

MINUTES
CITY COUNCIL REGULAR MEETING AND WORK SESSION
G.L. Gilleland Council Chambers on 2nd Floor
Monday, October 18, 2021
5:00 P.M.

1. **CALL TO ORDER:** Mayor Eason called the meeting to order at 5:00 pm.
2. **ROLL CALL:** Present were Councilmember John Walden, Councilmember Mark French, Councilmember William Illg, City Attorney Kevin Tallant, City Manager Bob Bolz, City Clerk Beverly Banister, Public Works Director Trampas Hansard, Utilities Operation Manager Jacob Barr, Planning Director David Picklesimer and Finance Administrator Robin Gazaway.

Councilmember Phillips was not present.
3. **INVOCATION AND PLEDGE:** Invocation and Pledge were led by Councilmember Walden.
4. **ANNOUNCEMENTS:** The Mayor announced advanced voting is underway for the Municipal Election for Councilmember Post #2 and Post #4; election day is November 2, 2021. He reminded the citizens that City Hall will be closed on Friday, October 22, 2021 to accommodate the 54th Annual Mountain Moonshine Festival.
5. **APPROVAL OF THE AGENDA:** Motion to add item #18 Executive Session to the agenda made by M. French; second by W. Illg. Vote carried unanimously in favor. (3-0)

Motion to remove item #13 from the agenda and table it until the December 6, 2021 City Council meeting made by J. Walden; second by M. French. Vote carried unanimously in favor. (3-0)

Motion to approve the agenda as amended made by M. French; second by J. Walden. Vote carried unanimously in favor. (3-0)
6. **PUBLIC INPUT:** None
7. **CONSENT AGENDA:** Motion to approve the consent agenda for the following items (a, b, and c) made by J. Walden; second by M. French. Vote carried unanimously in favor.
 - a. Approve Minutes
 - Regular Meeting held October 4, 2021
 - Executive Session held October 4, 2021
 - b. Approve Organization Chart (Exhibit "A")
 - c. Approve Update to 2022 Meeting Calendar (Exhibit "B")
8. **EMPLOYEE RECOGNITION:** The Mayor and Council recognized Kyle Richardson for one year of service, Clay Moss and Jon Davis for three years of service and Donna Blanton for four years of service. Robin Gazaway was presented with the September 2021 Employee of the Month Award and the Employee of the Third Quarter Award.
9. **FARMERS MARKET REPORT – LOUISE MCPHERSON:** Louise McPherson reported on the events and success of the Farmers Market this season and how much she appreciates the City for building the facility with SPLOST funding and stressed how appreciative herself and all the vendors are who have been able to sell their wares at the market.

The City Council read and presented a proclamation for Volunteer Appreciation Honoring Louise McPherson for her hard work and dedication and contribution to the success of the Farmers Market season. (Exhibit "C")

The Dawson County Chamber of Commerce also presented Louise McPherson with the Small Town Superstar Award. She was nominated for her kindness, amplified individuality, and for her sacrifice and hard work.
10. **DAWSON COUNTY CHAMBER OF COMMERCE PRESENTATION – MANDY POWER:** Mandy Power, President and CEO of the Dawson County Chamber of Commerce presented an overview of how the Chamber utilizes the funding provided from the City to promote tourism and support the businesses and citizens of the City.
11. **GEORGIA SCENIC BYWAY DESIGNATION – PRESENTATION BY MANDY POWER:** Mandy Power, President and CEO of the Dawson County Chamber of Commerce presented information on the development of a Georgia Scenic Byway Designation which will start at the City of Dawsonville

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and go through downtown and up to Amicalola Falls. The Chamber is seeking the support of the City for the scenic byway.

