmental audit professionals will be available to assist throughout the fieldwork and the preparation of the financial reports. The engagement partner (Hope Pendergrass) will correspond with City management on financial reporting, audit, and related issues on an ongoing basis, and this individual will also be dedicated to serve the City throughout fieldwork, reporting and conclusion in all respective fiscal years. Mauldin & Jenkins has the depth of resources which allows us to provide you with significant resources of knowledgeable professionals to meet your deadlines.

Resumes

Hope Pendergrass, CPA
Partner in Charge of the Engagement

Hope Pendergrass is a partner and a certified public accountant with Mauldin & Jenkins. Her experience covers a variety of state and local governmental organizations, and non-profit organizations. Hope spends 100% of her time serving state and local governments. Hope is well respected for her knowledge of performing Single Audits relative to expenditures of Federal awards, and serves as the firm's lead compliance audit technical partner. Hope was recently appointed to the Executive Committee of the AICPA's Government Audit Quality Center ("GAQC") where she collaborates with a team of individuals from firms across the United States on issues facing firms who perform governmental audits.

Years of Professional Experience and Years with Firm

Hope has 20 years of experience in public accounting and has spent all of that time serving both large and small governmental units. She is directly involved in serving approximately 85 such governmental entities. Hope obtained her CPA certificate in 2007.

List of Governmental Clients Served in the Last Three Years

Counties:
Macon-Bibb County
Clayton County
Colleton County, SC
Dougherty County
Henry County
Macon County
Mitchell County
Monroe County
Oconee County, SC
Mitchell County
Montgomery County, NC

Cities:
Albany
Atlanta
Americus
Ashburn
Byron
Cochran
Covington
Jeffersonville
Kennesaw
Leesburg
Macon
Perry
Stockbridge
Fayetteville
Leesburg
Orangeburg, SC
Chapin, SC

Other Governmental Units:
Albany-Dougherty Landbank Authority
Central Georgia Joint Dev. Auth.
Central Savannah River Area Regional Commission
Clayton Co. Pension Plan
Eatonton-Putnam Water & Sewer Auth.
GA College & State Univ.
Georgia Ports Authority
Ga. Higher Education Assist. Corp.
Ga. Student Finance Authority
Ga. Ports Authority
Heart of GA Altamaha Regional Comm.
Houston County Library System
Macon-Bibb County Landbank Authority
Macon-Bibb County Urban Development Authority
Macon Water Authority
MARTA Retirement Plan
Milledgeville-Baldwin Dev. Auth.
Development Auth. Jeffersonville & Twiggs Co.

Boards of Education & Charter Schools:
Academy for Classical Education
Beaufort County School District
Baker County Schools
Bibb County Schools
Bleckley County Schools
Brooks County Schools
Butts County Schools
Camden County Schools
Cirrus Academy
Clarendon County School Dist. 1
Clay County Schools
Clayton County Schools
Colleton County Schools
Colquitt County Schools
Coweta County Schools
Dawson County Schools
Dodge County Schools
Dougherty County Schools
Dublin City Schools
Emanuel County Schools
Effingham County Schools
Fayette County Schools
Florence School District 1
Florence School District 3
Furlow Charter School
Gilmer County Schools
Glynn County Schools
Greene County Schools
Griffin-Spalding County Schools
Hancock County Schools
Harris County Schools
Henry County Schools
Houston County Schools

Laurens County Schools
Marion County Schools
Morgan County Schools
Newton County Schools
Pataula Charter Academy
Peach County Schools
Pickens County Schools
Putnam County Schools
Rockdale County Schools
Savannah-Chatham County Public School System
Spring Creek Charter Academy
Susie King Taylor Community School
Thomas County Schools
Twiggs County Schools
Tybee Island Maritime Academy
Ware County Schools

Degree/Certifications and Audit Training

Hope graduated from Wesleyan College in 2003 with a Bachelor of Arts in Business Administration with a concentration in Accounting. She has been a featured speaker at various workshops and at our quarterly training events.

Hope was awarded the AICPA Advanced Single Audit Certificate after passing the AICPA Advanced Single Audit Exam, which requires the ability to evaluate and analyze core concepts related to client acceptance, engagement planning & analysis, and concluding an engagement, as well as guiding principles for single audits at an advanced level as outlined in the AICPA Competency Framework: Governmental Auditing.

Hope has obtained a significant amount of continuing professional education over the last several years including:

- 2024 M&J 1st Quarter CPE – GASB & Federal Compliance Update, Internal Controls over Disbursements and P-cards (Participant & Instructor)
- 2024 AICPA – Single Audit Lightning Round
- 2023 AICPA – Year End Engagement Planning (Instructor)
- 2023 M&J – Advancing Advisory – Governmental
- 2023 GGFOA Conference – (Instructor)
- 2023 AHACPA HUD Multi-family Update
- 2023 M&J 3rd Quarter CPE – Accounting and Auditing Potpourri (Participant & Instructor)
- 2023 University System of Georgia (UGS) – Mid-Year Training – (Instructor)
- 2023 GSCPA – Governmental Conference (Instructor)
- 2023 LumiQ – 2023 Compliance Supplement Update (Instructor)
- 2023 M&J Governmental Conference (Participant & Instructor)
- 2023 M&J Single Audit Training (Instructor)
- 2023 LumiQ – Yellow Book: Auditing the SEFA (Instructor)
- 2023 Octane Conference (Instructor)
- 2023 LumiQ – GASB Updates for 2023 and Beyond
- 2023 GSCPA – Spring Government Workshop
- 2023 AICPA – Auditing the Most Common Programs Received by School Districts
- 2022 AICPA – What Federal Agencies are Finding in QCRs (Instructor)
- 2022 Florida GFOA – Grants Management and Accounting
- 2022 M&J 3rd quarter CPE – Preparing for Year End Close and the Annual Audit
- 2022 M&J Governmental Conference (Participant & Instructor)
- 2022 AICPA Annual GAQC Update

- 2022 M&J Single Audit Training (Instructor)
- 2022 Octane Conference (Instructor)
- 2022 GSCPA Spring Government Workshop
- 2022 M&J 2nd quarter CPE – GASB Update
- 2022 AICPA Audit Considerations - CSLFRF
- 2022 M&J 1st quarter CPE – ARPA-CSLFRF – The Final Rule is Here (Instructor)
- 2021 GSCPA Governmental Accounting and Auditing Conference (Instructor)
- 2021 AICPA Pandemic-Related Single Audit Issues and Other Single Audit Updates
- 2021 AICPA Single Audit Lightning Round – Compliance Supplement Update
- 2021 GGFOA Annual Conference – COVID-19 Funding and Uniform Guidance Update (Instructor)
- 2021 GGFOA Wednesday's News You Can Use – ARPA (Instructor)
- 2021 M&J 3rd quarter CPE – Let's Talk Grants – Administration & Auditing (Instructor)
- 2021 AICPA Compliance Supplement and Single Audit Update
- 2021 M&J Governmental Conference (Participant & Instructor)
- 2021 M&J Client CPE – Coronavirus State & Local Fiscal Recovery Fund – What We Know Now (Instructor)
- 2021 M&J Single Audit Training (Instructor)
- 2021 Octane Virtual Conference (Instructor and Participant)
- 2021 M&J 2nd quarter CPE – GASB Update and GASB 87, *Leases*
- 2021 AICPA Uniform Guidance Revisions: What You Need to Know
- 2021 M&J 1st quarter CPE – Achieving Excellence in Financial Reporting
- 2021 AICPA Single Audit Lightning Round
- 2021 M&J Compliance Supplement Addendum Webinar (Instructor)

Professional and Civic Activities

Hope is a member of the American Institute of Certified Public Accountants ("AICPA"), the Georgia Society of CPAs ("GSCPA"), the Government Finance Officers Association ("GFOA"), and is active in the Georgia GFOA. She also serves on GFOA's Special Review Committee and performs reviews of ACFRs as part of GFOA's Certificate of Achievement for Excellence in Financial Reporting program. Hope has been a featured speaker and instructor for various trade and professional organizations including the GGFOA, the AICPA, the GSCPA, and the University System of Georgia.

Hope also coordinates and instructs our quarterly continuing education events provided to our clients. Additionally, she coordinates and edits our e-newsletter, which are issued periodically on emerging topics of interest to state and local governmental entities throughout our governmental practice.

Hope enjoys community service work and has volunteered with various organizations in the middle Georgia area including United Way of Central Georgia, Distinguished Young Women of Monroe and Bibb Counties, Forest Hills United Methodist Church, and Wesleyan College.

Hope Pendergrass

Doug Moses, CPA
Engagement Quality Control Partner

Doug Moses is a **resident of Henry County** and a member (i.e., partner) and a certified public accountant with Mauldin & Jenkins, LLC. He specializes in serving local and state governmental entities, and is a partner who works exclusively in the governmental sector of the Firm's audit practice. Doug has a very balanced base of clientele serving cities, counties, boards of education, charter schools, state government entities and special purpose governmental entities. He is registered in Georgia. Doug is a member of the Firm's Executive Committee, which governs the actions and direction of the Firm and serves as a member of the Firm's Advisory Committee. Doug also heads up the Firm's Diversity and Inclusion Initiative Program and serves as a member of the Leadership and Career Development Committee, helping provide policy and procedural recommendations to establish and monitor a leadership, educational, and mentoring programs for the development of the Firm's human resources.

Years of Professional Experience and Years with Firm

Doug has over 24 years of experience with the Firm. Doug serves both large and small governmental units and is involved in serving over 50 such governmental entities. Doug obtained his CPA certificate in 2001.

The following is a summary of governmental clients served by Doug in the capacity of engagement partner in-charge or quality control review partner:

List of Governmental Clients Served in the Last Three (3) Years

Counties:
Athens-Clarke County
Barrow County
Cherokee County
Colquitt County
DeKalb County
Douglas County
Jackson County
Jefferson County, Alabama
Floyd County
Mitchell County
Walton County
Gwinnett County
Henry County
Hamilton County, Tennessee
Halifax County, North Carolina
Orange County, North Carolina

Cities:
Atlanta
Athens, Alabama
Alpharetta
Austell
Ball Ground
Baldwin
Chamblee
Clarkston
College Park
Cochran
Dacula
Doraville
Decatur
Douglasville
Dunwoody
Duluth
Forest Park
Fairburn
Jefferson
LaGrange
Lawrenceville
Lilburn
Grantville
Riverdale
Rome
Toccoa
Whitesburg
Bristol Tennessee
Town of Braselton
Crossville, Tennessee
Tucker
Jamestown, Tennessee
Suwannee
Stonecrest
Hapeville
Oxford
South Fulton
Morrow
Powder Springs
Town of Selma North Carolina
Town of Garner North Carolina

State Entities:
Georgia Lottery Corporation
Georgia Environmental Finance Authority
State Road and Tollway Auth.
Georgia Student Finance Auth.

Other Governmental Units:
Austell Natural Gas System
Decide DeKalb Authority
Chattanooga Area Regional Council of Govt's
Cobb County-Marietta Water Authority
Riverdale Downtown Development Authority
Bristol Tennessee Joint Sewerage System
Town Center Area Community Improvement District
Evermore Community Improvement District
Lawrenceville Tourism and Trade Association
Cherokee County Airport Authority
Barrow County Water and Sewerage Authority
Invest Atlanta (Atlanta Development Authority
McPherson Planning Local Redevelopment Auth.
McPherson Implementing Local Redevelopment Authority
Atlanta Beltline Inc.
Atlanta Housing Opportunity, Inc.
Urban Residential Finance Authority of Atlanta
Downtown Development Authority of Atlanta
Atlanta – Atlanta Station Tax Allocation District
Atlanta – Westside Tax Allocation District
Atlanta – Eastside Tax Allocation District
Atlanta – Princeton Lakes Tax Allocation District
Atlanta – Beltline Tax Allocation District
Atlanta – Perry Bolton Tax Allocation District
Electric Power Board of Chattanooga, Tennessee
Chattanooga Area Regional Council of Governments, Tennessee
City of Bristol Industrial Development Board Tennessee
Orange County Disabilities & Special Needs Board, South Carolina
Public Building Authority County of Knoxville, Tennessee
Hamilton County Water & Wastewater Treatment Authority
Bristol Public Library, Tennessee
Halifax-Northampton Regional Authority North Carolina
Halifax County Tourism Development Authority North Carolina
Halifax Airport Authority North Carolina

Boards of Education (and Charter Schools):
Atlanta Independent Schools
Fulton County Schools
DeKalb County Schools
Atlanta Heights Charter School
Gwinnett County Schools
Buford Board of Education
Fulton County Schools Employees' Pension Plan
Cobb County Schools
Decatur City Schools
Marietta City Schools
Rome City Schools
Troup County Schools
Douglas County Schools
Forsyth County Schools
Jefferson Board of Education
Murray County Board of Education
Union County Board of Education
Habersham County Board of Education
Floyd County Board of Education
Cartersville Board of Education
Paulding County Schools
Gordon County Schools
Oconee County Schools
Walton County Schools
Board of Regents of the University
Georgia Online Academy Inc.
Brighten Academy
Cherokee Charter Academy
International Charter Academy
Brookhaven Innovation Academy
Atlanta Heights Charter School
Coweta Charter Academy
SLAM Academy
Pataula Charter Academy
Georgia Charter Education Foundation
Southwest Georgia STEM Charter School
Georgia School for Innovation
East Point Academy of South Carol

Degree/Certifications and Audit Training

Doug graduated from Georgia Southern University in 1999 with a Masters of Business Administration with emphasis in accounting and from Georgia Southwestern State University in 1997 with a Bachelors of Business Administration degree with a major in accounting (Magna Cum Laude). He has been a speaker at free quarterly CPE provided to our clients and several internal conferences.

Doug has obtained and instructed a significant amount of continuing professional education over the last three (3) years including:

- 2023 M&J Annual Governmental Accounting & Auditing Conference – Participant
- 2023 OCTANE Governmental Accounting Conference –Participant
- 2023 GGFOA Governmental Conference – Participant
- 2022 M&J Free Client CPE Classes – Coronavirus State & Local Fiscal Recovery Fund – The Final Rule is Here! – Participant
- 2022 M&J Advancing Advisory Lunch & Learn- Entrepreneurial Operating System - Participant
- 2022 M&J Annual Governmental Accounting & Auditing Conference, Virtual – Participant
- 2022 OCTANE Governmental Accounting Conference – Instructor and Participant
- 2022 GGFOA Governmental Conference – Participant
- 2021 Rainmaker Training – Participant
- 2021 GASB Update and GASB 87, Leases – Participant
- 2021 M&J Annual Governmental Accounting & Auditing Conference, Virtual - Participant
- 2021 OCTANE Governmental Accounting Conference – Instructor and Participant
- 2021 M&J Achieving Excellence in Financial Reporting – Ask the Auditor – Participant and Panelist
- 2021 Highlights of the 2020 Compliance Supplement, Webinar – Participant
- 2021 Provider Relief Fund Updated Reporting Requirements - Participant
- 2021 Coronavirus State & Local Fiscal Recovery Fund – What We Know Now – Participant
- 2021 GGFOA Governmental Conference – Participant

Professional and Civic Activities

Doug is a Certified Public Accountant and a member of the American Institute of Certified Public Accountants, Georgia Society of Certified Public Accountants, Government Finance Officers Association, the National Association of Black Accountants, the Georgia Government Finance Officers Association and the Association of Government Accountants.

Doug is also an active member of the Georgia Southwestern's GSW Foundation, Inc., and the alumni board of trustees for Georgia Southwestern State University where he is the past-president of the Alumni Board, past-chair of the GSW Foundation, Executive Committee member, and current chair of the Development Committee. He has spoken at several graduation commencements which included the December 2005 Graduation Commencement at Georgia Southwestern State University in which the former President Jimmy Carter and his wife attended (the former President personally commended Doug on his speech during a private luncheon held on campus). Doug also serves on the Educational Foundation of the Ga Society of CPAs where he serves as the Chair for the College Outreach Committee and is a member of the Leadership Council of the Ga Society of CPAs.

Doug Moses

Tim Lyons, CPA
Alternate Quality Control Partner

Tim Lyons is a partner with Mauldin & Jenkins and is a certified public accountant as well as a chartered global management accountant. His experience covers a variety of clients throughout the Southeast, working mainly in North Carolina, South Carolina, and Georgia.

Tim spends 100% of his time serving clients in the governmental industry, working with all types of entities ranging from large state agencies to local counties/cities/townships, school districts, and authorities. In a leadership capacity, Tim is the partner-in-charge of the Firm's Columbia and Raleigh Offices and is also a member of the Firm's Assurance Committee, overseeing the entire audit practice of Mauldin & Jenkins, focusing on the Firm's Governmental Assurance services.

Years of Professional Experience and Years with Firm

Tim has more than fifteen years of experience in public accounting – a year and a half with a firm based out of Charleston, South Carolina and over thirteen years with Mauldin & Jenkins serving a wide variety of clients in the public services industry.

List of Governmental Clients Served in the Last Three (3) Years

Counties:
Aiken County, SC.
Buncombe County, NC.
Columbus County, NC.
Floyd County, Ga.
Forsyth County, Ga.
Gates County, NC.
Greene County, NC.
Halifax County, NC.
Jefferson County, AL.
Madison County, NC.
Montgomery County, NC.
Moore County, NC.
Orange County, NC.
Sumter County, SC.
Wake County, NC.
Walton County, Ga.

Cities and Townships:
Atlanta, Ga.
Black Mountain, NC.
Brookhaven, Ga.
Cartersville, Ga.
Cayce, SC.
College Park, Ga.
Decatur, Ga.
Douglasville, Ga.
Forest Park, Ga.
Garner, NC.
Hendersonville, NC.
Hollywood, SC
Kennesaw, Ga.
Jacksonville, NC.
Johns Creek, Ga.
LaGrange, Ga.
Loris, SC
Monroe, Ga.
Milton, Ga.
Rock Hill, SC.
Rockmart, Ga.
Rocky Mount, NC.
Rome, Ga.
Sandy Springs, Ga.
Social Circle, Ga.
Selma, NC.
Wilkesboro, NC.
Zebulon, NC.

School Districts:
Atlanta Public Schools
Beaufort County Schools
Clarendon County School District 1
Douglas County Board of Education
East Point Academy of South Carolina
Florence School District 1
Florence School District 3
Forsyth County Schools
Fulton County Board of Education
Horry County Schools
Marietta City Schools
Marlboro County School District
Montessori School of Camden
Orangeburg County School District
Richland County School District 1
South Carolina Public Charter School District
Sumter County School District

State Agencies:
Georgia Environmental Finance Authority (GEFA)
Georgia Higher Education Finance Authority (GHEFA)
Georgia Superior Court Clerks' Cooperative Authority (GSCCCA)
Georgia State Financing and Investment Commission (GSFIC)

Georgia World Congress Center Authority (GWCCA)
South Carolina Centers for Economic Excellence ("SmartState")
South Carolina Department of Transportation
South Carolina Education Lottery Commission
South Carolina Transportation Infrastructure Bank

Higher Education:
Aiken Technical College
Central Carolina Technical College
Francis Marion University
Greenville Technical College
Northeastern Technical College
Tri-County Technical College
Trident Technical College

Other Governmental Units:
Austell Natural Gas System
Buncombe County Tourism Development Authority
Cape Fear Public Utility Authority
Chatsworth Water Works Commission
Cobb County-Marietta Water Authority
Cobb County-Marietta Water Authority Retirement Plan
Columbus County Tourism Development Authority
Forsyth County Public Library
Fulton County School Employees' Pension Fund
Halifax-Northampton Regional Airport Authority
Halifax County Tourism Development Authority
Jacksonville Tourism Development Authority
Moore County Airport Authority
Moore County Convention and Tourism Bureau
Onslow Water and Sewer Authority

Degree/Certifications and Audit Training

Tim graduated in 2006 from Furman University in Greenville, South Carolina with a Bachelor of Arts in Accounting and subsequently, obtained his Masters of Science in Accountancy from the College of Charleston (South Carolina) in 2009. Tim holds active CPA licenses in both South Carolina and Georgia.

Tim has obtained and instructed a significant amount of continuing professional education over the last three years, including:

- Podcasts Hosted with LumiQ During 2023:
  - GASB Updates for 2023 and Beyond (Spring 2023)
  - Audit Considerations and Risks for Government Financing (Summer 2023)
  - GASB 94 (Fall 2023)
- 2023 Government Finance Officers of South Carolina Annual Conference – Live Conference (Hilton Head Island, SC) – Instructor ("Auditing Standards and Yellow Book Updates for 2023")
- 2023 Mauldin & Jenkins Annual Governmental Conference – Live Conference (Chattanooga, TN) – Instructor and Participant
- 2023 UNC School of Government Local Government Auditor Conference – Virtual Conference – Instructor ("Auditing Standards and Yellow Book Updates for 2023")
- 2023 Mauldin & Jenkins Government Client CPE– Virtual Conference – Instructor ("Updates in the Debt Environment for State and Local Governments")
- 2023 South Carolina Association of School Business Officials – Spring Conference Myrtle Beach, South Carolina – Instructor ("New GASB Standards and Upcoming Changes in School District Accounting")
- 2022 Mauldin & Jenkins Government Client CPE– Virtual Conference – Instructor ("Implementing GASB Statement 87")
- 2022 Mauldin & Jenkins Government Client CPE– Virtual Conference – Instructor ("GASB Update")
- 2022 Mauldin & Jenkins Annual Governmental Conference – Virtual Conference – Instructor and Participant
- 2022 UNC School of Government Local Government Auditor Conference – Virtual Conference – Instructor ("The Role of Risk Assessment in Local Government Audits")

- 2021 South Carolina Association of CPAs Fall Fest – Instructor ("Accounting for Debt in a Government")
- 2021 AICPA Webcast – Participant ("Navigating the New AICPA Ethics Interpretation: State and Local Government Client Affiliates")
- 2021 South Carolina Association of CPAs Virtual Webinar – Instructor ("Overview of the ACFR and Common Deficiencies in Seeking the GFOA Certificate")
- 2021 Mauldin & Jenkins Annual Governmental Conference – Virtual Conference – Instructor and Participant
- 2021 South Carolina Association of CPAs Spring Splash Virtual Conference – Instructor ("Reporting Issues with Component Units and Changes Brought on by GASBs 84 and 97")
- 2021 Mauldin & Jenkins Government Client CPE – Virtual Webinar – Instructor ("GASB Update and GASB 87")
- 2021 Mauldin & Jenkins Government Client CPE – Virtual Webinar – Panelist ("Ask the Auditor!")

Professional and Civic Activities

Tim is involved in a variety of organizations to both support the governmental industry and to promote the CPA profession overall. At the national level, he is a graduate of the AICPA's Leadership Academy, Class of 2012 and is a current member of the AICPA's State and Local Government Expert Panel. As a part of this fifteen member panel, Tim works on financial reporting, audit and attest matters relevant to audits of state and local government financial statements. The expert panel protects the public interest by bringing together knowledgeable parties in the state and local government industry to deliberate and come to agreement on key state and local government issues. It also plays a significant advocacy role through analysis and comment on exposure documents of the Governmental Accounting Standards Board and other proposals affecting state and local governments.

Also at the national level, Tim is a member of the Special Review Committee for the Government Finance Officers' Association (GFOA), reviewing Annual Comprehensive Financial Report submissions from all across the U.S. for governments seeking to obtain the Certificate of Achievement for Excellence in Financial Reporting.

At the state level, Tim is involved with the state GFOA organizations as a periodic presenter at the annual conferences as well as with the State CPA societies. Outside of the CPA profession, Tim is a member of the Board of Directors for Children's Trust of South Carolina whose Board is appointed by the Governor. Children's Trust is the only statewide organization whose mission is the prevention of child abuse, neglect and injury throughout South Carolina by forming partnerships with local governmental and nonprofit organizations including many counties, school districts, and other governmental agencies.

Tim Lyons

Trey Scott, CPA
Support Partner

Trey Scott is a partner and a certified public accountant with Mauldin & Jenkins specializing in serving local and state governmental entities. Trey's experience with the firm covers a variety of state and local governmental organizations in Georgia, South Carolina and Florida.

Trey spends 100% of his time serving local governments emphasizing cities, counties, school districts, business-type entities, state government entities, and special purpose entities and authorities.

Years of Professional Experience and Years with Firm

Trey has sixteen (16) years of experience in public accounting, all with Mauldin & Jenkins serving a wide range of governmental clients. Trey has specific experience with client computer systems (most commonly Tyler Munis and BS&A, among others). He is also thoroughly versed in Federal and State grant programs.

List of Audits Performed for Governments in the Last Three (3) Years

Trey serves both large and small governmental units, and is involved in serving over seventy (70) such governmental entities. The following is a current summary of governmental clients served by Trey in the capacity of engagement partner:

Cities:
Aiken, South Carolina
Bloomingdale
Bluffton, South Carolina
Brunswick
Cooper City, Florida
Covington
Conyers
Crystal River, Florida
Fayetteville
Griffin
Hallandale Beach, Florida
Hardeeville, South Carolina
Hinesville
Hilton Head Island, South Carolina
Hollywood, South Carolina
Kiawah Island, South Carolina
Kingsland
Morrow
North Charleston, South Carolina
Peachtree City
Pensacola, Florida
Savannah
St. Marys
Thunderbolt
Tybee Island
Village of Pinecrest, Florida
Union City

Counties:
Augusta-Richmond County
Beaufort County, South Carolina
Camden County
Colleton County, South Carolina
Chatham County
Charlton County
Dorchester County
Hampton County
Liberty County
Long County
Oconee County, South Carolina
Peach County
Pierce County
Rockdale County
Stephens County
Tattnall County
Toombs County

Other Governmental Units:
Beafort Jasper Water and Sewer Authority
Broad Creek Public Service District
Brunswick-Glynn Joint Water and Sewer Commission
Camden County Public Service Authority
Central Midlands Regional Transit Authority
Charleston County Park and Recreation Commission
Chatham Area Transit Authority
Clayton County Water Authority
Hardee County, FL Industrial Development Authority
Henry County Water and Sewerage Authority
Hospital Authority of St. Marys
Lakeland Area Mass Transit District
Live Oak Public Libraries
Lowcountry Regional Transportation Authority
Mount Pleasant Waterworks
Newton County Water Authority
Ocean Highway and Port Authority
Polk Transit Authority
Peachtree City Convention & Visitors Bureau
Peachtree City Development Authority
Peachtree City Water and Sewer Authority
Port of Corpus Christi Authority of Nueces County Texas
South Island Public Service District
Toccoa-Stephens County Public Library
Tampa Bay Water

State Entities:
Georgia Building Authority
Georgia State Road and Tollway Authority
Georgia Ports Authority
Georgia Student Finance Authority
South Florida Regional Transportation Authority

Degree/Certifications and Audit Training

Trey graduated from Austin College, in Sherman Texas with a Bachelor of Arts degree, majoring in Business Administration. Trey also has a Master of Public Accounting degree from the University of West Georgia in Carrollton. He is in his 16th year of public accounting and auditing, with an emphasis on state and local governments.

Trey has instructed or participated in a significant amount of continuing professional education over the last three years including:

- 2023 M&J Governmental Conference – Various Participant / Instructor
- 2023 GFOA South Carolina Conference – GASB Update – Instructor
- 2023 Ethics for CPAs in Florida
- 2023 Octane Conference – GASB Update - Instructor
- 2023 Carl Vinson Institute of Local Government ACFR class – Instructor
- 2023 M&J Quarterly Client CPE – Instructor
- 2022 GGFOA – GASB 87 Implementation - Instructor
- 2022 M&J Governmental Conference – Various topics – Instructor and Participant
- 2022 Octane Conference – Team Performance – Instructor
- 2021 FGFOA School of Governmental Finance – Presenting your Financial Report Card to Non-financial People - Instructor
- 2021 GFOASC – Governmental Financial Report Card – Instructor
- 2021 Georgia Fiscal Management Council Conference – GASB Update - Instructor
- 2021 South Carolina Association of Public Accountants – Evaluating Gov Financial Stmts Instructor
- 2021 M&J Governmental In-charge Training – Various - Instructor
- 2021 M&J Governmental Conference – Various – Participant / Instructor
- 2021 Octane Conference – Your Govts Financial Report Card – Instructor
- 2021 Carl Vinson Institute of Local Government ACFR class – Instructor

Professional and Civic Activities

Trey is a Certified Public Accountant and a member of the American Institute of Certified Public Accountants, Florida Institute of Certified Public Accountants, Georgia Society of Certified Public Accountants, the Government Finance Officers Association, the Florida Government Finance Officers Association, and the Georgia Government Finance Officers Association.

Trey Scott

Demetria Fluellyn, CPA
Senior Manager

Demetria is a Senior Manager with Mauldin & Jenkins. Her experience with the firm covers a variety of state and local governmental organizations, including cities, counties, state entities and special purpose governmental entities, but she has a definite affinity and experience in the school district/board of education sector. Demetria spends 100% of her time serving state and local governments. Demetria works with approximately 35 state and local governments in Georgia.

Years of Professional Experience and Years with the Firm

Demetria has over twelve (12) years of experience in public accounting, all with Mauldin & Jenkins, serving a wide range of clients in the public services industry.

List of Audits Performed for Governments in the Last Three (3) Years

School Systems:
Beaufort Co. School District
Bibb Co. School District
Butts County Schools
Camden Co. School District
Dougherty County Schools
Clayton Co. School District
Coweta Co. School District
Fayette Co. School District
Furlow Charter School
Glynn Co. School District
Henry Co. School District
Laurens County Schools
Pataula Charter Academy
Peach Co. School District
Rockdale Co. School District
Morgan County Schools
Houston County Schools
Griffin-Spalding County Schools
Newton County Schools
Academy for Classical Education
Twiggs County School District
Savannah-Chatham Schools
Dublin City Schools
Cirrus Academy Charter School

Counties:
Augusta-Richmond Co.
Macon-Bibb Co.
Mitchell Co.
Turner County

Cities:
Americus
Stockbridge
Leesburg
Albany

Other Governmental Entities:
Clayton Co. Housing Authority
Georgia Higher Education Assistance Corp. (GHEAC)
Georgia Infirmary Housing Corporation
Georgia Student Finance Authority (GSFA)

Degree/Certifications and Audit Training

Demetria graduated from Georgia Southern University with a B.B.A. in Accounting in 2010 and a Masters in Accounting in 2012. She is a Certified Public Accountant. Additionally, Demetria has obtained a significant amount of continuing professional education over the last three years, serving as a participant in several seminars and courses including:

- 2023 Introduction to Federal Grants
- 2023 Single Audits of Governmental and Nonprofit Entities
- 2023 Audits of State and Local Governments
- 2022 Overview of Governmental Accounting
- 2022 Grants Management
- 2022 Governmental In-Charge Training
- 2022 Coronavirus State & Local Fiscal Recovery Fund – The Final Rule Is Here!
- 2021 Single Audits Under the Uniform Guidance
- 2021 M&J IT Cybersecurity & Effectiveness in Governments
- 2021 M&J Let's Talk Grants – Administration & Auditing
- 2021 M&J 2nd Quarter CPE – GASB Update and GASB 87, *Leases*
- 2021 M&J 1st Quarter CPE – Achieving Excellence in Financial Reporting
- 2021 M&J Compliance Supplement Addendum Webinar

Professional and Civic Activities

Demetria is a Certified Public Accountant and a member of the American Institute of Certified Public Accountants and the Georgia Society of Certified Public Accountants. Demetria currently resides in Macon, Georgia with her husband, Antoine, daughter, Kyla, and son, Kobe. She is an active member of St. Phillip A.M.E. Church in Culloden, Georgia.

Ashley Smith
Senior Associate

Ashley is a Senior Associate with Mauldin & Jenkins. Her experience with the firm covers a variety of state and local governmental organizations.

Ashley joined the firm in 2018, and spends 100% of her time serving state and local governments. Her experience primarily revolves around cities, counties and school districts located in Georgia.

Years of Professional Experience and Years with the Firm

Ashley has six (6) years of experience in public accounting with Mauldin & Jenkins, serving clients in the public services industry.

List of Audits & Compilations Performed for Governments in the Past Three Years

School Systems:
Bibb County School District
Butts County School District
Clayton County School District
Dodge County School District
Glynn County School District
Harris County School District
Marion County School District
Putnam County School District
Rockdale County School District
Peach County School District
Dublin City School District
Fayette County School District

Other Governmental Entities:
Georgia Higher Education Assistance Corp.
Georgia Student Finance Authority
Macon Water Authority

Cities & Counties:
Macon-Bibb County
City of Albany
Jones County
City of Atlanta

Degree/Certifications and Audit Training

Ashley graduated from Mercer University with a B.B.A in accounting and also obtained her MBA from Mercer University. In addition, Ashley has obtained a continuing professional education over the last three years, serving as a participant in seminars and courses including:

- 2024 M&J GASB Update, Federal Compliance Update, & Internal Control over Disbursements & P-cards
- 2023 M&J Advancing Advisory – Governmental
- 2023 M&J Governmental Conference
- 2023 M&J Advancing Advisory – Nonprofit
- 2023 M&J ACFR Training
- 2023 AICPA Auditing the Most Common Programs Received by School Districts
- 2022 M&J Governmental In-Charge Training
- 2022 M&J Governmental Conference
- 2022 Thomson Reuters Tax and Accounting Professional Software & Services
- 2022 M&J ACFR Training
- 2022 M&J Coronavirus State & Local Fiscal Recovery Fund – The Final Rule Is Here!
- 2021 M&J Governmental In-Charge Training
- 2021 M&J Governmental Conference
- 2021 Thomson Reuters Audit Watch University: Experienced In-Charge Training
- 2021 M&J ACFR Training

Professional and Civic Activities

Ashley is a member of the American Institute of Certified Public Accountants, Georgia Society of Certified Public Accountants, and the National Association of Black Accountants. She attends Total Grace Baptist Church in Macon, Georgia.

Other Resources (Advisory Services &Information Technology Services)

David Roberts
Partner, Governmental Advisory Services

David Roberts has more than 22 years of experience as a consultant and trusted advisor providing operational/organizational assessments and similar transformational projects for federal, state, and local governments across the country. David's experience includes leading numerous enterprise-wide/departmental/functional assessments and transformations over his career measuring the efficiency and effectiveness of organizational structures and culture, performance management, technology systems and strategies, staffing models, service delivery models, and customer satisfaction.

David helps his clients turn visions and goals into reality. He has helped multiple clients win national government industry awards for innovation, transformation, and cost savings.

David leads our Government Advisory practice, where he focuses on helping governments and individual agencies fulfill and exceed their financial, operational, and regulatory obligations to the public.

David has completed hundreds of projects over his career. Below are representative sample management consulting projects demonstrating David's depth and breadth completed within the past 12 months:

Operational and Performance Assessment – *Walton County, Georgia*
David led a multi-department Operational and Performance Assessment for Walton County. The scope included assessing organizational structure, operational efficiency, staffing levels and resource utilization, comparison to leading practices, and observations and recommendations to assist the County in achieving the desired future state. The final report included numerous observations with associated recommendations and a detailed Roadmap/Implementation Plan.

Outsourcing Feasibility Study – *City of Rocky Mount, North Carolina*
David led a feasibility study for the City of Rocky Mount to assess its current service delivery model for providing parks maintenance and landscaping services. City operations used of a hybrid model of both internal resources and third-party contractors to provide parks maintenance and landscaping. The project evaluated the pros and cons (both financial and non-financial) of 1) maintaining the hybrid model, 2) performing all services in-house, and 3) performing all services externally.

Finance Functional Assessment – *Richland County Library, South Carolina*
David led a functional assessment of the Library's finance department. The project consisted of understanding the current state – current service provision, performance, workflow, business processes, internal controls, organizational structure, reporting, and communications. The current state was compared to leading practices and gaps were identified. An implementation roadmap was created that aligned recommendations to leaderships' vision to help the organization achieve its desired future state.

Technology Utilization Assessment – Mt. Pleasant Waterworks, South Carolina

David led an objective evaluation of the organization's system usage and governance related to the existing financial system (Microsoft Dynamics) and the existing workorder management system (Maximo). The organization wanted to maximize the efficiency and effectiveness of both systems while maintaining internal controls and system of record. The project consisted of numerous interviews, data review, system mapping, and a collaborative workshop among stakeholders to define a future state.

Grant Compliance Audit – *Decide DeKalb, Georgia*

David led a Grant Compliance Assessment of various development projects for Decide DeKalb. The project reviewed the established grant and contractual criteria to be maintained by developers and compared with tenant information related to low income occupants. The project identified areas of compliance, non-compliance, and recommendations for remediation.

Forensic Audit – *Confidential City*

David led a forensic investigation into questionable cash management activity for a City Parks and Recreation department. The project reviewed bank account activity, cancelled checks, cash withdrawals, and purchased item documentation as well as conducted interviews with account cardholders to determine the collection, handling, and use of several hundred thousand dollars collected in fees, sponsorships, and contributions made to the City. Numerous observations and corresponding recommendations were developed to enhance internal controls, written policies, and procedures to correct conflicts of interest, mishandling of funds, and misappropriation of funds.

From management consulting and identifying new opportunities, to increasing stakeholder satisfaction and implementing transformational strategies, David and our government advisory team deliver insights and techniques that help government clients leverage public resources efficiently while achieving overarching goals. Our Government Advisory Practice brings to market a team that has direct experience as government employees, change agents, and transformation consultants to help tackle the industry's toughest issues.

David Roberts

Jameson Miller, CPA, CISA, CISSP, CCSFP, CHQP
Partner in Charge, Technology Services Office,
Cybersecurity Advisory Services

Jameson Miller is a partner and has been with Mauldin & Jenkins since graduation from the University of Tennessee at Chattanooga.

For over 15 years, Jameson has provided information technology consulting and attest services to public and private entities throughout the Southeast. Jameson's experience includes audits of general controls, application controls, and cybersecurity risk management programs.

Jameson has extensive experience with Sarbanes Oxley, SSAE18 System and Organization Controls (SOC) Audits, National Automated Clearinghouse Association (NACHA) Operating Rules and Guidelines, and Gramm-Leach-Bliley Act (GLBA) compliance programs. His technical expertise includes performing vulnerability assessments and penetration testing of information systems using both technical and social engineering techniques. Further, Jameson:

- Maintains current and relevant information technology and financial accounting continuing professional education credits (CPE);
- Holds the American Institute of Certified Public Accountants' (AICPA) "Cybersecurity Advisory Services" and "Blockchain for Accounting and Finance" Certificates;
- Served as a Cybersecurity panelist and speaker at the 2020 Octane Conference and GGFOA's 2019 Annual Conference;
- Presented a firm sponsored 8 hours session entitled, "All Things IT – Are You Protected?"; and,
- Has spoken at other various conferences on topics, including:
    - Managing Cybersecurity Risk Through an Effective Vendor Management Program;
    - Technologies Transforming Accounting; and,
    - Data Analytics: Balancing the Good and the Ugly

Jameson Miller

Jameson is a member of the AICPA, the Tennessee Society of Certified Public Accountants, ISACA, and ISC2. Jameson is a licensed Certified Public Accountant with the State of Tennessee, a Certified Information Systems Auditor (CISA) through ISACA, a Certified Information Systems Security Professional (CISSP) through ISC2, a Certified Cybersecurity Framework Practitioner (CCSFP) and Certified HITRUST Quality Professional (CHQP) through the HITRUST Alliance.

Considering the fact that Jameson only provides non-traditional consulting-type services to governmental entities, and he does not (and will not) provide audit and accounting services under the guidance of the Yellow Book educational standards, no such continuing education is required or provided under this proposal to provide services.

Other Staff Auditors & Accountants

Prior experience with government audits is as important for the staff as it is for management. Experience in governmental accounting and auditing minimizes the amount of time the staff will require to fully understand the complexities of the operations and financial accounting and reporting systems. Prior experience also enables the staff to recognize problems early in the engagement. This, in turn, allows the desired early consideration and resolution of problems. All staff assigned to the City's engagement will have prior experience serving government clients and/or will have substantial government audit training. All staff assigned to the City will be on-site throughout the entire engagement.

We would like to stress the fact that the majority of our governmental staff work on state and local governments 100% of their time. This reduces the "learning curve" on most all audits by reducing the amount of "on-site training" that occurs at most national accounting firms. This is very evident in our proposed hours, which are typically much less than that of other firms. Our staff knows what is required and how to get the work done efficiently and effectively. Our staff members understand the laws and regulations specifically pertinent to governmental entities. We also normally have more high-level hours of service by our partners and managers (in the conduct of fieldwork) than other firms, thereby reducing redundancy and other audit engagement inequities. We bring our experience to the field where timely decisions can be made.

Partner & Staff Continuity

We are committed to providing continuity of our engagement team members. We recognize that this is also an important factor for the City as it limits the amount of retraining that needs to be performed each year. **Our staff retention rates of approximately 85%** are considered to be among the best in the profession (and much better than national firms). We are able to not only provide consistency with the partners and managers on our engagement teams, but seniors and staff as well.

Retention > 85%

This indicates that we retain 85% of our staff for a minimum of five years.

It is also our goal to minimize disruptions to your management personnel by staffing the engagement so as to provide continuity, both during and between audits. It is the Firm's policy not to rotate key audit staff, consultants or specialists off a multi-year contracted audit engagement. Consequently, it is not anticipated that any key audit personnel will be rotated away from this annual audit. In any business, however, turnover is inevitable. When this happens, we will provide resumes of suggested replacements and any changes in key personnel would always be discussed timely with officials to their satisfaction.