Motion to develop a resolution in support of the Georgia Scenic Byway Designation made by M. French; second by J. Walden. Vote carried unanimously in favor. (3-0)

PUBLIC HEARING

- 12. An Ordinance To Amend The City Of Dawsonville Code Of Ordinances Regarding Animals; Streets And Standards; Grading And Drainage; Zoning; Lot And Block Standards; Occupation Taxes And Miscellaneous Business Regulations; Buildings And Building Regulations; Stormwater Management; Fire Prevention And Protection; To Provide For An Effective Date; And For Other Purposes. (First Reading: October 4, 2021; Public Hearing, Second Reading and Consideration to Adopt: October 18, 2021)**

Planning Director Picklesimer read the ordinance amendment.

Motion to open the public hearing made by M. French; second by W. Illg. Vote carried unanimously in favor. (3-0). Mayor Eason conducted the public hearing. No one spoke in favor or opposition to the ordinance amendment. Motion to close the public hearing made by W. Illg; second by J. Walden. Vote carried unanimously in favor. (3-0)

Motion to approve the ordinance amendment as presented made by W. Illg; second by M. French. Vote carried unanimously in favor. (3-0) (Exhibit "D")

BUSINESS

- 13. ANX C2100043 AND ZA C2100043:** Item was removed from the agenda and tabled to the December 6, 2021 City Council during the approval of the agenda.

- 14. AGREEMENT TO PARTICIPATE IN THE LOW-INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM:** City Clerk Banister provided an overview of the federally funded program to assist low-income households pay their water and sewer bills.

Motion to approve the agreement to participate in the Low-Income Household Water Assistance Program (LIHWAP) made by M. French; second by W. Illg. Vote carried unanimously in favor. (3-0)

WORK SESSION

- 15. WATER AND SEWER SENIOR DISCOUNT REVIEW:** City Manager Bolz provided a brief review of the ordinance which provides for a 15% discount on water and sewer to senior citizens and recommended amending Sec. 14-22 (e)(2) of the ordinance to remove the requirement of providing a social security statement or a tax return demonstrating the annual income of the applicant and replace it to require an income tax return representing the annual income requirement to be equal to or less than \$25,000.00. If their income is below \$12,400 and the resident is not required to file an income tax return, a social security statement representing their income will be used for verification of their income.

Motion to approve the recommended change and to have the ordinance amendment developed made by W. Illg; second by M. French. Vote carried unanimously in favor. (3-0)

STAFF REPORTS

- 16. BOB BOLZ, CITY MANAGER:** City Manager Bolz provided his report in the agenda packet and reported the leak adjustment this month was \$639.13; no questions from Council

- 17. ROBIN GAZAWAY, FINANCE ADMINISTRATOR:** Financial reports representing fund balances and activity through September 30, 2021 were provided in the agenda packet. No questions from Council.

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18. EXECUTIVE SESSION:

At 5:49 p.m. a motion to close regular session and go into executive session for potential litigation was made by J. Walden; second by M. French. Mayor Eason stated he does not anticipate a vote after the executive session. Vote carried unanimously in favor. (3-0)

At 6:12 p.m. a motion to close executive session was made by M. French; second by J. Walden. Vote carried unanimously in favor. (3-0)


Motion to resume regular session was made by W. Illg; second by J. Walden. Vote carried unanimously in favor. (3-0)

ADJOURNMENT:

At 6:14 p.m. a motion to adjourn the meeting was made by J. Walden; second by W. Illg. Vote carried unanimously in favor. (3-0)

Approved this 1st day of November 2021.

By: CITY OF DAWSONVILLE



Mike Eason, Mayor



Caleb Phillips, Councilmember Post 1




William Illg, Councilmember Post 2



John Walden, Councilmember Post 3



Mark French, Councilmember Post 4

Attested: 

Beverly A. Banister, City Clerk



STATE OF GEORGIA
COUNTY OF DAWSON

AFFIDAVIT OF THE CITY OF DAWSONVILLE MAYOR AND COUNCIL

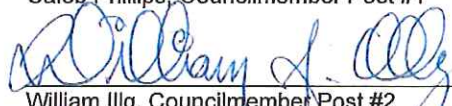
Mayor Michael Eason, Councilmember John Walden, ~~Councilmember Caleb Phillips~~, Councilmember William Illg, and Councilmember Mark French; being duly sworn, state under oath that the following is true and accurate to the best of their knowledge and belief:

1. The City of Dawsonville Council met in a duly advertised meeting on October 18, 2021.
2. During such meeting, the Board voted to go into closed session.
3. The executive session was called to order at 5:49 p.m.
4. The subject matter of the closed portion of the meeting was devoted to the following matter(s) within the exceptions provided in the open meetings law: (check all that apply)
 - Consultation with the City Attorney or other legal counsel to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the City or any officer or employee or in which the City or any officer or employee may be directly involved as provided in O.C.G.A. § 50-14-2(1);
 - Discussion of tax matters made confidential by state law as provided by O.C.G.A. § 50-14-2(2) and _____;
 - Discussion of future acquisition of real estate as provided by O.C.G.A. § 50-14-3(b)(1);
 - Discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a City officer or employee as provided in O.C.G.A. § 50-14-3(b)(2);
 - Other _____ as provided in: _____.

This 18th day of October 2021; By the City of Dawsonville, Mayor and Council;


Mike Eason, Mayor

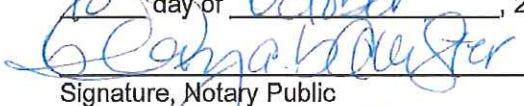
absent
Caleb Phillips, Councilmember Post #1


William Illg, Councilmember Post #2


John Walden, Councilmember Post #3


Mark French, Councilmember Post #4

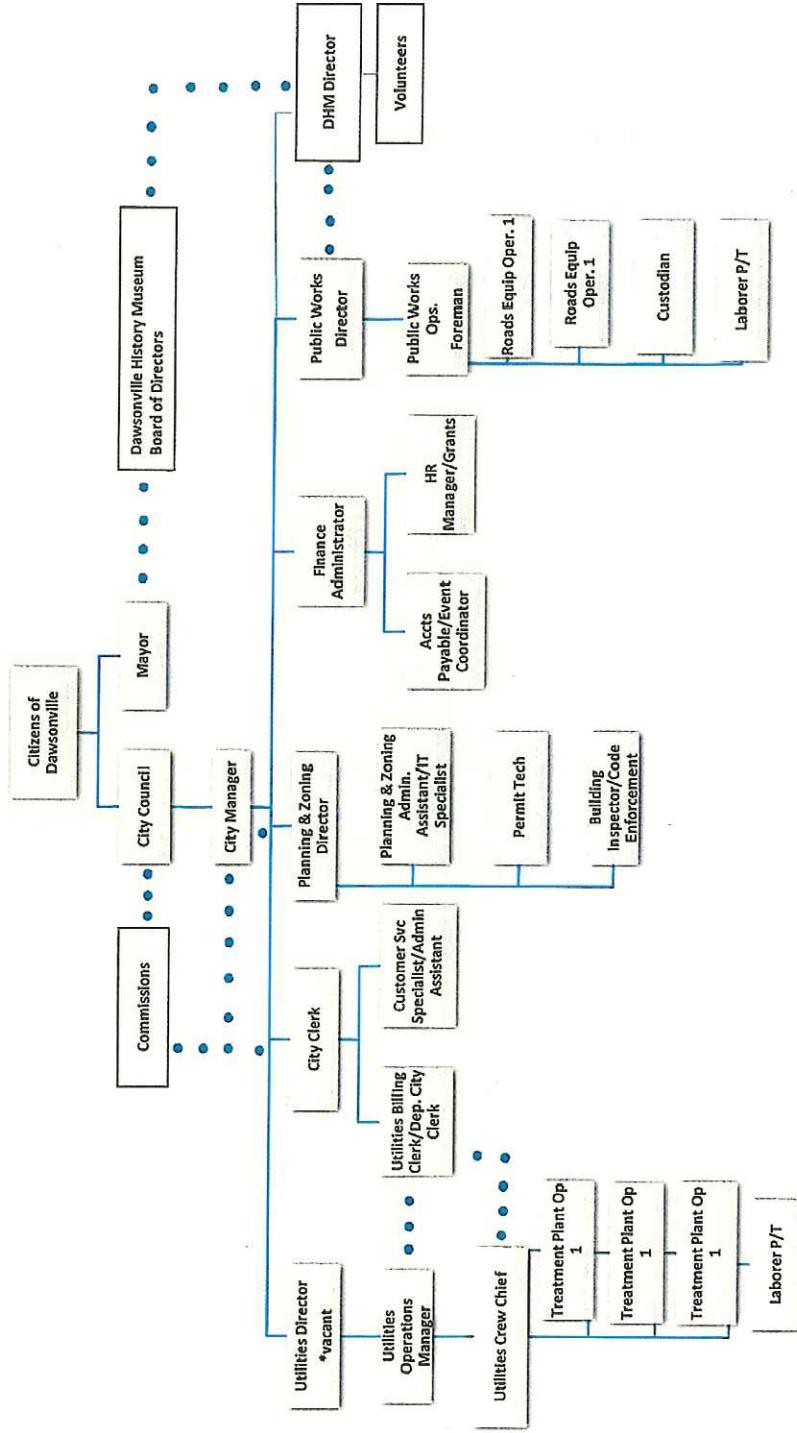
Sworn to and subscribed before me this 18 day of October, 2021.