Continuing Education of Partners and Staff

All members (i.e., partners) and staff of Mauldin & Jenkins receive substantial continuing education in audit and accounting – typically over 100 hours of such study per year. As soon as a staff person becomes a key ingredient to any type of niche service such as governmental audit, accounting and consulting, specific continuing education is sought. A good example includes sending our staff with over one year of governmental audit experience to various GFOA and AICPA training for audit, accounting and financial reporting courses.

All partners and staff serving in the governmental sector join together in July each year for the M&J Annual Governmental Conference in which three days' worth of audit, accounting and financial reporting training is provided. Mauldin & Jenkins also provides week long audit efficiency training via Audit Watch every June to all staff persons with less than five years of experience. Further, every July staff persons from various levels of experience are provided with four days of training relative to the conduct of Single Audits and the preparation of Annual Comprehensive Financial Reports. All staff associated with the annual audit of the City will exceed all the continuing professional education requirements contained in the Yellow Book throughout the term of the agreement.

PART 2
TECHNICAL PROPOSAL

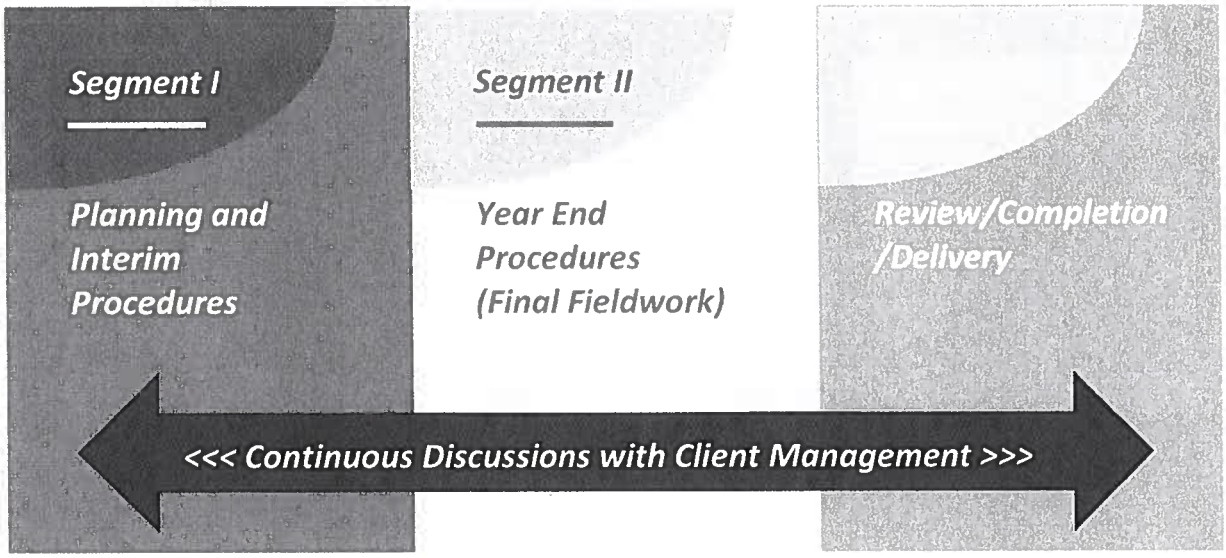
MAULDIN & JENKINS

CPAs & ADVISORS

Project Plan -Specific Audit Approach

Proposed Segmentation of Audit Engagement and Level of Staff Assigned

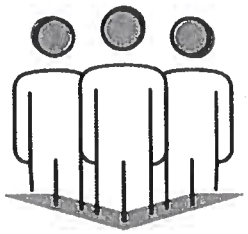
Our professionals, who are knowledgeable with respect to audit requirements for governmental entities, will be assigned based on their expertise with respect to each segment. Our audit is enhanced by our utilization of advanced technology tools. With those tools we continue to evolve and modernize our audit process. Our audit procedures, related documentation and quality review will be segregated by each segment as follows based on our review of the City's prior financial statements, budgets,



request for proposal, and other information available:

The below time frames are estimates based on our understandings with the City as to its desires. We at Mauldin & Jenkins would be flexible in the timing of certain events as requested by the City. As noted in the table below, we want to work with City personnel in an effective manner. We intend to do a great deal of planning and tailoring of our approach from our initial visits. We do not want our clients to feel that they have to reinvent the wheel every time we ask for something. However, to make this process cost the City as little as possible (both in dollars and their individual time), it is important to start only when ready and avoid auditing a moving target.

Timing of Audit Process & Procedures	
Segments	Jan Feb March April May June July
Segment I - Planning and Interim Procedures	
Ongoing consultation on major issues & developments throughout the year, and greater discussions as year end approaches (such as new GASB standards).	
Meet management to discuss audit risks and scopes.	
Engagement team planning meetings and performance of interim audit procedures.	
Gain understanding of significant processes & key controls.	
Perform testing of key controls with goal of reducing substantive audit testing.	
Detemine nature, timing and extent of substantive tests to be performed.	
Finalize audit plan based on results to-date.	
Segment II - Final Audit Fieldwork Procedures	
Perform substantive tests (detail testing of respective general ledger/trial balance accounts, and final analytical procedures & key ratios & relationship of financial data).	
Conduct a final evaluation of risk assessments.	
Conduct of progress meetings with management as needed and as often as desired.	
Preparation of draft annual financial report (AFR) and drafting of audit reports, findings, management letter comments, and any other deliverables.	
Meeting with management to discuss draft deliverables and final completion and presentation time frames.	
Segment III - Review, Completion & Delivery Procedures	
Upon management's review, delivery of ACFR, internal control reports, and management letter to management.	
Presentation of audit deliverables to the City Council.	

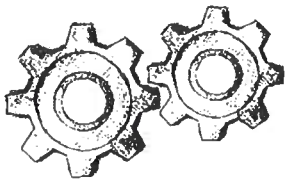


Segment I - Planning and Interim Procedures (January – March 2025):

- Obtain a signed engagement letter for the financial and compliance audit;
- Prior to our planning visit, creation of an "Interim Procedures PBC" listing in Suralink, our request list management software (more information about Suralink in the section immediately following).
- Meet with City management to discuss the scope of the audit, timing of our work, and preparation of client schedules, and to address any concerns;
- Review previously issued and interim financial reports, comment letters, monitoring reports, and other supporting workpapers;
- Familiarize ourselves with the organizational structure of the City;
- Read minutes of City meetings;
- Review the City's current year budget, as adopted and revised;
- Review debt agreements, and other various documentation;
- Gain an understanding of the City's accounting policies and procedures, including the financial and other management information systems utilized by the City;
- Obtain an in-depth knowledge of the software and systems in use;
- Obtain interim financial data from the general ledger for the purpose of performing preliminary analytics;
- Perform a preliminary evaluation of the internal control structure at the account and assertion level;
- Design and perform applicable tests of controls related to the financial statements and internal accounts;
- Make fraud inquiries and assessing the risks of material misstatement;
- Obtain a list of cash, investment, receivables, debt, and selected revenue accounts for confirmation purposes, as applicable;
- Determine audit strategies for balance sheet and operating statement accounts based on audit risk;
- Obtain a preliminary schedule of expenditures of Federal awards to initiate planning and internal control testing for the Single Audit;
- Prepare year-end audit programs;
- Meet with appropriate City personnel to discuss the results of our preliminary audit work; and,
- Finalize the "Final Fieldwork PBC Listing" and upload to Suralink.

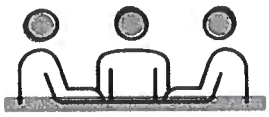
Segment II - Final Audit Fieldwork Procedures (April -May 2025):

- Analyze the final trial balance and scan transaction for unusual transactions, data, or analytical relationships;
- Use data scanned above in various substantive analytical reviews of account balances (such as reasonableness tests, trend analysis, and predictive tests) to reduce other substantive tests of details;
- Test the valuation, restrictions and cut-offs of cash and investment balances, as applicable;
- Test receivable cut-offs and balances, including an analysis of subsequent receipts;
- Test cut-off and valuation of inventory;
- Review and testing supporting documentation for the allowance for doubtful accounts, any material prepaid items and other assets;
- Vouch capital asset additions and deletions, analyzing charges for appropriate accounting and testing depreciation;



- Test accounts payable cut-offs and balances, including an analysis of subsequent disbursements;
- Test accrued payroll, compensated absences, claims payable, and other accrued liability cut-offs and balances;
- Review actuarial methodologies, assumption, and census data and determine the appropriateness and accounting of the pension and OPEB liabilities;
- Test debt balances and debt covenant compliance;
- Test compliance with applicable laws and regulations;
- Test the classification of net position (unrestricted, restricted and net investment in capital assets) and fund balance (nonspendable, restricted, committed, assigned, unassigned);
- Perform analytical procedures and substantive testing of revenues and expenditures/expenses;
- Obtain and auditing the final schedule of expenditures of Federal awards;
- Complete compliance tests for the major programs selected for testing as required by the Uniform Guidance, as applicable;
- Review the PBC listings in Suralink for any outstanding items and hold and end of fieldwork exit conference with management.

Segment III - Review, Completion & Delivery Procedures (June 2025):



- Review workpapers to ensure quality and thoroughness of audit procedures;
- Summarize the results of audit procedures;
- Obtain attorney letters;
- Evaluate commitments, contingencies and subsequent events;
- Propose audit adjustments;
- Summarize and evaluating passed audit adjustments;
- Evaluate compliance exceptions;
- Review draft financial statements and related note disclosures;
- Perform financial condition assessment procedures;
- Prepare drafts of audit reports and management letter;
- Deliver drafts of audit reports and letters to appropriate client officials;
- Finalize all reports and management letter;
- Obtain signed representation letter and the City's approval of the final financial statements;
- Draft the Data Collection Form and obtaining the City's approval;
- Prepare and provide the City a final PDF document of the audited financial statements;
- Hold final exit conferences and presentations with appropriate City officials (June or July, as desired)

Based on the City's request for proposal, we have also prepared a schedule, including level of staff and number of hours to be assigned, to each proposed segment of the engagement, which is representative of the expected 2024 audit in the following tabular presentation:

Segmented Hours by Staff Level				
Segments	Engagement Team Members by Level			
	Partner	Manager	Senior/Staff	Total
Segment I - Planning and Interim Procedures	4	20	10	34
Segment II - Final Audit Fieldwork Procedures	22	30	160	212
Segment III - Review, Completion & Delivery Procedures	24	50	30	104
Total Engagement	**50**	**100**	**200**	**350**

Upon notification of renewal of the audit contract with the City, we would determine with City management a more detailed timetable for the audit process, and a detailed audit plan leading up to a list of all schedules to be prepared by the City. Adequate supervision and lead time will be provided by the auditor with respect to assistance needed by the City staff.

Mauldin & Jenkins believes that we are uniquely qualified to perform the audit of the City. In a time in which very significant changes continue to be implemented in the City's financial reporting model, it is imperative for the City's auditors to understand the City's financial reporting environment and processes and utilize advances technology and tools in performing your audit. The team proposed to serve you is made up of individuals who have significant experience in auditing local governments of various sizes in the Southeast.

Public Involvement Plan

Mauldin & Jenkins prides itself in developing professional relationships and rapport with clients which facilitate open and honest communication. We will present the results of the audit and all irregularities and illegal acts or indications of illegal acts of which we become aware (if any), to the following parties:

- The Mayor and City Council
- The City's Attorney
- The City's Manager
- The City's Treasurer

Understanding of Scope of Services

Our audit of the financial statements will be conducted in accordance with auditing standards generally accepted in the United States of America and will conform to the standards as set forth in the following:

- "Generally Accepted Auditing Standards" developed by the American Institute of Certified Public Accountants (AICPA)
- *"Government Auditing Standards"* issued by the Comptroller General of the United States
- "Audits of State and Local Government Units" prepared by the State and Local Government Committee and published by the AICPA

Our audit will include advanced methodologies and technology, tests of the accounting records and such other auditing procedures as we consider necessary in the circumstances, which include, but are not limited to, those procedures necessary to test compliance and to disclose non-compliance with specified laws, regulations, and contracts.

We will use Firm manuals specifically designed for governments to develop audit programs tailored to the City which incorporate the requirements set forth above. We anticipate that these procedures will enable us to express our professional opinion that the financial statements of the City present fairly, in all material respects, the financial position and results of operations of the various opinion units in conformity with accounting principles generally accepted in the United States of America. If conditions are discovered which lead to the belief that material errors, defalcations, or other irregularities exist which might prohibit us from expressing an unqualified opinion or if any other circumstances are encountered that require extended services, we will promptly advise the City. No extended services will be performed unless they are authorized in contractual agreement or in an amendment to the agreement.

Assistance Requested from the City Staff

The audit is an annual process that we know the City prepares for each year. However, we also know that the regular, on-going operations and day-to-day requirements do not stop just because the annual audit is occurring. The assistance that will be requested from the City staff will be clearly communicated by Mauldin & Jenkins during the preliminary / interim procedures to allow for maximum lead time so that our requests can be met with as little disruption to the City's operations as possible.

Our expectation for assistance from the City staff includes the following: preparation of cash, investment, debt, and other audit confirmations; provision of access to the City's system or response to requests to provide reports, reconciliations, queries, etc.; preparation of certain elements of the Annual Comprehensive Financial Report (transmittal letter, organization chart, etc.); and availability via telephone, video conference, and in-person to respond to various questions and inquiries.

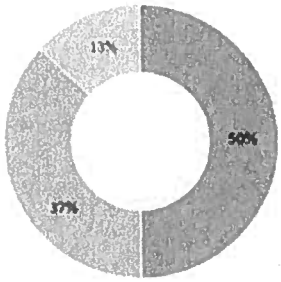
Project Team

See Technical Proposal Part 1, Tab 6 for a detail of our proposed staffing and qualifications for the City's project team.

Additional Information of Value Added Services

Our Request List Management Software – Suralink

For all of our governmental audit engagements, we use Suralink. Suralink is the leader in PBC request list management software, helping all of our audit teams stay on track throughout the engagement and improving the overall client experience.



Prior to our visit to the City's offices for interim/planning work, we will create an account for the Entity. We can add as many people to the City's account as requested – and even have the ability to limit which people can see which items in the portal for security of sensitive information.

All requests for the audit will run through Suralink which our audit team members will update throughout fieldwork. Our periodic audit status meetings will start with a review of the Suralink portal and a general discussion of the progress to date. Suralink will provide a summary status that looks similar to the diagram below, and will also include details of the specific items for each category.

Request Summary

- Outstanding - 50%
- Fulfilled - 13%
- Returned - 0%
- Accepted - 37%

Total Requests	
Accepted: 33	Returned: 0
Outstanding: 43	Fulfilled: 12

By using Suralink, we will (1) eliminate inefficient and unsecured email exchange of audit information; (2) ensure that all members of the Mauldin & Jenkins team as well as the City's team remain on the same page throughout the conduct of the audit; and (3) encourage the efficient assignment of audit tasks on both the audit team and client team for the engagement.

Remote Audit Approach As Requested

Governmental organizations are choosing remote audits with increasing frequency, and Mauldin & Jenkins is very effective in working from a remote environment. The spring of 2020 brought an increasing demand for remote audits due to the spread of COVID-19 and the inability for work to be conducted on site. However, even before the complexities brought on by the spread of COVID-19, many organizations opted for remote audits for a variety of reasons. It will be the City of Stockbridge's preference whether to conduct the audit remotely, but should you desire this service delivery option, Mauldin & Jenkins is trained to conduct remote audits while maintaining all professional standards.

Remote audit engagements offer significant advantages over those that follow a more traditional format: faster results, less disruption, and reduced stress for governmental finance personnel. Current technology allows our clients and their audit teams to stay in regular communication, securely share information, and collaborate effectively. Our staff professionals have grown accustomed to being provided read-only access to client systems to run reports, view purchase orders, invoices, reconciliations, etc. As a result, work that used to require extended on-site time can be performed anywhere, easing the burden on the audit process for both the auditor and auditee.

Though audits can still require some on-site time, reconfiguring the City of Stockbridge's audit engagement to maximize efficiency and to take advantage of technological tools can dramatically reduce the amount of time spent on-site. While the remote audit can generate far less disruption for the organization undergoing the audit, it does not necessarily reduce client contact very much – or even at all. As we leverage the technological tools at our disposal (Suralink, Zoom, LeapFile, Google Hangouts, etc.) we maintain consistent contact with our clients throughout the process and find that in many ways, communication between our teams and clients are as good, if not better, in the remote working environment than during traditional onsite engagements.

A successful audit experience requires careful planning, timely preparation and strong communication, regardless of where the work takes place. That is especially true for a remote engagement, so preparing for this type of audit sometimes helps organizations identify ways to improve their internal data management strategies – a welcome bonus! We are proud of the strong governmental practice we've built and it's upon that foundation that we can leverage these technological tools to conduct remote audits as the environment demands or the client chooses.

Upcoming GASB Statements

As has been the case for the past 10 years, GASB has issued several other new pronouncements which will be effective in future years. The following is a brief summary of the new standards for which we will utilize our continuing education trainings and governmental newsletters. Additionally, we regularly assist our clients with understanding and implementing these new standards. The standards which will be implemented in the near future:

Statement No. 100, *Accounting Changes and Error Corrections*
Statement No. 101, *Compensated Absences*
Statement No. 102, *Certain Risk Disclosures*

As noted by the numerous pronouncements issued by GASB over the past decade, the GASB continues to research various projects of interest to governmental units. Subjects of note include:

Revenue and Expense Recognition
Going Concern Uncertainty and Severe Financial Stress
Classification and Disclosure of Capital Assets

Free Continuing Education for Governmental Clients

We provide free quarterly continuing education for all of our governmental clients. Each quarter, we pick a couple of significant topics tailored to be of interest to governmental entities, and offer the sessions several times per quarter virtually and at a variety of client provided locations resulting in greater networking among our governmental clients. We normally see approximately 100-200 people per quarter. We obtain the input and services of experienced outside speakers along with our in-house professionals.

> *"I've been a CPA for 32 years. Today's CPE class by Mauldin & Jenkins has been the best of my career".* ***Terry Nall, CPA, City of Dunwoody (GA) Council Member***

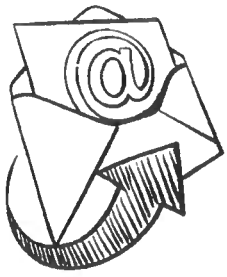
"They are always on top of new accounting pronouncements and provide training well before implementation deadlines. This is a very valuable resource for our organization".
Laurie Puckett, CPA, CPFO, Gwinnett County (GA), Accounting Director

Examples of subjects addressed in past quarters include:

- Accounting for Debt Issuances
- Achieving Excellence in Financial Reporting
- Best Budgeting Practices, Policies and Processes
- Budget Preparation
- Capital Asset Accounting Processes and Controls
- Coaching and Mentoring
- Closing Out and Audit Preparation
- Collateralization of Deposits and Investments
- Component Units
- Coronavirus State and Local Fiscal Recovery Funds (CSLFRF)
- Cybersecurity Risk Management
- Detecting Fraud in Revenues and Expenditures
- Evaluating Financial and Non-Financial Health of a Local Government
- Financial Report Card – Where Does Your Government Stand?
- Financial Reporting Model Improvements
- GASB No. 74 & 75, New OPEB Standards
- GASB No. 77, Tax Abatement Disclosures
- GASB No. 84, Fiduciary Activities
- GASB No. 87, Leases
- GASB No. 96, SBITAs
- GASB No. 100, Accounting and Error Corrections
- GASB No. 101, Compensated Absences
- GASB No. 102, Certain Risk Disclosures
- GASB Projects & Updates (ongoing and several sessions)
- Grants (Accounting and Auditing)
- Human Capital Management
- Information Technology (IT) Risk Management
- Internal Controls Over Accounts Payable, Payroll and Cash Disbursements
- Internal Controls Over Receivables & the Revenue Cycle
- Legal Considerations for Debt Issuances & Disclosure Requirements
- Navigating IRS Communications with Success
- Policies and Procedures Manuals
- Presenting Financial Information to Non-Financial People
- Procurement Card Red Flags
- Risk, Efficiency, & Effectiveness in Governments
- Single Audits for Auditees
- SPLOST Accounting, Reporting & Compliance
- Uniform Grant Guidance

Governmental Newsletters

We produce quarterly newsletters tailored to meet the needs of governments. We also provide additional timely newsletters and announcements as necessary on any emerging topics to ensure governments stay informed of current developments in the government finance environment. The newsletters are authored by Mauldin & Jenkins governmental industry specialists and have addressed a variety of subjects. In the past several years, the following topics have been addressed in our newsletters:

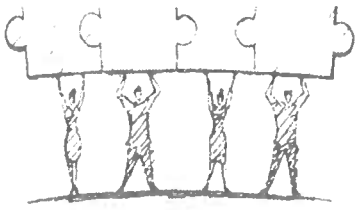


- Are Your Government's Funds Secure?
- COVID-19 Updates (several)
- Cybersecurity Awareness
- Changes to FEMA's Disaster Recovery Grant Program
- Deposit Collateralization
- Employee vs Independent Contractor
- Escheat Laws on Unclaimed Property
- Federal Funding and Accountability Transparency Act
- Financial Data Transparency Act
- Forensic Audit or Financial Audit?
- Form PT 440
- GASB No. 72, Fair Value, It is Not Totally About Disclosure
- GASB No.'s 74 & 75, Other Post-Employment Benefits (OPEB)
- GASB No. 77, Abatements – Go Viral with GASB 77
- GASB No. 84 Fiduciary Activities (Series)
- GASB No. 87, Leases
- GASB No. 89, Accounting for Interest Cost Incurred Before the End of Construction
- GASB No. 91, Conduit Debt Obligations
- GASB No. 93, Replacement of Interbank Offered Rates
- GASB No. 100, Accounting Changes and Error Corrections
- General Data Protection Regulation (GDPR)
- GFOA announces new COA Submission Requirement
- Grants Management
- IRS Imposing ACA Penalties – Including to Governmental Entities
- OMB Compliance Supplements
- OPEB, What You Need to Know
- Public Funds and Secure Deposit Program
- Rotating or Not Rotating Auditors
- Property Tax Assessments
- Remote Auditing Best Practices
- Refunding Debt
- Sales & Use Taxes on Retail Sales of Jet Fuel
- Sales Tax Collections and Remittances by the State
- SAS Clarity Standards and Group Audits
- Single Audit, including Uniform Guidance (several)
- Social Security Administration (SSA) Incentive Payments

> *You are the best auditors I have ever worked with over my career. It is a big difference having a group that is dedicated to governmental accounting.*
>
> ***Wesley Ropp,***
> ***Charleston Water System,***
> ***Chief Financial Officer***

- Special Purpose Local Option Sales Taxes (SPLOST) Expenditures
- Subrecipient Risk Assessment Tool
- Supplemental Social Security for Inmates
- The New Tax Cuts and Jobs Act – Impact on Bond Refunding
- Uniform Guidance & New Procurement Requirements
- What's Happening with Property Tax Assessments

Auditor's Discussion & Analysis



During the course of serving our clients, we stress the importance of timely and frequent communication. Such communication takes place throughout the audit and throughout the year, and includes proactive communications regarding new and upcoming accounting standards and auditing standards, as well as, the availability to answer questions and provide advice to the government.

We believe such communication is a key to providing timely value-added service to our clients.

At the conclusion of the audit process, Mauldin & Jenkins prepares an Auditor's Discussion & Analysis (formerly called the Audit Agenda) which provides auditor insight and summarizes the audit process, conclusions, and year-end financial analysis all under one cover.

Elements of the Auditor's Discussion & Analysis include the following:

- Information about the Firm, and the respective personnel serving the government;
- Results of the audit and other matters which should be emphasized to the governing board;
- An overview of the governments year-end financial results and auditor insights relative to key financial elements of the government;
- An understanding of the internal control/compliance audit reports and the results of our testing of internal controls and compliance with laws and regulations;
- A summary of certain audit scopes and procedures utilized by Mauldin & Jenkins during the audit process;
- Documentation of certain required communications as required by auditing standards;
- If applicable, a summary of any findings (material weaknesses and/or significant deficiencies) and management recommendations resulting from the audit;
- Practical information regarding upcoming new financial reporting and auditing standards and pronouncements affecting the government;
- A summary of the free continuing education and newsletters made available to the government during the past year.

Mauldin & Jenkins Partner Joel Black Appointed GASB Chairman

In 2020, the Financial Accounting Foundation's board of trustees appointed Joel Black, partner-in-charge of Mauldin & Jenkins audit practice, the next Chairman of the Governmental Accounting Standards Board.

"I am very excited to take on this new professional challenge. I have been immersed my entire adult life in the important, complex world of governmental accounting. I am eager to join my new colleagues in the mission to establish and improve accounting standards, and to engage with the remarkably diverse groups of stakeholders who care so much about public sector financial reporting."

"Joel Black has a longstanding and demonstrated commitment to the mission and work of the GASB and will make an excellent chair," said Financial Accounting Foundation Chairman Kathy Casey in a statement. "He brings extensive knowledge and experience to the role and has genuine appreciation for the opportunities and challenges that our stakeholders face as accounting standards change. We are pleased to welcome him to the organization and look forward to his future leadership."

Governmental Attestation Services

Other attestation services beyond financial and compliance audits which Mauldin & Jenkins currently provides to our clients include:

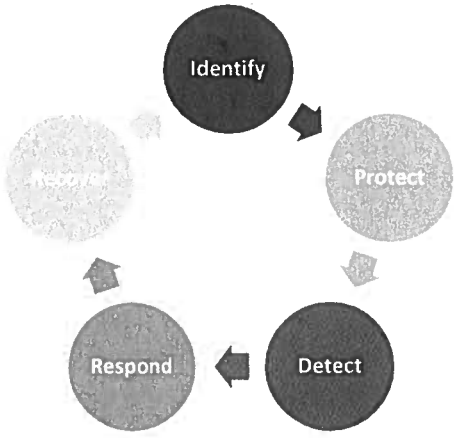
- Forensic audits
- Performance audits
- Information systems audits
- Agreed-upon procedures
- Bond issuance services
- Capital asset inventory services

Governmental IT Solutions

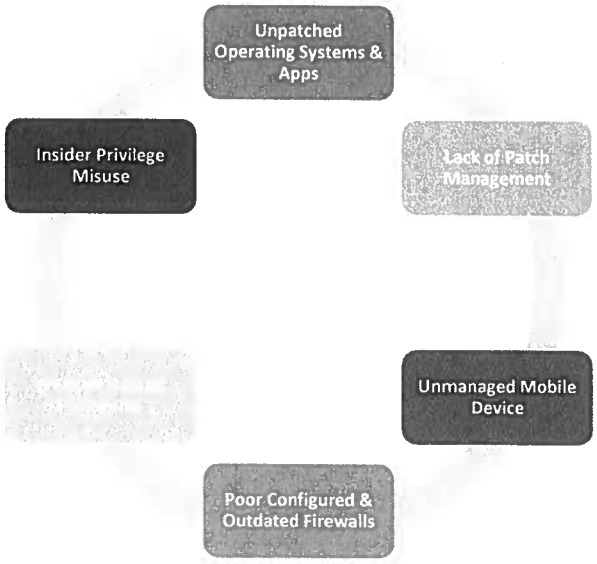
As noted above, Mauldin & Jenkins performs various IT attestation and non-attestation services. The following are three such services.

Cybersecurity Framework Engagements

With governments dealing with IT ransoms, cybersecurity is one of the top issues on the minds of nearly every government (large & small). Managing this business issue is especially challenging. A government with a highly mature cybersecurity risk management program still has a residual risk that a material cybersecurity breach could occur and not be detected in a timely manner.



Services can be provided via: 1) attestation engagements or 2) consulting engagements. The AICPA has established standards for performing attestation engagements in this arena with the issuance of the SOC for Cybersecurity as part of its suite of System and Organization Controls (SOC) reporting. Consulting services can be provided while not compromising auditor independence.

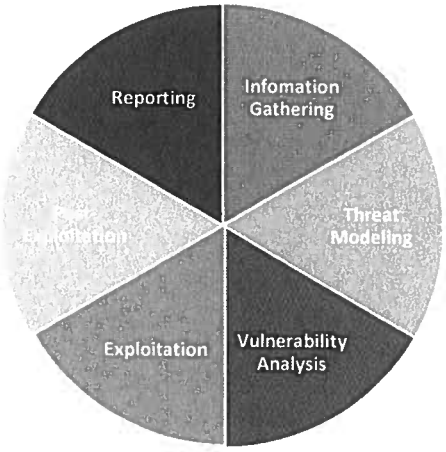


System Vulnerability Assessments Engagements

This is the process of defining, identifying, classifying and prioritizing vulnerabilities in computer systems, applications and networks infrastructures, and providing an assessment with necessary knowledge, awareness and risks to understand the threats to determine appropriate reactions. Using specialized tools and applications, we can access networks to scan with automated tools and interrogate every device connected to network with the objective of searching for misconfigurations, unsupported software, missing software updates and patches, etc.

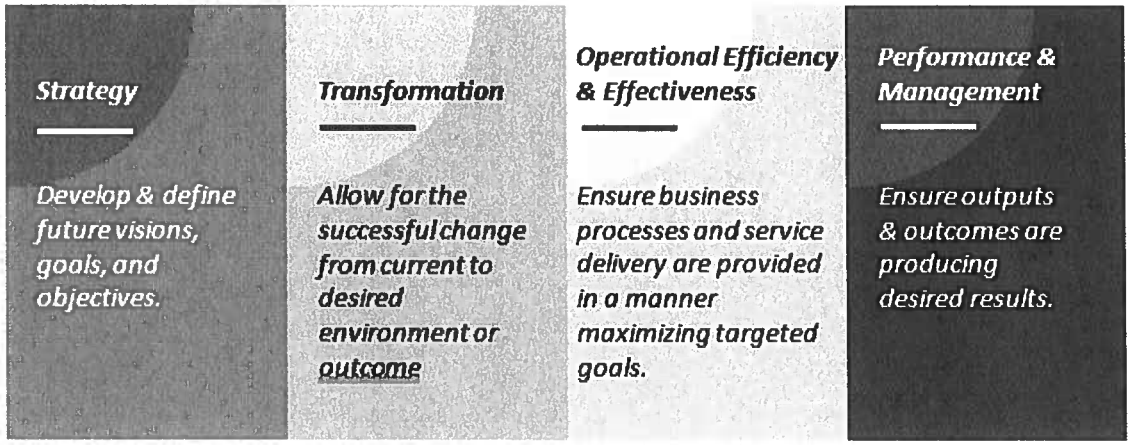
Penetration Testing Engagements

This is the practice of testing a computer system to find security vulnerabilities that a hacker / attacker could exploit using automation or manual applications. The process involves gathering information about the target before the test, identifying possible entry points, attempting to break in – actually or virtually – and reporting back the findings. Tests come from external or internal angles of entry. Our main objective is to identify security weaknesses. Penetration testing can also be used to: test an organization's security policy; its adherence to compliance requirements; its employees' security awareness; and, the government's ability to identify and respond to security incidents.



Governmental Advisory Services

Beyond traditional audit and accounting services and IT services, we provide advisory services that are wide-ranging in nature. Our experienced government advisory team helps governments, governmental agencies and special purpose governmental organizations balance fiscal responsibility with the latest business strategies to achieve targeted and overarching objectives. Our advisory services can be summarized via the following bubbles.



Closing

We appreciate the opportunity to serve the City of Stockbridge, Georgia. We believe Mauldin & Jenkins continues to be the "right" Firm for the City. Our experience and knowledge in the governmental sector of accounting is vast and ever-improving. We would be very pleased to continue to share our experience and understanding of governmental accounting and operations for the benefit of the City.

We would greatly appreciate your recommending us for your continued audit, accounting, and financial reporting needs. Should you or anyone at the City have any questions with regards to this proposal or about Mauldin & Jenkins, please feel free to contact us.

Appendices

MAULDIN & JENKINS

CPAs & ADVISORS

CONTRACTOR AFFIDAVIT AND AGREEMENT

(Failure to submit will render Proposal non-responsive you must use this form, you must be enrolled in this program, and you must include your user ID #)

By executing this affidavit, the undersigned contractor verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm, or corporation which is contracting with The City of Stockbridge has registered with and is participating in a federal work authorization program [Employment Eligibility Verification (EEV) / Basic Pilot Program, operated by the U.S. Citizens and Immigration Services Bureau of the U. S. Department of Homeland Security, in conjunction with the Social Security Administration (SSA)] in accordance with O.C.G.A. § 13-10-91. Further, the undersigned contractor states affirmatively that the individual, firm, or corporation contracting with The City of Stockbridge will continue to utilize and participate in the EEV federal work authorization program throughout the term of this contract.

The undersigned further agrees that, should it employ or contract with any subtractor(s) in connection with the physical performance of services pursuant to this contract with The City of Stockbridge contractor will secure from such subcontractor(s) similar verification of compliance with O.C.G.A. § 13-10-91 on the Subcontractor Affidavit provided in Rule 300-10-01-.08 or a substantially similar form provided by The City of Stockbridge, Contractor further agrees to maintain records of such compliance and provide a copy of each such verification to The City of Stockbridge at the time the subcontractor(s) is retained to perform such service.

105410
EEV Number

Lauren Wood
Authorized Officer or Agent (Contractor Name)

March 6, 2008
Date

HR Director
Title of Authorized Officer or Agent

Lauren Wood
Printed Name of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME
ON THIS THE DAY OF March 14, 2024

Benita L Day
Notary Public

My Commission Expires: May 24, 2024

Benita L Day
Notary Public
My Commission Expires
May 24, 2024
Houston County, Georgia

Note: As of the effective date of O.C.G.A. 13-10-91, the applicable federal work authorization program is the "EEV/Basic Pilot Program" operated by the U.S. Citizenship and Immigration Services Bureau of the U.S. Department of Homeland Security in conjunction with the Social Security Administration (SS)

REPRESENTATION AFFIDAVIT

(TO BE SUBMITTED)

This proposal is submitted to The City of Stockbridge, (City) by the undersigned who is an authorized officer of the company and said company is licensed to do business in Georgia and The City of Stockbridge. Further, the undersigned is authorized to make these representations and certify these representations are valid. The Proposer recognizes that all representations herein are binding on the Company and failure to adhere to any of these commitments, at the City's option, may result in a revocation of the granted contract.

Consent is hereby given to the City to contact any person or organization in order to make inquiries into the legal, character, technical, financial, and other qualifications of the Proposer.

The Proposer understands that, at such time as the City decides to review this proposal, additional information may be requested. Failure to supply any requested information within a reasonable time may result in the rejection of the Proposer's proposal with no re-submittal rights.

The successful Proposer understands that the City, after considering the legal, financial, technical, and character qualifications of the Proposer, as well as what in the City's judgment may best serve the public interest of its citizens and employees, may grant a contract.

The successful Proposer understands that this proposal is made without prior understanding, agreement, or connection with any corporation, firm or person submitting a proposal for the same, and is in all respects fair and without collusion or fraud. I understand that collusive action is a violation of state and federal law and can result in fines, prison sentences, and civil damage awards.

Company Name: Mauldin & Jenkins, LLC

Authorized Person: Hope Pendergrass Signature Hope Pendergrass

(Print/Type)

Title: Partner Date: April 8, 2024

Address: 300 Mulberry Street, Suite 300, Macon, GA 31201

Telephone: (478) 464-8000 Fax: (478) 464-8051

Name and telephone number of person to whom inquiries should be directed:

Name: Mauldin & Jenkins, LLC

Address: 300 Mulberry Street, Suite 300, Macon, GA 31201

Title: Partner Telephone (478) 464-8000

Fax: (478) 464-8051 E-mail: hpendergrass@mjcpa.com

LEGAL AND CHARACTER QUALIFICATIONS

Convictions: Has the Proposer (including parent corporation, if applicable) or any principal ever been convicted in a criminal proceeding (felonies or misdemeanors) in which any of the following offenses were charged?

		Y	N
a	Fraud		X
b	Embezzlement		X
c	Tax Evasion		X
d	Bribery		X
e	Extortion		X
f	Jury Tampering		X
g	Anti-Trust Violations		X
h	Obstruction of justice (or any other misconduct affecting public or judicial officers' performance of their official duties		X
i	False/misleading advertising		X
j	Perjury		X
k	Conspiracy to commit any of the foregoing offenses		X

Civil Proceedings: Has the Proposer or any principal ever been a party, or is now a party, to civil proceeding in which it was held liable for any of the following?

		Y	N
a	Unfair/anti-competitive business practices		X
b	Consumer fraud/misrepresentation		X
c	Violations of securities laws (state and federal)		X
d	False/misleading advertising		X
e	Violation of local government ordinance		X

License Revocation:

	Y	N
Has the Proposer or any principal ever had a business license revoked, suspended, or the renewal thereof denied, or is a party to such a proceeding that may result in same?		X

Responses: If "yes" is the response to any of the foregoing, provide Information such as date, court, sentence, fine, location, and all other specifics for each "yes" response.

Principals: The full names and addresses of persons or parties interested in the foregoing Proposal, as principals, are as follows:

NAME	ADDRESS
Hope Pendergrass, Partner	300 Mulberry Street, Suite 300, Macon, GA 31201
Doug Moses, Partner	200 Galleria Dr SE # 1700, Atlanta, GA 30339
Tim Lyons, Partner	508 Hampton Street Suite 100, Columbia, SC 29201
Trey Scott, Partner	6600 Abercorn Street, Suite 200, Savannah, GA 31405

References: The Proposer lists below work he has done of similar nature as this solicitation, as references that will afford the City opportunity to judge as to experience, skill, business standing, and financial ability.

Contact Person	Title	Phone Number/Email
Althea Philord-Bradley	Finance Director	(404) 767-1537 Ext. 1101 apbradley@collegeparkga.com
Jeremi K. Patterson	Deputy Finance Director	(404) 366-4720 jpatterson@forestparkga.gov
David Smith	Chief Financial Officer	(770) 288-6529 davidsmith@co.henry.ga.us
Tiffany Sandefur	City Administrator	(478) 956-5555 tsandefur@byronga.com

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 01/18/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME: Nadine Friedman Daniels
Edgewood Partners Insurance Center Lemme, a division of EPIC 111 West Campbell 4th Floor Arlington Heights, IL 60005 1-847-385-6800	PHONE (A/C, No, Ext): 847-385-6800 FAX (A/C, No): E-MAIL ADDRESS: PSGCerts@lemme.com
INSURED Mauldin & Jenkins, LLC 200 Galleria Parkway Suite 1700 Atlanta, GA 30339-5918	INSURER(S) AFFORDING COVERAGE / NAIC # INSURER A: MSIG Specialty Insurance USA and various INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES **CERTIFICATE NUMBER:** 70450368 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
	COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE	$
	☐ CLAIMS-MADE ☐ OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$
							MED EXP (Any one person)	$
	GEN'L AGGREGATE LIMIT APPLIES PER:						PERSONAL & ADV INJURY	$
	☐ POLICY ☐ PRO-JECT ☐ LOC						GENERAL AGGREGATE	$
	OTHER:						PRODUCTS - COMP/OP AGG	$
								$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$
	☐ ANY AUTO						BODILY INJURY (Per person)	$
	☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
	☐ UMBRELLA LIAB ☐ OCCUR						EACH OCCURRENCE	$
	☐ EXCESS LIAB ☐ CLAIMS-MADE						AGGREGATE	$
	☐ DED ☐ RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N						☐ PER STATUTE ☐ OTH-ER	
	ANYPROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBEREXCLUDED? ☐ N/A						E.L. EACH ACCIDENT	$
	(Mandatory in NH)						E.L. DISEASE - EA EMPLOYEE	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - POLICY LIMIT	$
A	Professional Liability			MSTAPL-00010	01/23/24	01/23/25	Each Claim	1,000,000
							Aggregate	1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

For Information Only

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Nadine F. Daniels

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The ACORD name and logo are registered marks of ACORD

CONTRACTOR INFORMATION FORM

(This form must be completed and returned with your response)

RFP Number: 2024-0004

Full Company Legal Name: Maudlin & Jenkins, LLC

Street Address: 300 Mulberry Street, Suite 300

City, State, Zip Code: Macon, GA 31201

Contact Name for Solicitation: Hope Pendergrass Title: Partner

Telephone: (478) 464-8000 Fax: (478) 464-8051 E-mail: hpendergrass@mjcpa.com

Company Web Site: www.mjcpa.com State of Incorporation: GA

Taxpayer ID Number: 58-0692043 Duns #: 07-585-6542

Check one of the following: ☐ Independently owned and operated: ☒ An Affiliate or Division of:

Company Name: Mauldin & Jenkins, LLC

Address: 200 Galleria Dr SE # 1700
Atlanta, GA 30339

JOINT VENTURE AFFIDAVIT

(This form must be completed and returned with your response)

Primary Vendor Name: Mauldin and Jenkins

If this will not be a joint venture, check this box: ☒

State of: _____

County of: _____

We, the undersigned, being duly sworn according to law, upon our respective oaths depose and say that:

1. The following named contractors/companies have entered into a joint venture for the purpose of carrying out all the provisions of the Contract for the above-named solicitation:

Joint Venture Company "A"

Company Name_____Federal ID No._____

Address: _____

City:_____ State: _____Zip: _____

Check all that apply:

☐ Sole Proprietorship
☐ Partnership
☐ Corporation
☐ N/A, other

Joint Venture Company "B"

Company Name_____Federal ID No._____

Address: _____

City:_____ State: _____Zip: _____

Check all that apply:

☐ Sole Proprietorship
☐ Partnership
☐ Corporation
☐ N/A, other

2. The contractors/companies, under whose names we have affixed our respective signatures, have duly authorized and empowered us to execute this Joint Venture Statement in the name of and on behalf of such contractors for the purpose hereinbefore stated.