Signature, Notary Public

My Commission expires: Feb 18, 2024



CITY OF DAWSONVILLE, GEORGIA
 ORGANIZATION CHART 10-18-2021



Voted on and approved by Council - 10-18-2021

Exhibit "A"

PUBLIC NOTICE

2022 Meetings of the City of Dawsonville

The City of Dawsonville City Council, DDA, Planning Commission and HPC shall conduct regular meetings on the dates and time below:

2022 City Council Regular Meetings at 5:00 pm

JAN 6 FEB 7 MAR 7 MAY 2 JUN 6
AUG 1 OCT 3 NOV 7 DEC 5

2022 City Council Regular Meetings and Work Sessions at 5:00 pm

JAN 20 FEB 21 MAR 21 APR 18 MAY 16 JUN 20
JUL 18 AUG 15 SEP 19 OCT 17 NOV 21 DEC 19

2022 Planning Commission Meetings at 5:30 pm

JAN 10 FEB 14 MAR 14 APR 11 MAY 9 JUN 13
JUL 11 AUG 8 SEP 12 OCT 10 NOV 14 DEC 12

2022 Historic Preservation Commission Meetings at 5:30 pm

FEB 28 APR 25 JUN 27 AUG 22 OCT 24 DEC 13

2022 Downtown Development Authority Meetings at 5:30 pm

JAN 24 MAR 28 MAY 23 JUL 25 SEP 26 NOV 28

All meetings according to the dates set forth above will be upstairs in the G.L. "Pete" Gilleland Council Chambers at City Hall located at 415 HWY 53 E, Dawsonville, GA. The public is invited to attend all of these meetings.



Proclamation

Volunteer Appreciation

Honoring Louise McPherson

October 18, 2021



WHEREAS, the City of Dawsonville is committed to encouraging volunteerism among its employees, citizens, partners, businesses and organizations; and

WHEREAS, the City of Dawsonville believes that government alone cannot meet all of our City's needs, so we partner with businesses, non-profit organizations, foundations and individuals who serve in city government and in our community to make a difference; and

WHEREAS, the City has completed the construction of a Farmer's Market pavilion for the benefit of its citizens and agricultural producers; and


WHEREAS, farmers markets are important outlets for agricultural producers to meet consumer demand for a variety of fresh, affordable, convenient, and healthful products sold directly from the farm; and

WHEREAS, Louise McPherson has played an important role in developing and maintaining the operation of the Amicalola Regional Farmers Market who connects vendors to sell their wares at the City of Dawsonville's Farmers Market; and

WHEREAS, the City of Dawsonville recognizes the hard work, dedication and passion of Louise McPherson for all of her involvement with the success of the City's Farmers Market together with the Amicalola Regional Farmers Market.