   Under the provision of such Joint Venture, the assets of each of the contractors named in Paragraph 1 hereof, and in case any contractor so named above is in partnership, the assets of the individual members of such partnership, will be available for the performance of such Joint Venture and liable therefore and for all obligations incurred in connection therewith.

JOINT VENTURE AFFIDAVIT

(This form must be completed and returned with your response)

Primary Vendor Name: Mauldin and Jenkins

If this will not be a joint venture, check this box: ☒
RFP Name:
RFP Number:

State of: _____

County of: _____

We, the undersigned, being duly sworn according to law, upon our respective oaths depose and say that:

1. The following named contractors/companies have entered into a joint venture for the purpose of carrying out all the provisions of the Contract for the above named solicitation:

Joint Venture Company "A"

Company Name_____Federal ID No._____

Address: _____

City:_____ State: _____Zip: _____

Check all that apply:
☐ Sole Proprietorship
☐ Partnership
☐ Corporation
☐ N/A, other

Joint Venture Company "B"

Company Name_____Federal ID No._____

Address: _____

City:_____ State: _____Zip: _____

Check all that apply:
☐ Sole Proprietorship
☐ Partnership
☐ Corporation
☐ N/A, other

2. The contractors/companies, under whose names we have affixed our respective signatures, have duly authorized and empowered us to execute this Joint Venture Statement in the name of and on behalf of such contractors for the purpose hereinbefore stated.

   Under the provision of such Joint Venture, the assets of each of the contractors named in Paragraph 1 hereof, and in case any contractor so named above is in partnership, the assets of the individual members of such partnership, will be available for the performance of such Joint Venture and liable therefore and for all obligations incurred in connection therewith.

✓

PRIMARY CONTRACTOR / SUBCONTRACTOR UTILIZATION

(This form must be completed and returned with your response)

RFP Number: 2024-0004

Primary Vendor Name: Mauldin & Jenkins, LLC

If subcontractors will not be used check this box: ☒

List all subcontractors to be used during the performance of this contract. Submit additional forms if needed.

Company Name: _____

Street Address: _____

City, State, Zip: _____

Telephone: (____) _____ Fax: (____) _____

Primary Contact: _____

E-mail Address: _____

Services to be provided: _____

_____

_____

Company Name: _____

Street Address: _____

City, State, Zip: _____

Telephone: (____) _____ Fax: (____) _____

Primary Contact: _____

E-mail Address: _____

Services to be provided: _____

_____

_____

Company Name: _____

Street Address: _____

City, State, Zip: _____

Telephone: (____) _____ Fax: (____) _____

Primary Contact: _____

E-mail Address: _____

Services to be provided: _____

_____

_____

PROMISE OF NON-DISCRIMINATION

(This form must be completed and returned with your response)

In consideration of, and as condition precedent, the right and privilege to bid on construction projects and other procurement contracts of the City of Stockbridge, each potential vendor shall be required to submit to the City of Stockbridge a duly executed and attested Promise of Non-Discrimination, enforceable at law, which by agreement, affidavit or other written instrument acceptable to the General Counsel for City of Stockbridge, shall contain promises, averments and/or affirmations voluntarily made by the bidder.

"Know All Men by These Presents, that I/We,

(Hope Pendergrass)
Authorized Company Representative Name(s)

(Partner)
Authorized Company Representative Title(s)

(Maudlin & Jenkins, LLC)
Name of Company
(Hereinafter "Company"), in consideration of the privilege to bid on contracts funded in whole or in part by City of South Fulton, hereby consents, covenants and agrees as follows:

(1) No person shall be excluded from participation in, denied the benefit of, or otherwise discriminated against on the basis of race, color, sex, religion, national origin, marital status, sexual orientation, age, or disability in connection with any bid submitted to City of South Fulton, or the performance of any contract resulting there from.

(2) That it is and shall be the policy of Company to provide equal opportunity to all businesspersons seeking to contract or otherwise interested in contracting with this Company, including those companies owned and controlled by racial minorities, cultural minorities and females:

(3) That the promises of non-discrimination as made and set forth herein shall be continuing in nature and shall remain in full force and effect without interruption for so long as any contract between Company City of Stockbridge remains in force and effect.

(4) That the promises of non-discrimination as made and set forth herein shall and are hereby deemed to be made a part of, and incorporated by reference into, any contract or portion thereof which the Company may hereafter obtain with City of Stockbridge; and

(5) That the failure of this company to satisfactorily discharge any of the promises of non-discrimination as

made and set forth herein shall constitute a material breach of contract entitling the City of Stockbridge to declare the contract in default and to exercise any and all applicable rights and remedies including but not limited to cancellation of the contract, termination of the contract, suspension and debarment from future contracting opportunities, and withholding and/or forfeiture of compensation due and owing on a contract.

Request for Proposal for Financial Audit Services
Solicitation Name

2024-0004
Solicitation Number

Hope Pendergrass
Authorized Company Representative Name

Hope Pendergrass
Authorized Company Representative Signature

April 11, 2024
Date

NON-COLLUSION AFFIDAVIT

I, Hope Pendergrass certify that pursuant to O.C.G.A. Section 36-91-21 (d) and (e), Mauldin & Jenkins, LLC has not, by itself or with others, directly or indirectly, prevented or attempted to prevent competition in such bidding or proposals by any means whatsoever. Affiant further states that (s)he has not prevented or endeavored to prevent anyone from making a bid or offer on the project by any means whatever, nor has Affiant caused or induced another to withdraw a bid or offer for the work.

Affiant further states that the said offer of Mauldin & Jenkins, LLC is bona fide, and that no one has gone to any supplier and attempted to get such person or company to furnish the materials to the bidder only, or if furnished to any other bidder, that the material shall be at a higher price.

Mauldin & Jenkins, LLC
(COMPANY NAME)

Hope Pendergrass
(PARTNER)

Sworn to and subscribed before me this 11 day of April, 2024

(SECRETARY/ASSISTANT SECRETARY)
(Affix corporate seal here, if a corporation)

Notary Public: Benita L Day

County: Houston

Commission Expires: May 24, 2024

NOTE:
IF THE OFFEROR IS A PARTNERSHIP, ALL OF THE PARTNERS AND ANY OFFICER, AGENT, OR OTHER PERSON WHO MAY HAVE REPRESENTED OR ACTED FOR THEM IN BIDDING FOR OR PROCURING THE CONTRACT SHALL ALSO MAKE THIS OATH.

IF THE OFFEROR IS A CORPORATION, ALL OFFICERS, AGENTS, OR OTHER PERSONS WHO MAY HAVE ACTED FOR OR REPRESENTED THE CORPORATION IN BIDDING FOR OR PROCURING THE CONTRACT SHALL MAKE THE OATH.

Local and Locally Owned Business Form

(This form must be completed and returned with your response)

In order to encourage and promote local and locally owned businesses with contracting opportunities with the City of Stockbridge, formal solicitation processes may give preference to proposals and bids from local and locally owned businesses based on the following:

A business shall comply with all of the following to be designated a Local Business:

a) The business shall have an office with at least one (1) employee within the City of Stockbridge.
b) The business shall not be delinquent with any payments to the City; and
c) The business shall hold a valid City of Stockbridge, business license.

A business shall comply with both of the following to be designated a Locally Owned Business:

a) The business shall meet the requirements for a local business designation; and
b) At least fifty percent (50%) of the business' owners live in the City of Stockbridge.

Certification

Local and Locally Owned businesses that wish to receive preferential consideration shall submit a copy of a valid Occupational Tax Registration Certificate(s) issued by City of Stockbridge to certify qualification for the preference as part of each proposal or response.

Procedures for local and locally owned preference

Request for Proposals (RFP) – If a local and locally owned business meets the quality standards established for the RFP process, the local business shall be awarded two (2) additional percentage points in the total evaluation; the locally owned business shall be awarded six (6) additional percentage points in the total evaluation. The evaluation and scoring of all proposals shall be conducted in accordance with departmental procedures issued by the Chief Financial Officer or his/her designee.

To qualify, you must submit with your proposal a copy of your Occupational Tax Registration Certificate.

Company Name: Mauldin & Jenkins, LLC

Company Qualifies for Local Business Preference: Yes ☐ No ☒

Company Qualifies for Locally Owned Business Preference: Yes ☐ No ☒

Occupational Tax Registration Certificate issued by:

City: _____

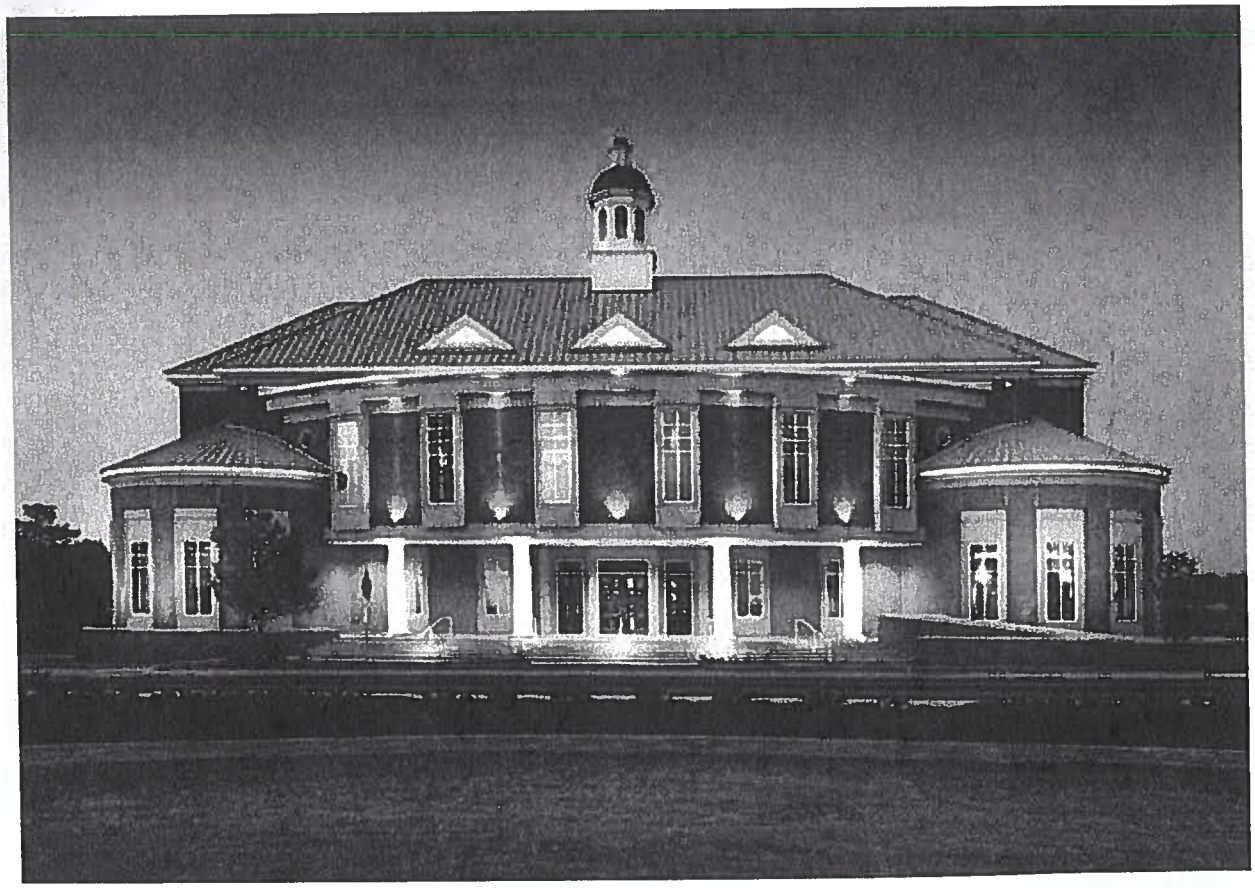
Original

City of Stockbridge, Georgia

Cost Proposal to Provide Audit Services
Fiscal Year December 2024 through 2028

Mauldin & Jenkins Certified Public Accountants
Contact Person: Hope Pendergrass, CPA, Partner
Phone: (478) 464-8000
Email: hpendergrass@mjcpa.com
300 Mulberry Street, Suite 300
Macon, GA 31201

mjcpa.com



April 11, 2024

Honorable Mayor and Members of City Council
City of Stockbridge, Georgia
Attn: Drexal D. Paulk
4640 N. Henry Boulevard
Stockbridge, Ga 30281

Ladies and Gentlemen:

Mauldin & Jenkins is pleased to submit a qualifications package including cost estimates to provide annual financial and compliance auditing services for the City of Stockbridge, Georgia (the "City"). It is our understanding that the City is requesting proposals from qualified firms of certified public accountants to establish a contract for the professional services of a Certified Public Accountant (the "auditor") for financial and compliance audits. The contract for such audit services will be for the fiscal year ended December 31, 2024, with an option for each of the four subsequent fiscal years, subject to annual review and the annual availability of an appropriation for audit services by the City.

As requested by the City, we have enclosed on the following pages an all-inclusive maximum fee for the financial and compliance audit services for the fiscal years noted above. This sealed cost proposal contains all pricing information relative to the performance of the audit. The total all-inclusive maximum price for the fiscal years ending December 2024 through 2028 is as follows:

- 2024 - $62,500
- 2025 - $65,000
- 2026 - $67,500
- 2027 - $70,000
- 2028 - $72,500

As a partner at Mauldin & Jenkins, LLC, I am certified and authorized to represent Mauldin & Jenkins, empowered to submit the bid, and authorized to sign a contract with the City. Our total all-inclusive maximum price for providing annual financial auditing services to the City is contained on the following pages. We appreciate the opportunity to propose and we look forward to hearing from you.

Sincerely,

MAULDIN & JENKINS, LLC

Hope Pendergrass

Hope Pendergrass, CPA
Partner

SCHEDULE OF PROFESSIONAL FEES AND EXPENSES

FOR THE AUDIT OF THE 2024 FINANCIAL STATEMENTS

	Hours	Hourly Rate	Total
Partners	50	$275	$ 13,750
Managers	100	215	21,500
Professional Staff	200	165	33,000
Total for Services Described in RFP	350		**68,250**
Out-of-pocket expenses:			
Meals and lodging			500
Transportation			2,000
Mauldin & Jenkins discount from standard fees and expenses			**(8,250)**
Total all inclusive not to exceed price for 2024 audit			**$ 62,500**

SCHEDULE OF PROFESSIONAL FEES AND EXPENSES

FOR THE AUDIT OF THE 2025 FINANCIAL STATEMENTS

	Hours	Hourly Rate	Total
Partners	50	$280	$ 14,000
Managers	100	220	22,000
Professional Staff	200	170	34,000
Total for Services Described in RFP	350		**70,000**
Out-of-pocket expenses:			
Meals and lodging			500
Transportation			2,000
Mauldin & Jenkins discount from standard fees and expenses			**(7,500)**
Total all inclusive not to exceed price for 2025 audit			**$ 65,000**

SCHEDULE OF PROFESSIONAL FEES AND EXPENSES

FOR THE AUDIT OF THE 2026 FINANCIAL STATEMENTS

	Hours	Hourly Rate	Total
Partners	50	$285	$ 14,250
Managers	100	225	22,500
Professional Staff	200	175	35,000
Total for Services Described in RFP	350		**71,750**
Out-of-pocket expenses:			
Meals and lodging			500
Transportation			2,000
Mauldin & Jenkins discount from standard fees and expenses			**(6,750)**
Total all inclusive not to exceed price for 2026 audit			**$ 67,500**

SCHEDULE OF PROFESSIONAL FEES AND EXPENSES

FOR THE AUDIT OF THE 2027 FINANCIAL STATEMENTS

	Hours	Hourly Rate	Total
Partners	50	$290	$ 14,500
Managers	100	230	23,000
Professsional Staff	200	180	36,000
Total for Services Described in RFP	350		**73,500**
Out-of-pocket expenses:			
Meals and lodging			500
Transportation			2,000
Mauldin & Jenkins discount from standard fees and expenses			**(6,000)**
Total all inclusive not to exceed price for 2027 audit			**$ 70,000**

SCHEDULE OF PROFESSIONAL FEES AND EXPENSES

FOR THE AUDIT OF THE 2028 FINANCIAL STATEMENTS

	Hours	Hourly Rate	Total
Partners	50	$295	$ 14,750
Managers	100	235	23,500
Professional Staff	200	185	37,000
Total for Services Described in RFP	350		**75,250**
Out-of-pocket expenses:			
Meals and lodging			500
Transportation			2,000
Mauldin & Jenkins discount from standard fees and expenses			**(5,250)**
Total all inclusive not to exceed price for 2028 audit			**$ 72,500**

Important Notes to be Considered:

Note (1) – Unlimited Correspondence: It is Mauldin & Jenkins' policy to not charge for simple discussions and conversations that occur between the governmental entity and Mauldin & Jenkins that are only simple discussions (i.e., a phone call to ask certain questions that do not require additional research).

Note (2) – Free Periodic/Quarterly Continuing Education: As noted in our technical proposal, we provide free quarterly continuing education classes to our clients. This could amount to approximately $3,500 of annual savings for the City's estimated finance department per person.

Note (3) – Additional Services: If it should become necessary for the City to request Mauldin & Jenkins to provide any additional services (such as bond issurances, etc.), then such additional work shall be performed only if set forth in an addendum to the contract between the City and Mauldin & Jenkins.

Note (4) – No Hidden Fees or Costs: The pricing schedules contain all pricing information relative to performance of the audit as required by the City including all reimbursement for travel, lodging, communications, etc. Our estimated number of hours and the associated fee estimate indicated are based on our professional judgment and experience with similar governmental entities. So long as there are no significant changes in the operations or the number of major programs of the City and or the scope of services requested or significant problems requiring additional time, our quoted fees will not change.

Note (5) – Single Audit: The amounts above include provision of a Single Audit of 1 major program. Due to the uniqueness and variety of Federal grant programs, should an additional major program be identified, we will address such a need at that time.

Stockbridge

Where Community Connects

APPENDIX B
Contract Agreement

This Contract Agreement made and entered into this 30th day of July in the year 2025 (the "Agreement"); by and between The City of Stockbridge, Georgia (the "City"), having its principal place of business at 4640 North Henry Boulevard, Stockbridge, Georgia 30281 and **Mauldin & Jenkins Certified Public Accountants** (the "Contractor").

WHEREAS, the City has caused the Request for Proposal 2024-0004 to be issued soliciting proposals from qualified firms to furnish all items, labor services, materials and appurtenances called by them in accordance with the RFP No. 2024-0004; and

WHEREAS, the Contractor submitted a proposal in response to the RFP; and

WHEREAS, the Contractor's proposal was deemed by the City to be the most advantageous to the City;

NOW, THEREFORE, for and in consideration of the mutual covenants and promises contained herein, the receipt and sufficiency of which being hereby acknowledged by the parties, the parties agree as follows

1.0 **SCOPE OF WORK**

In accordance with Stockbridge's Financial Audit Services, the Contractor shall furnish all materials, equipment and labor to provide the services described in the RFP to the specifications as directed in the RFP and pursuant to the terms of this Agreement, including all incidentals as directed by the City's Finance Department and the City Manager or his/her representative.

The services shall be performed in a prompt and professional manner in accordance with the standards of the profession.

The scope of services for this Agreement consists of the providing Financial Audit Services for years 2024-2028 for the City of Stockbridge.

2.0 **PAYMENT**

The City shall pay and the Contractor shall receive the prices stipulated in the proposal hereto attached as full compensation for everything furnished and done by the Contractor under this Agreement, based on the proposal which sum shall be paid in the manner and terms specified in the Agreement. Before issuance of certificate of payment, if the Contractor has not submitted evidence satisfactory to the City that all payrolls, materials bills, and other indebtedness connected with the Project have been paid, the City may withhold, in addition to the retained percentages,

such amount or amounts as may be necessary to pay just claims for labor and services rendered and materials in and about the work on the Project (the "Work"), and such amount or amounts withheld or retained may be applied by the City to the payment of such just claims.

Payment will be made by the City within thirty (30) days of receipt of an accurate invoice by the Finance Department. To ensure prompt and accurate payment all invoices must accompany a purchase order number provided by the City.

2.1 **TERM**

This Agreement shall be effective upon its execution (the "Effective Date") The initial term of this Contract shall be through December 31, 2024. This Contract shall terminate absolutely and without further obligation on the part of the City on December 31, 2024, and each December 31 of each succeeding and renewed year, as required by O.C.G.A. §36-60-13, as amended, unless terminated earlier in accordance with the provisions of this Contract.

This Contract may be renewed for four (4) additional twelve-month terms, upon the same terms and conditions, as provided for in this Contract, unless terminated by the City, by notice to service provider or termination and non-renewal by December 31 of the Contract year.

If the Project has not been completed by (_____N/A_____), this Agreement shall automatically renew for an additional one year or part of the year necessary to conclude the Project unless the City chooses to terminate this Agreement pursuant to the provisions of this Agreement by giving seven (7) days written notice to the Contractor. There are ninety (30) calendar days scheduled for Project duration.

2.2 **CHANGE ORDERS**

Written approval shall be obtained by the Contractor for all change orders or contingency items prior to the start of any work.

3.0 **INDEPENDENT CONTRACTOR**

3.1 The Contractor shall be an independent contractor. The Contractor is not an employee, agent or representative of the City. The Contractor shall obtain and maintain, at the Contractor's expense, all permits, licenses or approvals that may be necessary for the performance of the services. The Contractor shall furnish copies of all such permits, licenses or approvals to the City Representative at the time of executing the Agreement.

3.2 Neither the City nor the Contractor has the authority to bind the other to any third person or otherwise to act in any way as the representative of the other, unless otherwise expressly agreed to in writing signed by both parties hereto. The Contractor agrees not to represent itself as the City's agent for any purpose to any party or to allow any employee of the Contractor to do so, unless specifically authorized, in advance and in writing, to do so, and then only for the limited purpose stated in such authorization.

The Contractor shall assume full liability for any contracts or agreements the Contractor enters into on behalf of the City without the express knowledge and prior written consent of the City.

4.0 INDEMNIFICATION

"REMOVED INTENTIONALLY"

5.0 INSURANCE

The Contractor shall, at its own cost and expense, obtain and maintain workers' compensation and commercial general liability insurance coverage covering the period of this Agreement, such insurance to be obtained from a responsible insurance company acceptable to the City and legally licensed and authorized to transact business in the State of Georgia. Any such insurance shall be in force on the date of execution of the Agreement and shall remain continuously in force for the duration of the Agreement.

The Contractor and its sub-Contractors shall secure and maintain the following insurance as itemized below:

5.1.1 Workers' Compensation Insurance

Workers' Compensation insurance shall meet the statutory obligations with Coverage B- Employers Liability limits of at least $100,000 each accident, $5,00,000 disease-policy limit and $100,000 disease each employee.

5.1.2 Commercial General Liability Insurance

Commercial General Liability insurance shall be at the limits of at least $1,000,000 general aggregate, $1,000,000 personal and advertising injury, $1,000,000 each occurrence, $50,000 fire damage and $1,000 medical expense any one person. The policy shall be on an "occurrence "basis shall include contractual liability coverage and the City shall be named an additional insured. The insurance shall include up to $10,000 expenses to extract pollutants from land or water at the" premises" if the discharge, dispersal, seepage, migration, release, escape or emission of the pollutants is caused by or results from a covered cause of loss.

5.1.3 Commercial Automobile Liability Insurance

Commercial Automobile Liability insurance covering all owned, non-owned and hired automobiles with limits of at least $1,000,000 per accident. This insurance shall include a cause of loss where there is a spill of fuels and lubricants used in the vehicle for its operation.

5.1.4 Professional Liability Insurance or Errors & Omissions Insurance

The Contractor shall maintain Professional Liability (Errors & Omissions) Insurance

with coverage and limits no less than $1,000,000 each occurrence and $1,000,000 annual aggregate, in the event a contractor is performing design, engineering or other professional services.

The insurance policy must provide the protection stated for three (3) years after completion of the Work. Acceptance of the insurance by the City shall not relieve, limit or decrease the liability of the Contractor. Any policy deductibles or retention shall be the responsibility of the Contractor. The Contractor shall control any special or unusual hazards and be responsible for any damages that results from those hazards.

The City does not represent that the insurance requirements are sufficient to protect the Contractor's interest or provide adequate coverage. Evidence of coverage is to be provided on a City-approved Insurance Certificate. If the policy is canceled, not renewed or materially changed, Contractor must provide notice to the City no more than thirty (30) days after the date of such cancellation, non-renewal or change.

The Contractor shall require any of its Sub-Contractors, if sub-contracting is allowable under this Agreement, to comply with these provisions.

5.2 ACCOUNTING STANDARDS

The Contractor agrees to maintain the necessary source documentation and enforce sufficient internal controls as dictated by Generally Accepted Accounting Principles (GAAP) to properly account for expenses incurred under this Agreement.

5.3 RETENTION OF RECORDS

The Contractor shall retain all records pertinent to expenditures incurred under this Agreement for a period of three (3) years after the resolution of all audit findings. Records for non-expendable property acquired with funds under this Agreement shall be retained for three (3) years after final disposition of such property.

6.0 TERMINATION

6.1 TERMINATION FOR CAUSE:

The City may terminate this Contract for cause upon ten (10) days prior written notice to the Service Provider of the Service Provider's default in the performance of any term of this Contract. Such termination shall be without prejudice to any City's rights or remedies provided by law.

6.2 TERMINATION FOR CONVENIENCE:

The City may terminate this Contract for its convenience at any time upon (30) days written notice to the Service Provider. In the event of the City's termination of this

Contract for convenience, the Service Provider will be paid for those services actually performed. Partially completed performance of the Contract will be compensated based upon a signed statement of completion to be submitted by the Service Provider who shall itemize each element of performance.

6.3 TERMINATION FOR FUND APPROPRIATION:

The City may unilaterally terminate this Contract due to lack of funding at any time by written notice to the Service Provider. In the event of the City's termination of this Contract for fund appropriation, the Service Provider will be paid for those services actually performed. Partially completed performance of the Contract will be compensated based upon a signed statement of completion to be submitted by the Service Provider which shall itemize each element of performance.

7.0 INCLUSION OF DOCUMENTS

The Agreement, any amendments thereto, the RFP, and the Contractor's Bid/Proposal submitted in response thereto, including any best and final offer, are incorporated in this Agreement by reference and form an integral part of this Agreement. In the event of a conflict in language between this Agreement and the foregoing documents incorporated herein, the provisions and requirements set forth in this Agreement shall govern. In the event of a conflict between the language of the RFP, as amended, and the Contractor's Proposal, the language in the former shall govern.

8.0 COMPLIANCE WITH ALL LAWS AND LICENSES

The Contractor must obtain all necessary licenses and comply with local, state and federal requirements. The Contractor shall comply with all laws, rules and regulations of any governmental entity pertaining to its performance under this Agreement.

9.0 ASSIGNMENT

The Contractor shall not assign or subcontract the whole or any part of this Agreement without the City's prior written consent.

10.0 AMENDMENTS IN WRITING

No amendments to this Agreement shall be effective unless it is in writing and signed by duly authorized representatives of the parties.

11.0 DRUG-FREE AND SMOKE-FREE WORK PLACE

11.1 A drug-free and smoke-free work place will be provided for the Contractor's employees during the performance of this Agreement; and

11.2 The Contractor will secure from any subcontractor hired to work in a drug-free and smoke-free work place a written certification so stating and in accordance with Paragraph (7), subsection (b) of the Official Code of Georgia Annotated Section 50-24-3.

11.3 The Contractor may be suspended, terminated, or debarred if it is determined that:

11.3.1 The Contractor has made false certification herein; or

11.3.2 The Contractor has violated such certification by failure to carry out the requirements of Official Code of Georgia Annotated Section 50-24-3.

12.0 WORK AUTHORIZATION PROGRAM

Exhibit "A" is hereby incorporated into this Agreement and made a part hereto. Exhibit "A" enables all parties to be in compliance with O.C.G.A. § 13-10-91 as it pertains to statutorily-required verification of employees.

13.0 GOVERNING LAW AND VENUE

This Agreement shall be governed in all respects by the laws of the State of Georgia. Any disputes that arise under this Agreement shall be subject to the jurisdiction of the courts of Henry County, Georgia or the Northern District of Georgia, as applicable.

14.0 MISCELLANEOUS PROVISIONS

A. It is understood and agreed by and between the City and the Contractor that, on account of breach or default by either party of any of their obligations hereunder, it shall become necessary for the other party to employ and/or consult with an attorney to give advice, or to enforce or demand any of either party's rights or remedies hereunder, then, and in any such event, the defaulting or breaching party shall pay all attorney's fees, court costs and other expenses occasioned by such default(s) or breach(es).

B. All notices from Contractor to the City shall be served on or sent to the City at the following address:

City of Stockbridge
Attn: Procurement Department
4640 North Henry Boulevard
Stockbridge, Georgia 30281-3651

With a copy to:

City of Stockbridge
Attn: City Attorney
4640 North Henry Boulevard
Stockbridge, Georgia 30281-3651

All notices from the City to the Contractor shall be served on or sent to Contractor at its registered office and at the following contact format:

Name:	Mauldin & Jenkins, LLC
Address:	300 Mulberry Street, Suite 300
City, State &Zip	Macon, Georgia 31201
Telephone Number:	(478) 464-8000

C. Force Majeure. Neither party hereto shall be liable to the other party for any nonperformance, in whole or in part, of its obligations under this Agreement caused by the occurrence of any contingencies beyond the control of the parties, including but not limited to the weather (including but not limited to rain, showers, hurricanes, floods), declared or undeclared war, sabotage, insurrection, riot or other acts of civil disobedience, acts of a public enemy acts of governments or agencies affecting the terms of this Agreement, strikes, labor disputes, acts of third parties not within the control of the party whose performance is affected, shortages of fuel, failures of power, accidents, fires, explosions, hurricanes, storms, floods, or other acts of GOD. In the event that any such contingencies occur, the party whose performance is affected shall have a reasonable time in which to resume performance and such party's nonperformance shall not constitute a default. Notwithstanding the foregoing, if the non-performing party is unable to resume full performance despite reasonable attempts to do so, the other party shall have the right to terminate this Agreement pursuant to the provisions of Paragraph 4 above.

15.0 ENTIRE AGREEMENT

This Agreement constitutes the entire agreement between the parties with respect to the subject matter contained herein; all prior agreements, representations, statements, negotiations, and undertakings are suspended hereby. Neither party has relied on any representation, promise, nor inducement not contained herein witness whereof, the authorized officers as of the day and year set forth next to each signature.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed by their duly authorized officers as of the day and year set forth next to each signature.

MAYOR AND COUNCIL FOR
THE CITY OF STOCKBRIDGE

(SEAL)

By:_____
ANTHONY S. FORD, Mayor

ATTEST:

_____
VANESSA HOLIDAY, City Clerk

Approved as to form:

_____
City Attorney

(SEAL)

BENITA LYNN DAY NOTARY PUBLIC HOUSTON COUNTY, GEORGIA COMMISSION EXPIRES MAY 23, 2028

CONTRACTOR

By:_____

ATTEST:

Houston County
May 23, 2028

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City of Stockbridge

REQUEST FOR PROPOSAL No. 2024-0004

For
Financial Audit Services

On behalf of
(City Manager's Office)

RFP DUE DATE AND TIME
April 11, 2024 @ 3:00 p.m. EST

RFP ISSUANCE DATE:
February 26, 2024

THERE WILL BE NO PRE-PROPOSAL CONFERENCE

PURCHASING CONTACT
Drexal D. Paulk @ 770-389-7900 ext. 322
E-MAIL: dpaulk@stockbridgega.org

LOCATION
City of Stockbridge
Department of Procurement
4640 N. Henry Boulevard
Stockbridge, Ga. 30281

ADVERTISEMENT FOR REQUEST FOR PROPOSALS

RFP 2024-0004 Financial Audit Services

All proposals are due to the Division of Contracts & Procurement on or before **Thursday, April 11, 2024, at 3:00 P.M**., legal prevailing time. Proposals shall be submitted in-person at the Division of Contracts and Procurement. One (1) original and five (5) copies and an electronic version on a thumb drive. Proposals submissions are due up until **3:00 p.m., Thursday April 11,2024**.

Proposals submitted after the proposal close date will not be accepted. Note: Any proposal submitted in any other format (email, paper, fax, mail, etc.) will not be accepted for any reason.

To ensure proper and timely submission please adhere to the dates and times outlined above. Any proposals received after this appointed schedule will be considered late. The proposal due date can be changed only by addendum.

A PRE-PROPOSAL CONFERENCE will NOT be held for this solicitation.

Please feel free to contact the Procurement Officer for this solicitation at (770) 389- 7800 ext. 322 or via email DPaulk@Stockbridgega.org. Please note that the response made by the City will be provided in writing to all Proposers by addendum. No verbal responses shall be authoritative.

EVENT	**DATE**
Request For Proposals Issued to Public	Monday, February 26, 2024
Non-Mandatory Pre-Bid Conference via **Cisco WebEx**.	**NO PRE-PROPOSAL CONFERENCE**
Last Day for Questions to be Submitted	Thursday, March 21, 2024 @ 12Noon EST
RFP Submission Deadline	Thursday, April 11, 2024 @ 3pm

City of Stockbridge
Department of Finance
Division of Contracts & Procurement

REQUEST FOR PROPOSAL SPECIFICATIONS

RFP 2024-0004 Financial Audit Services

1. DESCRIPTION

The City of Stockbridge Department of Procurement is soliciting Proposals from qualified vendors to assist the City with the preparation of a **financial audit.**

Background

The City of Stockbridge is in the northern part of Henry County, Georgia which was founded May 15, 1821. Henry county has an area of approximately 331 square miles located in the Piedmont Section of northern Georgia and is surrounded by the counties of Butts, Clayton, DeKalb, Newton, Rockdale, and Spalding Counties. Stockbridge, Georgia is just minutes south of Atlanta a straight drive down Interstate 75-South. The City is populated with approximately 30,000 residents.

The City of Stockbridge is a relaxed atmosphere, with all the amenities of a major metropolitan area with attractive lifestyle, and business opportunities. Stockbridge is also a wonderful place to live, work and play.

Stockbridge City Council (City) is the governing authority of the City of Stockbridge. The affairs of the City are conducted by a Mayor and five (5) member City Council. This elected body is responsible for the active coordination of community resources, to meet community needs.

The City Manager, who is appointed by the Mayor and City Council, oversees the day-to-day operations of the City, ensuring the efficient delivery of City Services. All activities and functions of the City are administered by the City Manager under the jurisdiction of the Mayor and City Council as set forth in State and Local Laws.

2. CONTACT PERSON

Please contact our procurement agent, Drexal Paulk, via email at DPaulk@Stockbridgega.org with any procedural or technical questions relating to this Request for Proposals. All questions should be submitted in writing to the Purchasing contact person and submitted via email at DPaulk@Stockbridgega.org. All inquiries must contain the request for proposal number and title in the subject line of the email. No phone calls will be accepted. Any responses made by the City will be provided in writing to all Proposers by addendum. No verbal responses shall be authoritative.

3. TERM OF AGREEMENT

The contract is intended for a one (1) year base and four (4) one-year renewable options that are contingent of funds availability.

4. SCOPE OF WORK

4.1 GENERAL INFORMATION

A. Purpose and Invitation to Submit Proposal. The City of Stockbridge is requesting proposals from qualified firms of certified public accountants to audit its financial statements for the fiscal years ending December 31, 2024, December 31, 2025, December 31, 2026, December 31, 2027, and December 31, 2028. These audits are to be performed in accordance with generally accepted auditing standards, the standards set forth for financial audits in the U.S. General Accounting Offices (GAO) Government Auditing Standards, the provisions of the Federal Single Audit Act of 1984 and U.S. Office of Management and Budget (OMB) Circular A-133, Audits of State, Local Governments, and nonprofit organizations. There is no expressed or implied obligation for the City to reimburse the responding firms for any expenses incurred in preparing proposals in response to this request. During the evaluation process, the City reserves the right to request additional information or clarification from proposers, where it may serve the City's best interest. Proposals submitted will be reviewed and evaluated by staff based on evaluation criteria and it is anticipated that the top three (3) will be recommended to the City Evaluation Committee. The top three (3) proposals will be notified to prepare a formal oral presentation to the Evaluation Committee. A “Best and Final” firm will be selected based on evaluation criteria scoring. This firm will be presented to the Finance Committee in the form of a contract for approval and recommendation to the City of Stockbridge City Council for approval in March. The City reserves the right to retain all proposals submitted, and to use any ideas in a proposal regardless of whether that proposal is selected. Submission of a proposal indicates acceptance by the firm of the conditions contained in this request for proposals, unless clearly and specifically noted in the proposal submitted, and confirmed in the contract between the City and the firm selected. It is anticipated that the Finance Committee will make a final recommendation to the City of Stockbridge City Council in April 2024 and that the City of Stockbridge will act upon that recommendation and award a contract in April 2024.

4.2 B. **Term of Contract**. A four-year contract for fiscal years ending December 31, 2024, December 31, 2025, December 31, 2026, December 31, 2027, and December 31, 2028, subject to the review and recommendation of the Finance Committee, the concurrence of the City of Stockbridge City Council, and the annual availability of an appropriation.

The external auditor shall prepare the City's Annual Comprehensive Financial Report (ACFR) in a form similar to the most common report. This includes the preparation of combined and combining financial statements. The City is requesting assistance with preparation of the ACFR. The City also desires the auditor to express an opinion on the fair presentation of its basic financial statements in conformity with generally accepted accounting principles. The basic financial statements are comprised of government-wide financial statements and fund financial statements. For the government-wide statements, the primary government includes governmental activities and business-type activities; and two discreetly presented component units. The fund statements include each major fund, aggregate remaining funds, and budgetary comparison statements for the major funds. Furthermore, the City desires the auditor to express an "in relation to" opinion on the fair presentation of its combining and individual fund financial statements and schedules in conformity with generally accepted accounting principles. The auditor is not required to audit the introductory and statistical section of the ACFR. The auditor shall also be responsible for performing certain limited procedures involving The Management's Discussion and Analysis and Required Supplementary Information required by the Governmental Accounting Standards Board, as mandated by generally accepted auditing standards. 2. The City desires the auditor to conduct a Single Audit of the City's Federal grant programs. This includes Notes to the Schedule of Expenditures of Federal Awards, the Schedule of Findings and Questioned Costs, and a Summary Schedule of Prior Audit Findings Following the preparation of the aforementioned, the auditor shall issue the following reports:

a) Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of the Financial Statements Performed in Accordance with Government Auditing Standards.

b) Report on Compliance for Each Major Federal Program; Report on Internal Control over Compliance; and Report on Schedule of Federal Expenditures of Federal Awards Required by OMB Circular, In addition to the Comprehensive Annual Financial Report and the Single Audit Report of the City, this engagement includes an audit from the Clerk of the Circuit Court. This audit requires the preparation of financial statements, as well as a supplemental schedule encompassing detailed information in the Annual Financial Report.

The related audit includes:

a) Independent Auditor's Report

b) Independent Accountants' Report on Compliance and on Internal Control Over Compliance

c) Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on GAAP Principles. Audit of Financial Statements Performed in Accordance with Government Auditing Standards.

d) Financial Statements: 1) Combined Balance Sheet 2) Notes to the Financial Statements Supplementary Information: Combining Statement of Changes in Assets and Liabilities – Agency Funds Report J – Annual Financial Report.

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i. Project Manager

The awarded service provider shall propose a clear project management and consultation framework.

ii. Project Reporting

The City of Stockbridge requires that the awarded vendor include a detailed project timeline and reporting schedule outlining the steps taken to ensure timely delivery of all project outputs based around interim milestones and a completion date.

1. SPECIAL CONDITIONS/INSTRUCTIONS

No Contact During Procurement Process

The evaluation and award process for City contracts shall be free from both actual and perceived impropriety, and that contacts between potential vendors and City officials, elected officials and staff regarding pending awards of City contracts shall be prohibited.

1. No person, firm, or business entity, however situated or composed, obtaining a copy of or responding to this solicitation, shall initiate or continue any verbal or written communication regarding this solicitation with any City officer, elected official, employee, or designated City representative, between the date of the issuance of this solicitation and the date of the City Manager's recommendation to the City Council for award of the subject contract, except as may otherwise be specifically authorized and permitted by the terms and conditions of this solicitation.

2. All verbal and written communications initiated by such person, firm, or entity regarding this solicitation, if same are authorized and permitted by the terms and conditions of this solicitation, shall be directed to the Purchasing Agent.

3. Any violation of this prohibition of the initiation or continuation of verbal or written communications with City officers, elected officials, employees, or designated City representatives shall result in a written finding by the Purchasing Agent that the submitted bid or proposal of the person, firm, or entity in violation is "non-responsive", and same shall not be considered for award.

TECHNICAL PROPOSAL PART 1- TELL US ABOUT YOUR COMPANY/FIRM

Tab 1 - Cover Letter

The proposal must include a letter of transmittal attesting to its accuracy, signed by an individual authorized to execute binding legal documents on behalf of the vendor. The cover letter shall provide the name, address, telephone, and facsimile numbers of the vendor along with the name, title, address, telephone, and facsimile numbers of the executive that has the authority to contact the City. The cover letter shall present the vendor's understanding of the project, a summary of the approach to be undertaken to perform the services, as well as a summary of the costs to provide the services.