NOW, THEREFORE, I Mike Eason, Mayor of the City of Dawsonville, do hereby proclaim Volunteer Appreciation Honoring Louise McPherson on October 18, 2021 as an individual who selflessly invests in the lives of others through volunteering her time, talents and resources hereby improving the quality of life for all citizens in our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Dawsonville to be affixed this 18th day of October 2021.


Mike Eason, Mayor

Attest:

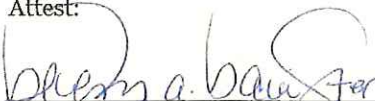

Beverly A. Banister, City Clerk

Exhibit "C"



Subject Matter: Zoning Ordinance Amendment
Date of First Reading: October 4, 2021
Date of Second Reading and Public Hearing: October 18, 2021
Date of Adoption: *October 18 2021*

AN ORDINANCE TO AMEND THE CITY OF DAWSONVILLE CODE OF ORDINANCES REGARDING ANIMALS; STREETS AND STANDARDS; GRADING AND DRAINAGE; ZONING; LOT AND BLOCK STANDARDS; OCCUPATION TAXES AND MISCELLANEOUS BUSINESS REGULATIONS; BUILDINGS AND BUILDING REGULATIONS; STORMWATER MANAGEMENT; FIRE PREVENTION AND PROTECTION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NUMBER 03-2021

WHEREAS, it is within the powers granted to the City of Dawsonville to regulate matters affecting the health, safety, and welfare of the citizens of the City, and

WHEREAS, regulating rabid animals with the City affects the health, safety, and welfare of the citizens of the City; and

WHEREAS, the City find that the adoption of standardized land development regulations to govern the construction and development of streets, water and sewer systems, grading and drainage, lot and block standards and plat specifications is proper and appropriate as these activities may affect the health, safety, welfare, peace, rest and repose, and tranquility of the citizens of the City; and

WHEREAS, the Mayor and Council of the City find that the adoption of standard specifications for water distribution systems, sanitary sewerage systems and roadway and drainage systems is proper and appropriate as these activities may affect the health, safety, welfare, peace, rest and repose, and tranquility of the citizens of the City; and

WHEREAS, the Constitution of the State of Georgia provides in Article IX, Section II, Paragraph IV thereof, that the governing body may adopt plans and exercise the power of zoning; and

WHEREAS, the Georgia General Assembly has enacted the Georgia Planning Act of 1989, (Georgia Laws, 1989 pp. 1317-1391, Act 634) which among other things provides for local governments to adopt plans and regulations to implement plans for the protection and preservation of natural resources, the environment, vital areas, and land use; and

WHEREAS, The City finds that the zoning regulations contained in this Ordinance are necessary for the purposes of implementing its comprehensive plan adopted pursuant to the requirements of the Georgia Planning Act of 1989; and

WHEREAS, this Ordinance has been prepared and considered in accordance with the Zoning Procedures Act, O.C.G.A. § 36-66-1 et. seq., and

WHEREAS, this Ordinance is necessary for the purposes of promoting the health, safety, morals, convenience, order, prosperity and the general welfare of the City of Dawsonville; and

WHEREAS, Article IX, Section IV, Paragraph I of the Georgia Constitution authorizes municipal governments to levy and collect taxes and fees within their municipal limits; and

WHEREAS, the Council of the City of Dawsonville is empowered pursuant to Section 1.12 of its Charter to regulate the erection and construction of buildings and all other structures, and to adopt codes for that purpose; and

WHEREAS, the General Assembly of Georgia authorized local governments to impose business and occupation taxes and regulatory fees in O.C.G.A. § 48-13-5, et seq; and

WHEREAS, the City has determined that it is in the public interest to regulate post-development stormwater runoff discharges in order to control and minimize increases in stormwater runoff rates and volumes, post-construction soil erosion and sedimentation, stream channel erosion, and nonpoint source pollution associated with post-development stormwater runoff; and

WHEREAS, the Dawsonville City Council now finds that it is in the public interest to update and amend the existing Code of Ordinances in order to clarify certain provisions, correct typographical errors, and to revise certain provisions.