Tab 2 - Executive Summary

The vendor shall submit an executive summary, which outlines its proposal, including the proposed general management philosophy. The executive summary shall at a minimum include an identification of the proposed project team, assign a contractor point of contact for the project, give the responsibilities of the project team, and a summary of the proposed services. This section should highlight aspects of the contractor's proposal which make it superior or unique in addressing the needs of the City.

Tab 3 - Company History

The vendor will provide, in this section of the proposal, pertinent company historical information that will demonstrate its ability to successfully accomplish this project.

Primary Business

The vendor will provide, in this section of the proposal, its primary business interest and/or operations including organization and affiliations, including the magnitude of its operation as it relates to this project.

Tab 4 - Experience

The vendor will provide, in this section of the proposal, a detailed description of similar services or contracts in which the vendor is presently involved or has completed during the past three (3) years. Include the dollar amount of each project with which you were associated.

Tab 5 - Capabilities

The vendor will provide in this section of the proposal a description of the firm's capabilities, any limitations relative to facilities, staff, ongoing projects, or contracts shall be identified and explained. The vendor should be able to adequately showcase their ability to meet all the standards outlined in this RFP.

Tab 6 - Company Principles

Provide a biographic overview of the vendor's key principles.

Staff

The vendor shall provide, in this section of the proposal, a description of key staff and personnel that will be assigned to effectively facilitate the requirements of this project. This description will include, at a minimum, the number of permanent employees, part-time employees and an organizational chart reflecting local and corporate assignments and responsibilities. Specifically, the vendor must identify what priority will be placed on this project and how the firm intends to provide the initial management and staff.

Resumes

The vendor shall provide, in this section of the proposal, resumes of key personnel which will be assigned to this project, both local and corporate. Each resume shall include at a minimum:

- Position/title
- Tenure with the vendor
- Education
- Overall experience
- Other related information pertaining to the work to be performed

PART 2 - TECHNICAL PROPOSAL

TELL US HOW YOU PLAN TO DELIVER/PERFORM THE SCOPE OF WORK.

Project Plan

Please provide a detailed plan of how your firm intends to deliver/perform the scope of work. Please provide full project plan along with tentative timeline. Please also list key personnel that will be performing essential tasks. The project plan should describe the offeror's approach to successful implementation to address the proposed scope of work. At a minimum, the project plan should include:

- A detailed outline of the proposed methodology to complete and manage the project scope including high level timeline and brief description of the key tasks, key milestones, and key deliverables.
- A public involvement plan addressing what types of involvement methods will be used and the frequency of each activity.
- State the vendor/offeror's understanding of the scope services being solicited by the City. If there are any gaps between what the vendor/offeror believes should be the proper scope of services, given all information available, the offeror should clearly identify these gaps.

- Discuss any assumptions relating to the responsibilities and/or commitments the offeror is expecting of the City throughout the life of the project.

- Provide a timeline indicating tasks required and the start and completion dates for each. It is expected that the work will commence as soon as possible after the contract is awarded.

- Provide a detailed breakdown and description of the specific steps, and services that will be provided. Describe how the final product will be structured and presented upon completion. Include any computer/software compatibility information. Vendors may elect to include in the section any innovative methods or concepts that might be beneficial to the City of Stockbridge as long as the minimum requirements set out in this RFP are met.

- Project Team The offeror should document its experience and qualifications for the project highlighting any strategic benefits the City will realize in partnering with the offeror. The offeror should also provide a staffing plan for this project including qualifications (of no more than two pages per person) of the proposed key functional and technical members and their related roles for this project. The proposed project manager should be identified. The intent, if any, to subcontract parts of the scope of work should be described and qualifications for the subcontracting firm and key personnel should also be provided.

COST PROPOSAL: PLEASE PROVIDE AS MUCH ITEMIZATION AS POSSIBLE. DO NOT INCLUDE WITHIN TECHNICAL SPECIFICATIONS COST SHALL BE SUBMITTED IN SEPARATE ENVELOPE

Reasonableness

The Vendor's Fee Schedule, included in this solicitation, must be submitted separately from Technical Proposal. The Cost Proposal shall remain sealed until the Technical Proposals have been opened and evaluated. The vendor whose technical score ranks above the average will have their Cost Proposals unsealed and scored. The vendor whose technical score ranks below the average will NOT have their Cost Proposals unsealed and scored.

The formula used to evaluate price for services outlined in Scope of Work is as follows:

(Lowest price / price of proposal being evaluated) x points available for price = score. The Cost Proposals for all services will be evaluated for completeness and reasonableness.

Best Value

The cost proposal is important; however, it will not be the sole determining factor in the selection process. It is not the intent of the City to limit innovative solutions by dollar constraints, but rather to determine which proposal has the potential of providing the best value for the services required.

Proposal Evaluation Factors

It is the intent of the City to evaluate the proposals based on technical merit and price and to choose the vendors whose proposal best represents the best value to the City. The City reserves the right to waive any irregularities, reject any and/or all proposals, in whole or in part, when, in the opinion of the City, such rejection is in the best interests of the City.

Proposals will be graded based on the following form:

Evaluation Criteria	Weight	Score
Company Background & Qualifications	24%	
Technical Proposal: Plan for execution of Scope of Work	30%	
Cost Proposal	30%	
Performance of Similar Projects	8%	
Local Business: Within City Limits	3%	
Number of CPAs on staff.	5%	
Total	100%	

Ratings descriptions are on the next page.

Rating	Description
1 - 20	**Poor**
21 - 40	**Fair**
41 - 60	**Good**
61 - 80	**Excellent**
81 - 100	**Superior**

BASIS FOR EVALUATION OF PROPOSALS AND AWARD OF PROJECT

The City does not discriminate on the grounds of race, religion, color, age, sex, disability, sexual orientation, or national origin in consideration of an award. Disadvantaged business enterprises are afforded a full opportunity to submit proposals. Proposals will be evaluated on the Consultant's qualifications, experience, project understanding and approach. Based on the preliminary review of the proposals, Consultants may then be interviewed prior to selection. The award will be made to the Consultant providing the best value for the City's requirements. In making such determination, City Council shall consider but not be limited to the following factors:

1. The Consultant's skill, ability, and capacity to perform the services required.
2. The Consultant's interest in the services which is the subject of this RFP, as well as their understanding of the scope of such services and the specific requirements of the City.
3. The Consultant's ability to perform the services within the time period specified, without delay or interference.
4. The Consultant's character, integrity, reputation, judgment, experience and efficiency.
5. The Consultant's previous and current compliance with statutes, ordinances and rules relating to the Project.
6. The sufficiency of the Consultant's financial resources necessary for the performance of the Project.
7. The number and nature of any conditions attached to the proposal.
8. The general organization of the proposal: Special consideration will be given to submittals which appropriately address the goals; and provide in a clear and concise format the requested information; and
9. The scope, responsiveness, efficiency, and quality of the Consultant's administrative services.

The City makes no commitment to any firm or consultant until such time as the City approves the negotiated contract. Upon recommendation of the Procurement Manager and City Manager, the Mayor and the City Council may reject all proposals when it determines that such action is in the public's best interest.

2. INSURANCE & RISK MANAGEMENT PROVISIONS

The contractor will maintain such insurance as will protect it from claims under workmen's compensation acts and from any other claims for damages to property and personal injury, including death, which may arise from operations under this contract, whether such operations be by itself or by any sub-contractor or anyone directly or indirectly employed by either of them. Certificates of such insurance **MUST** be filed with the City.

Contractor Insurance Requirements:

Within 5 days of Notice of Award, and at all times that this Contract is in force, the Contractor shall obtain, maintain, and furnish the City Certificates of Insurance from licensed companies doing business in the State of Georgia with an A.M. Best Rating A-10 or higher and acceptable to the City covering. The City of Stockbridge must be listed as an additional insured. The following minimum requirement shall apply to said Certificate of Insurance:

1. Workers' Compensation & Employer's Liability Insurance. Workers' Compensation Insurance in compliance with the applicable Workers' Compensation Act(s) of the state(s) wherein the work is to be performed or where jurisdiction could apply in amounts required by statutes. Employer's Liability Insurance, with limits of liability of not less than $1,000,000 per accident for bodily injury or disease.

2. Commercial General Liability Insurance, including contractual liability insurance, product and completed operations, personal and advertising injury, and any other type of liability for which this Contract applies with limits of liability of not less than $1,000,000 each occurrence, $2,000,000 policy aggregate for personal injury, bodily injury, and property damage. Commercial General Liability Insurance shall be written on an "occurrence" form.

3. Automobile Liability Insurance with limits of liability of not less than $1,000,000 per accident for bodily injury and property damage if automobiles are to be used in the delivery of or in the completion of services and work or driven onto the City's property. Insurance shall include all owned, non-owned and hired vehicle liability.

4. Umbrella Insurance with limits of liability excess of Employer's Liability Insurance, Commercial General Liability Insurance and Automobile Liability Insurance in the amount of not less than $3,000,000.

5. Professional (Errors and Omissions) Insurance: For Professional Services and for all Design/Build Projects with limits of liability of not less than $3,000,000 per occurrence or claim $3,000,000 policy aggregate. Such policy shall also include coverage for losses arising from the breach of information security or cyber liability (including Errors & Omissions, Security and Privacy Liability and Media Liability), whether combined with the Professional Liability policy or placed as a separate policy but carrying the same limits of liability. Such coverage shall insure damage, injury and loss caused by error, omission or negligent acts, including all prior acts without limitation, related to the professional services to be provided under this Contract. The policy shall be amended to include independent contractors providing professional services on behalf of or at the direction of the Contractor.

The definition of Contractual Liability shall be amended to state that liability under a contract of professional services is covered. Further, coverage shall be afforded for fraudulent acts, misappropriation of trade secrets, internet professional services, computer attacks, personal injury, regulatory actions, wrongful acts, contractual liability, privacy policy, and insured versus insured. The Contractor shall ensure that coverage under this policy continues for a period of thirty-six (36) months after completion of services.

A copy of these endorsements shall be provided to the City.

Certificates of Insurance showing that such coverage is in force shall be filed under this Contract by the Contractor to the City and is a pre-requisite to this contract. Failure to provide insurance within (10) days of award makes any contract award voidable by the City.

The obligations for the Contractor to procure and maintain insurance shall not be construed to waive or restrict other obligations and it is understood that insurance in no way limits the liability of the Contractor whether or not same is covered by insurance.

Certificate Holder should read:
The City of Stockbridge
4640 North Henry Blvd.
Stockbridge, Ga. 30281

END OF SECTION

City of Stockbridge
Department of Finance
Division of Procurement

REQUEST FOR PROPOSALS
GENERAL TERMS AND CONDITIONS

The following provisions are hereby made a part of this Request for Proposal ("RFP"). Any contract or purchase order awarded as the result of this request shall be governed by these General Terms and Conditions. By submission of your responses to this RFP, vendor agrees to furnish the product(s) and/or service(s) pursuant to these conditions.

1. **GENERAL.** These provisions are standard for all City contracts. The City may delete or modify any of these standard provisions for a particular contract or purchase order by indicating a change in the special instructions or provisions. **Any vendor accepting a purchase order award as the result of this request agrees that the provisions included within this Request for Proposal shall prevail over any conflicting provision within any standard form contract of the vendor.**

2. **METHOD OF SOURCE SELECTION.** This procurement is being conducted in accordance with all applicable provisions of the City of Stockbridge Municipal Code and the specific method of source selection for the services required in this solicitation is Competitive Sealed Bidding and Competitive Sealed Proposals.

3. **SUBMISSION OF RESPONSES.** Responses must be submitted for quick quotes on-line via the Georgia Procurement Registry portal at https://ssl.doas.state.ga.us/gpr/index. Response to e-quotes must be received no later than 3:00 p.m. on the date indicated.

4. **STATE OF GEORGIA IMMIGRATION REQUIREMENT.** Effective July 1, 2013, State law requires that all contracts for the physical performance of services for all labor or service contract(s) that exceed $2,499.99 (except for services performed by an individual who is licensed pursuant to Title 26, Title 43, or the State Bar of Georgia) must comply with the Illegal Immigration Reform and Enforcement Act. The City cannot enter into a contract for the physical performance of services unless the contractor has registered with, is authorized to use and uses the federal work authorization program commonly known as E-Verify.

   Before a bid/proposal for any such services is considered by the City, the bid/proposal shall include a signed, notarized affidavit from the contractor attesting the affiant has registered with, is authorized to use, and uses the federal work authorization program.

5. **AMENDMENTS TO THE REQUEST PROPOSAL.** Any amendment to pricing is valid only if in writing and issued by the City.

6. **ADDENDUM.** Revision to the Request for Proposal issued by the City prior to the receipt of bids.

7. **NON-COLLUSION.** Bidder certifies that this bid/proposal is made without prior understanding, agreement or connection with any other corporation, firm or person submitting a bid for the same work, labor, or service to be done or the supplies, materials or equipment to be furnished and is in all respects fair and without collusion or fraud. Bidder further understands collusive bidding is a violation of state and federal law and can result in fines, prison sentences and civil damage awards. The bidder agrees to abide by all conditions of this bid and certifies that person signing is authorized to sign this bid or proposal for the bidder.

8. **CONFLICT OF INTEREST.** Vendor states that no City officer or employee, nor any business entity in which they have an interest: a) Has an interest in the contract awarded; b) Has been employed or retained to solicit or aid in the procuring of the resulting contract; c) Will be employed in the performance of such contract without immediate disclosure of such fact to the City.

9. **BASIS OF AWARD.** The City shall award to the overall responsible and responsive vendor complying with the provisions of the Request for Proposal. The following criteria may be considered by the City in selecting the most advantageous quote: a) Ability to perform the service required within the specified time; b) Conformance to specification; c) The quality of performance in previous contracts; d) Financial ability to perform the contract; e) Item pricing; f) vendor references. The City reserves the right to cancel the solicitation and to reject any or all quotes in whole or in part and is not bound to accept any quote if rejection of that quote is determined to be contrary to the best interest of the City.

10. **SAMPLES.** Samples of items, when required, must be furnished free of expense to the City and upon request, be returned to the Vendor at the Vendor's expense. Samples of selected items may be retained for comparison purposes.

11. **NEW.** All items bid must be new. Used, rebuilt and refurbished items will not be considered unless specifically authorized by the City in the written specifications.

12. **BRAND NAME SPECIFICATIONS AND APPROVED EQUIVALENTS.** Unless otherwise specified, manufacturer's names, trade names, brand names, information and/or catalog numbers listed in the specifications are intended only to identify the quality and characteristics desired. They are not intended to limit competition. The Vendor may offer any equivalent product which meets or exceeds the specifications. If quotations are based on equivalent products, the quote must: a) Indicate the alternate manufacturer's name and catalog number; b) Include complete descriptive literature and/or specifications; c) Include proof that the proposed equivalent will meet the specifications. The City reserves the right to be the sole judge of what is equal and acceptable to meet its needs in all respects. If Bidder fails to name a substitute, goods identical to the published standard must be furnished.

13. **INDEMNIFICATION.** Contractor/Vendor hereby agrees to release, indemnify, defend and hold harmless the City, it's Councilmembers, officers, employees, subcontractors, successors, assigns and agents from and against any and all losses (including death), claims, damages, liabilities, costs and expenses (including but not limited to all actions, proceedings, or investigations in respect thereof and any outcome of any such action, proceeding, or investigation), caused by, relating to, based upon or arising out of any act or omission by contractor, it's directors, officers, employees, subcontractors, successors, assigns or agents, or otherwise in connection with its acceptance, of the performance, or nonperformance, of it's obligations under this agreements.

14. **TAXES.** The City of Stockbridge is exempt from the State of Georgia sales tax and exemption certificate will be furnished upon request.

15. **DELIVERY.** All prices must be FOB Destination, unloaded inside and assembled unless otherwise indicated.

16. **RIGHTS AND REMEDIES OF CITY FOR DEFAULT.** If any item furnished by the Vendor fails to conform to specifications, or to the sample submitted by the Vendor, the City may reject it. Upon rejection, the Vendor must promptly reclaim and remove such item without expense to the City and shall immediately replace all such rejected items with others conforming to such specification and samples. If the Vendor fails to do so, the City has the right to purchase in the open market a corresponding quantity of any such items and to deduct from any monies due the Vendor the difference between the prices named in the purchase order and the actual cost to the City. If the Vendor fails to make prompt delivery of any item, the City has the right to purchase such item in the open market and to deduct from any monies due the Vendor the difference between the prices named in the purchase order and the actual replacement cost to the City. The rights and remedies of the City identified above are in addition to any other rights and remedies provided by law or under the purchase order or any contract or agreement with the City.

17. **INVOICES AND PAYMENT TERMS.** All invoices must include the purchase order number or master agreement number. Failure to comply may result in delayed payments. The City payment terms are Net 30 days unless a cash discount is allowed for payment within not less than twenty (20) days. The payment term shall begin on the date the merchandise is inspected, delivered, and accepted by the City and the correct invoice is received in the office specified on the purchase order.

18. **INVOICES AND PAYMENT TERMS.** All invoices must include the purchase order number or master agreement number. Failure to comply may result in delayed payments. The City payment terms are Net 30 days unless a cash discount is allowed for payment within not less than twenty (20) days. The payment term shall begin on the date the merchandise is inspected, delivered, and accepted by the City and the correct invoice is received by Accounts Payable.

    Submittal of Invoices: Invoices shall be submitted as follows:

    Via Mail:
    City of Stockbridge
    4640 N. Henry Boulevard
    Stockbridge, Georgia 30281
    Attn: Finance Department – Accounts Payable

    OR

    Via Email :
    Email: accountspayable@Stockbridgega.org

At minimum, original invoices must reference all of the following information:

1) Vendor Information
    a. Vendor Name
    b. Vendor Address
    c. Vendor Code
    d. Vendor Contact Information
    e. Remittance Address

2) Invoice Details
    a. Invoice Date
    b. Invoice Number (uniquely numbered, no duplicates)
    c. Purchase Order Reference Number
    d. Date(s) of Services Performed
    e. Itemization of Services Provided/Commodity Units

3) City of Stockbridge Department Information (needed for invoice approval)
    a. Department Name
    b. Department Representative Name

19. **LEGAL REQUIREMENTS.** Federal, State, County and local ordinances, rules and regulations, and policies shall govern development, submittal and evaluation of Proposal and disputes about quotes. Lack of knowledge by any Vendor about applicable law is not a defense.

20. **ASSIGNMENT.** Any purchase order awarded shall not be assignable by the Vendor without the express written approval of the City, and shall not become an asset in any bankruptcy, receivership, or guardianship proceedings.

21. **REJECTION OF BID or PROPOSAL.** Bids/Proposals may be considered irregular and may be rejected if they show omissions, alternations of form, additions not called for, conditions, limitations, unauthorized alternate bids, or other irregularities of any kind. The City reserves the right to waive minor technicalities or irregularities of bid or proposal.

22. **TERMINATION.** In the event any of the provisions of the purchase order or contract are violated, the City may serve written notice of its intention to terminate the purchase order or contract. Such notice will state the reason(s) for such intention, and unless within ten (10) days after serving notice upon the contractor, such violation has ceased and satisfactory arrangements for correction made, the purchase order or contract shall, upon expiration of ten (10) days, be terminated. Further, the City reserves the right to terminate for its convenience any purchase order or contract in whole or in part upon giving thirty (30) days prior written notice to the other party.

23. **DEBARMENT.** If a Bidder, Proposer or Contractor is presently debarred, suspended, proposed for debarment, declared ineligible, or otherwise excluded from doing business with any government agency which prohibits your firm from participating in any procurement, the Bidder/Proposer must provide the City with that information as part of its response to this solicitation. Failure to fully and truthfully provide the information required may result in the disqualification of your bid from consideration or termination of the purchase order or contract, once awarded.

24. **RIGHT TO PROTEST.** Any actual bidder or offeror that has submitted a bid/proposal for a particular procurement and is aggrieved in connection with the solicitation or award of the contract shall protest in writing to the purchasing agent after the date that the specific bid or proposal is submitted. No protest will be accepted or considered prior to the date the specific bid or proposal is submitted; it will be considered untimely. All protests shall set forth in full detail the factual and legal bases for the protest and specific relief sought by the protestor. Protests arising from factual or legal bases that the protestor knew or should have known prior to the submission of the bid/proposal must be submitted within three business days of the submission of the bid/proposal. Protests arising from factual or legal bases that the protestor knew or should have known subsequent to the date the bid/proposal was submitted must be submitted within ten business days after the protestor knew or should have known of such bases, but in no event shall any protest be submitted more than ten business days after the award of the contract. Untimely protests will not be considered by the purchasing agent and will be simply denied as untimely. Decisions on timeliness by the purchasing agent are not appealable.

25. **BINDING AUTHORITY.** The individual submitting this Proposal must have binding authority to submit contracts on behalf of the responding company. By submitting a response, the vendor agrees that their quote is an offer to sell or provide service. All bidders shall comply with all City of Stockbridge purchasing laws, policies, and procedures, as well as relevant state and federal laws, including compliance with EEOC hiring guidelines and requirements under the Americans with Disabilities Act.

END OF SECTION

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REQUIRED
FORMS AND DOCUMENTS

CONTRACTOR AFFIDAVIT AND AGREEMENT

(Failure to submit will render Proposal non-responsive you must use this form, you must be enrolled in this program, and you must include your user ID #)

By executing this affidavit, the undersigned contractor verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm, or corporation which is contracting with The City of Stockbridge has registered with and is participating in a federal work authorization program [Employment Eligibility Verification (EEV) / Basic Pilot Program, operated by the U.S. Citizens and Immigration Services Bureau of the U. S. Department of Homeland Security, in conjunction with the Social Security Administration (SSA)] in accordance with O.C.G.A. § 13-10-91. Further, the undersigned contractor states affirmatively that the individual, firm, or corporation contracting with The City of Stockbridge, GA will continue to utilize and participate in the EEV federal work authorization program throughout the term of this contract.

The undersigned further agrees that, should it employ or contract with any subtractor(s) in connection with the physical performance of services pursuant to this contract with The City of Stockbridge contractor will secure from such subcontractor(s) similar verification of compliance with O.C.G.A. § 13-10-91 on the Subcontractor Affidavit provided in Rule 300-10-01-.08 or a substantially similar form provided by The City of Stockbridge, Contractor further agrees to maintain records of such compliance and provide a copy of each such verification to The City of Stockbridge GA at the time the subcontractor(s) is retained to perform such service.

_____
EEV Number

_____ _____
Authorized Officer or Agent (Contractor Name) Date

_____
Title of Authorized Officer or Agent

_____
Printed Name of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME
ON THIS THE DAY OF _____, 20__.

_____
Notary Public

My Commission Expires: _____

Note: As of the effective date of O.C.G.A. 13-10-91, the applicable federal work authorization program is the "EEV/Basic Pilot Program" operated by the U.S. Citizenship and Immigration Services Bureau of the U.S. Department of Homeland Security in conjunction with the Social Security Administration (SS)

REPRESENTATION AFFIDAVIT

(TO BE SUBMITTED)

This proposal is submitted to The City of Stockbridge, (City) by the undersigned who is an authorized officer of the company and said company is licensed to do business in Georgia and The City of Stockbridge. Further, the undersigned is authorized to make these representations and certify these representations are valid. The Proposer recognizes that all representations herein are binding on the Company and failure to adhere to any of these commitments, at the City's option, may result in a revocation of the granted contract.

Consent is hereby given to the City to contact any person or organization in order to make inquiries into the legal, character, technical, financial, and other qualifications of the Proposer.

The Proposer understands that, at such time as the City decides to review this proposal, additional information may be requested. Failure to supply any requested information within a reasonable time may result in the rejection of the Proposer's proposal with no re-submittal rights.

The successful Proposer understands that the City, after considering the legal, financial, technical, and character qualifications of the Proposer, as well as what in the City's judgment may best serve the public interest of its citizens and employees, may grant a contract.

The successful Proposer understands that this proposal is made without prior understanding, agreement, or connection with any corporation, firm or person submitting a proposal for the same, and is in all respects fair and without collusion or fraud. I understand that collusive action is a violation of state and federal law and can result in fines, prison sentences, and civil damage awards.

Company Name: _____

Authorized Person: _____ Signature_____

(Print/Type)

Title: _____ Date: _____

Address: _____

_____

Telephone: _____Fax: _____

Name and telephone number of person to whom inquiries should be directed:

Name: _____

Address: _____

_____

Title: _____ Telephone_____

Fax: _____ E-mail: _____

LEGAL AND CHARACTER QUALIFICATIONS

Convictions: Has the Proposer (including parent corporation, if applicable) or any principal ever been convicted in a criminal proceeding (felonies or misdemeanors) in which any of the following offenses were charged?

		Y	**N**
a	Fraud		
b	Embezzlement		
c	Tax Evasion		
d	Bribery		
e	Extortion		
f	Jury Tampering		
g	Anti-Trust Violations		
h	Obstruction of justice (or any other misconduct affecting public or judicial officers' performance of their official duties		
i	False/misleading advertising		
j	Perjury		
k	Conspiracy to commit any of the foregoing offenses		

Civil Proceedings: Has the Proposer or any principal ever been a party, or is now a party, to civil proceeding in which it was held liable for any of the following?

		Y	**N**
a	Unfair/anti-competitive business practices		
b	Consumer fraud/misrepresentation		
c	Violations of securities laws (state and federal)		
d	False/misleading advertising		
e	Violation of local government ordinance		

License Revocation:

	Y	**N**
Has the Proposer or any principal ever had a business license revoked, suspended, or the renewal thereof denied, or is a party to such a proceeding that may result in same?		

Responses: If "yes" is the response to any of the foregoing, provide Information such as date, court, sentence, fine, location, and all other specifics for each "yes" response.

_____

_____

Principals: The full names and addresses of persons or parties interested in the foregoing Proposal, as principals, are as follows:

NAME	ADDRESS

***References*:** The Proposer lists below work he has done of similar nature as this solicitation, as references that will afford the City opportunity to judge as to experience, skill, business standing, and financial ability.

Contact Person	Title	Phone Number/Email

STATEMENT OF INSURANCE COVERAGE

This is to certify that.

_____
(Insurance Company)

of

_____
(City/State) **(Insurance Co. Address)**

has issued policies of insurance, as identified by a policy number to the insured name below, and that such policies are in full force and effect at this time. Furthermore, this is to certify that these policies meet the requirements described in the General Conditions of this project; and it is agreed that the insurer will endeavor, if allowed by the policy, to provide the Owner thirty (30) calendar days' notice of nonrenewal, cancellation, or termination of the coverage. Such notice shall be delivered to:

The City of Stockbridge Georgia, Procurement Manager, 4640 N. Henry Blvd., Stockbridge, Georgia 30281.

It is further agreed that The City of Stockbridge, Georgia shall be named as an additional insured on the Contractors' policy

1. Insured:

2. Project Name**:** _____

DATE:

_____
(INSURANCE COMPANY)

ISSUED AT:

_____
(**AUTHORIZED REPRESENTATIVE)**

ADDRESS:

_____

_____

CONTRACTOR INFORMATION FORM

(This form must be completed and returned with your response)

RFP Number: _____

Full Company Legal Name: _____

Street Address: _____

City, State, Zip Code: _____

Contact Name for Solicitation: _____ Title: _____

Telephone: (__)_____ Fax: (_____)_____ E-mail: _____

Company Web Site: _____ State of Incorporation:_____

Taxpayer ID Number: _____ Duns #: _____

Check one of the following: ☐ Independently owned and operated: ☐ An Affiliate or Division of:

Company Name: _____

Address: _____

_____

JOINT VENTURE AFFIDAVIT

(This form must be completed and returned with your response)

Primary Vendor Name: _____

If this will not be a joint venture, check this box: ☐

State of: _____

County of: _____

We, the undersigned, being duly sworn according to law, upon our respective oaths depose and say that:

1. The following named contractors/companies have entered into a joint venture for the purpose of carrying out all the provisions of the Contract for the above-named solicitation:

Joint Venture Company "A"

Company Name_____Federal ID No._____

Address: _____

City:_____ State: _____Zip: _____

Check all that apply:

☐ Sole Proprietorship
☐ Partnership
☐ Corporation
☐ N/A, other

Joint Venture Company "B"

Company Name_____Federal ID No._____

Address: _____

City:_____ State: _____Zip: _____

Check all that apply:

☐ Sole Proprietorship
☐ Partnership
☐ Corporation
☐ N/A, other

2. The contractors/companies, under whose names we have affixed our respective signatures, have duly authorized and empowered us to execute this Joint Venture Statement in the name of and on behalf of such contractors for the purpose hereinbefore stated.

   Under the provision of such Joint Venture, the assets of each of the contractors named in Paragraph 1 hereof, and in case any contractor so named above is in partnership, the assets of the individual members of such partnership, will be available for the performance of such Joint Venture and liable therefore and for all obligations incurred in connection therewith.

JOINT VENTURE AFFIDAVIT

(This form must be completed and returned with your response)

Primary Vendor Name: _____

If this will not be a joint venture, check this box: ☐
RFP Name:
RFP Number:

State of: _____

County of: _____

We, the undersigned, being duly sworn according to law, upon our respective oaths depose and say that:

1. The following named contractors/companies have entered into a joint venture for the purpose of carrying out all the provisions of the Contract for the above-named solicitation:

Joint Venture Company "A"

Company Name_____Federal ID No._____

Address: _____

City:_____ State: _____Zip: _____

Check all that apply:
 Sole Proprietorship
 Partnership
 Corporation
 N/A, other

Joint Venture Company "B"

Company Name_____Federal ID No._____

Address: _____

City:_____ State: _____Zip: _____

Check all that apply:
 Sole Proprietorship
 Partnership
 Corporation
 N/A, other

2. The contractors/companies, under whose names we have affixed our respective signatures, have duly authorized and empowered us to execute this Joint Venture Statement in the name of and on behalf of such contractors for the purpose hereinbefore stated.

   Under the provision of such Joint Venture, the assets of each of the contractors named in Paragraph 1 hereof, and in case any contractor so named above is in partnership, the assets of the individual members of such partnership, will be available for the performance of such Joint Venture and liable therefore and for all obligations incurred in connection therewith.

JOINT VENTURE AFFIDAVIT

This Joint Venture Statement is executed so that the named contractors/companies, as one organization, may under such joint venture, bid upon said contract, and be awarded the contract if they should become the successful bidder therefore, any bid, bond and agreement relating to joint venture and each and every contractor name herein, severally and jointly. Simultaneous with the execution of the contract, the contractors entering into this joint venture shall designate and appoint a project manager to act as their true and lawful agent with full power and authority to do and perform any and all acts or things necessary to carry out the work set forth in said contract.

The Joint Venture shall be known as: _____

Principal Office Address: _____

City:_____ State: _____Zip: _____

Telephone: (_____) _____ Fax: (_____) _____

3. On a separate sheet provide the following information and reference the section number:

   A. Describe the capital contributions by each joint venture and accounting therefore.
   B. Describe the financial controls of the joint venture. Will a separate cost center be established? Which joint venture company will be responsible for keeping the books? How will the expenses be reimbursed? What is the authority of each joint venture company to commit or obligate the other?
   C. Describe any ownership, options for ownership, or loans between the joint ventures. Identify terms thereof.
   D. Describe the estimated contract cash flow for each joint venture company. .
   E. How and by whom will the on-site work be supervised?
   F. How and by whom will the administrative office be supervised?
   G. Which joint venture company will be responsible for material purchases including the estimated cost thereof? How will the purchases be financed?
   H. Which joint venture company will provide equipment? What is the estimated cost thereof? How will the equipment be financed?
   I. Describe the experience and business qualifications of each joint venture company.
   J. Submit a copy of all joint venture agreements and evidence of authority to do business in the State of Georgia as well as locally, to include all necessary business licenses.

JOINT VENTURE AFFIDAVIT

In connection with any work that these firms, as a joint venture, might be authorized to perform in connection with the above captioned contract, we each do hereby authorize representatives of the City, Department of Procurement Services, to examine, from time to time, the books, records and files to the extent that such relate to this solicitation.

We bind the contractors for whom we respectively execute this Joint Venture Statement in firm agreement with the City, that each of the representations herein set forth is true.

Subscribed and sworn before me.

this _____ day of _____ 20____.

(A) _____
Name of Contractor/Company A

My commission expires: _____ By: _____ (L.S.)

_____ _____
Notary Public Print Name

Subscribed and sworn before me

this _____ day of _____ 20____.

(B) _____
Name of Contractor/Company B

My commission expires: _____ By: _____ (L.S.)

_____ _____
Notary Public Print Name

PRIMARY CONTRACTOR / SUBCONTRACTOR UTILIZATION

(This form must be completed and returned with your response)

RFP Number:

Primary Vendor Name: _____

If subcontractors will not be used check this box: ☐

List all subcontractors to be used during the performance of this contract. Submit additional forms if needed.

Company Name: _____

Street Address: _____

City, State, Zip: _____

Telephone: ( ) _____ Fax: ( ) _____

Primary Contact: _____

E-mail Address: _____

Services to be provided: _____

_____

_____

Company Name: _____

Street Address: _____

City, State, Zip: _____

Telephone: ( ) _____ Fax: ( ) _____

Primary Contact: _____

E-mail Address: _____

Services to be provided: _____

_____

_____

Company Name: _____

Street Address: _____

City, State, Zip: _____

Telephone: ( ) _____ Fax: ( ) _____

Primary Contact: _____

E-mail Address: _____

Services to be provided: _____

_____

_____

PROMISE OF NON-DISCRIMINATION

(This form must be completed and returned with your response)

In consideration of, and as condition precedent, the right and privilege to bid on construction projects and other procurement contracts of the City of Stockbridge, each potential vendor shall be required to submit to the City of Stockbridge a duly executed and attested Promise of Non-Discrimination, enforceable at law, which by agreement, affidavit or other written instrument acceptable to the General Counsel for City of Stockbridge, shall contain promises, averments and/or affirmations voluntarily made by the bidder.

"Know All Men by These Presents, that I/We,

(_____)
Authorized Company Representative Name(s)

(_____)
Authorized Company Representative Title(s)

(_____)
Name of Company
(Hereinafter "Company"), in consideration of the privilege to bid on contracts funded in whole or in part by City of Stockbridge, GA, hereby consents, covenants and agrees as follows:

(1) No person shall be excluded from participation in, denied the benefit of, or otherwise discriminated against on the basis of race, color, sex, religion, national origin, marital status, sexual orientation, age, or disability in connection with any bid submitted to City of Stockbridge, GA, or the performance of any contract resulting there from.

(2) That it is and shall be the policy of Company to provide equal opportunity to all businesspersons seeking to contract or otherwise interested in contracting with this Company, including those companies owned and controlled by racial minorities, cultural minorities and females:

(3) That the promises of non-discrimination as made and set forth herein shall be continuing in nature and shall remain in full force and effect without interruption for so long as any contract between Company City of Stockbridge remains in force and effect.

(4) That the promises of non-discrimination as made and set forth herein shall and are hereby deemed to be made a part of, and incorporated by reference into, any contract or portion thereof which the Company may hereafter obtain with City of Stockbridge; and

(5) That the failure of this company to satisfactorily discharge any of the promises of non-discrimination as

made and set forth herein shall constitute a material breach of contract entitling the City of Stockbridge to declare the contract in default and to exercise any and all applicable rights and remedies including but not limited to cancellation of the contract, termination of the contract, suspension and debarment from future contracting opportunities, and withholding and/or forfeiture of compensation due and owing on a contract.

_____ _____
Solicitation Name Solicitation Number

_____ _____
Authorized Company Representative Name Authorized Company Representative Signature

_____Date

Subcontractor Affidavit of Compliance under O.C.G.A. § 13-10-91(b) (3)

By executing this affidavit, the undersigned subcontractor verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm or corporation which is engaged in the physical performance of services under a contract with _____ (name of contractor) on behalf of the City has registered with, is authorized to use and uses the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-91. Furthermore, the undersigned subcontractor will continue to use the federal work authorization program throughout the contract period and the undersigned subcontractor will contract for the physical performance of services in satisfaction of such contract only with sub-subcontractors who present an affidavit to the subcontractor with the information required by O.C.G.A.§ 13-10-91(b). Additionally, the undersigned subcontractor will forward notice of the receipt of an affidavit from a sub-subcontractor to the contractor within five business days of receipt. If the undersigned subcontractor receives notice of receipt of an affidavit from any sub-subcontractor that has contracted with a sub-subcontractor to forward, within five business days of receipt, a copy of such notice to the contractor. Subcontractor hereby attests that its federal work authorization user identification number and date of authorization are as follows:

_____

Federal Work Authorization User Identification Number

_____

Date of Authorization

_____

Name of Contractor

_____

Name of Project

_____

Name of Public Entity

I hereby declare under penalty of perjury that the foregoing is true and correct.
Executed on _____, 20____

in _____(city), _____(state).

_____

Signature of Authorized Officer or Agent

_____

Printed Name and Title of authorized Officer or Agent

Subscribed and Sworn Before Me
On This The _____ Day Of _____, 20____.

_____

Notary Public
My Commission Expires: _____

Sub-subcontractor Affidavit of Compliance under O.C.G.A. § 13-10-91(b) (4)

By executing this affidavit, the undersigned sub-subcontractor verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm or corporation which is engaged in the physical performance of services under a contract for _____(name of subcontractor or sub-subcontractor with whom such sub-subcontractor has privity of contract) and _____(name of contractor) on behalf of the City has registered with, is authorized to use and uses the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-91. Furthermore, the undersigned sub-subcontractor will continue to use the federal work authorization program throughout the contract period and the undersigned sub- subcontractor will contract for the physical performance of services in satisfaction of such contract only with sub-subcontractors who present an affidavit to the sub-subcontractor with the information required by O.C.G.A. § 13-10-91(b). The undersigned sub-subcontractor shall submit, at the time of such contract, this affidavit to _____ (name of subcontractor or sub-subcontractor with whom such sub-subcontractor has privity of contract). Additionally, the undersigned sub-subcontractor will forward notice of the receipt of any affidavit from a sub-subcontractor to _____ (name of subcontractor or sub-subcontractor with whom such sub-subcontractor has privity of contract). Sub- subcontractor hereby attests that its federal work authorization user identification number and date of authorization are as follows:

_____

Federal Work Authorization User Identification Number

_____

Date of Authorization

_____

Name of Contractor

_____

Name of Project

_____

Name of Public Entity

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 20____

in _____(city), _____(state).

_____

Signature of Authorized Officer or Agent

_____

Printed Name and Title of authorized Officer or Agent

Subscribed and Sworn Before Me
On This The _____ Day Of _____, 20____.

_____

Notary Public

NON-COLLUSION AFFIDAVIT

I, _____ certify that pursuant to O.C.G.A. Section 36-91-21 (d) and (e), _____ has not, by itself or with others, directly or indirectly, prevented or attempted to prevent competition in such bidding or proposals by any means whatsoever. Affiant further states that (s)he has not prevented or endeavored to prevent anyone from making a bid or offer on the project by any means whatever, nor has Affiant caused or induced another to withdraw a bid or offer for the work.

Affiant further states that the said offer of _____ is bona fide, and that no one has gone to any supplier and attempted to get such person or company to furnish the materials to the bidder only, or if furnished to any other bidder, that the material shall be at a higher price.

_____
(COMPANY NAME)

_____
(PRESIDENT/VICE PRESIDENT)

Sworn to and subscribed before me this _____ day of _____, 200__.

_____
(SECRETARY/ASSISTANT SECRETARY)
(Affix corporate seal here if a corporation)

Notary Public: _____

County: _____

Commission Expires: _____

NOTE:
IF THE OFFEROR IS A PARTNERSHIP, ALL OF THE PARTNERS AND ANY OFFICER, AGENT, OR OTHER PERSON WHO MAY HAVE REPRESENTED OR ACTED FOR THEM IN BIDDING FOR OR PROCURING THE CONTRACT SHALL ALSO MAKE THIS OATH.

IF THE OFFEROR IS A CORPORATION, ALL OFFICERS, AGENTS, OR OTHER PERSONS WHO MAY HAVE ACTED FOR OR REPRESENTED THE CORPORATION IN BIDDING FOR OR PROCURING THE CONTRACT SHALL MAKE THE OATH.

Local and Locally Owned Business Form

(This form must be completed and returned with your response)

In order to encourage and promote local and locally owned businesses with contracting opportunities with the City of Stockbridge, formal solicitation processes may give preference to proposals and bids from local and locally owned businesses based on the following:

A business shall comply with all of the following to be designated a Local Business:

a) The business shall have an office with at least one (1) employee within the City of Stockbridge.
b) The business shall not be delinquent with any payments to the City; and
c) The business shall hold a valid City of Stockbridge business license.

A business shall comply with both of the following to be designated a Locally Owned Business:

a) The business shall meet the requirements for a local business designation; and
b) At least fifty percent (50%) of the business' owners live in the City of Stockbridge.

Certification

Local and Locally Owned businesses that wish to receive preferential consideration shall submit a copy of a valid Occupational Tax Registration Certificate(s) issued by City of Stockbridge to certify qualification for the preference as part of each proposal or response.

Procedures for local and locally owned preference

Request for Proposals (RFP) – If a local and locally owned business meets the quality standards established for the RFP process, the local business shall be awarded two (2) additional percentage points in the total evaluation; the locally owned business shall be awarded six (6) additional percentage points in the total evaluation. The evaluation and scoring of all proposals shall be conducted in accordance with departmental procedures issued by the Chief Financial Officer or his/her designee.

To qualify, you must submit with your proposal a copy of your Occupational Tax Registration Certificate.

Company Name: _____

Company Qualifies for Local Business Preference: Yes ☐ No ☐

Company Qualifies for Locally Owned Business Preference: Yes ☐ No ☐

Occupational Tax Registration Certificate issued by:

City: _____