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

1. Ordinance Amendments

The City of Dawsonville Code of Ordinances is hereby modified as provided in Exhibit A, attached hereto and by this reference incorporated herein.

2. Severability

It is the express intent of the Dawsonville City Council that this Ordinance be consistent with both Federal and State law. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which may be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

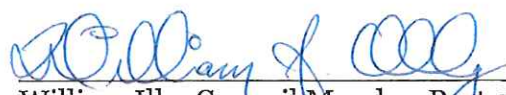
3. Effective Date

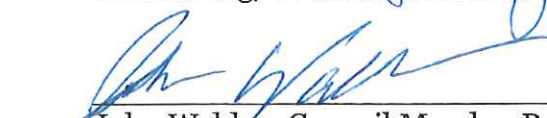
This Ordinance shall become effective immediately upon passage.

SO ORDAINED this 18 day of October 2021.

By: 
Mike Eason, Mayor

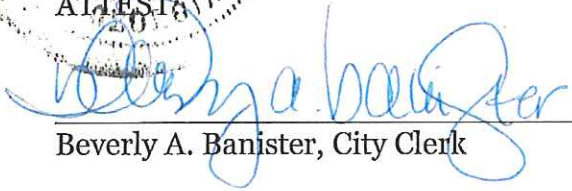
absent
Caleb Phillips, Council Member Post 1


William Illg, Council Member Post 2


John Walden, Council Member Post 3


Mark French, Council Member Post 4




Beverly A. Banister, City Clerk

Sec. 4-95. Confinement of dogs or other animals.

- (a) The rabies control officer will maintain enforcement of all regulations pertaining to confinement of dogs or other animals.
- (b) The owner of any dog or other animal as defined in this article shall confine or cause to be confined such dog or animal as herein prescribed:
 - (1) A dog or other animal, whether vaccinated or not, which has bitten a person or other animal shall be confined for a period of ten days following the date of the bite.
 - (2) A dog or other animal, whether vaccinated or not, having signs suggestive of rabies shall be confined in isolation until its death or until its freedom from suspicion of having rabies is established and its release is authorized by the rabies control officer.
 - (3) A dog or other animal not vaccinated and bitten by a known or suspected rabid animal shall be immediately destroyed, or if the owner is unwilling to destroy the exposed animal, strict isolation of the animal in an approved kennel for six months shall be enforced. One month prior to release, the dog shall be vaccinated according to prescribed methods.
 - (4) Any dog or other animal, the rabies vaccination of which is current as evidenced by the certificate of vaccination and which is bitten by a known or suspected rabid animal may be revaccinated, confined in an approved manner for ~~60~~ 45 days, and then released if no signs of rabies are evident.
 - (5) Every dog, whether vaccinated or not, shall be kept in a quarantined area confined at the owner's or custodian's premises during the entire quarantine period, unless other provisions suitable to the city council are made.
 - (6) Any dog less than three months old may be confined to the owner's premises or kept on a leash, provided such permission is granted by the rabies control office.
 - (7) Any dog brought into the city for a permanent stay from outside the county shall be confined or on leash until vaccinated as provided for by this chapter, when the owner of such dog produces evidence satisfactory to the rabies control officer that such dog has been vaccination and a vaccination tag may be issued for the current vaccination year.
 - (8) Any dog brought into the city on temporary stay not exceeding 14 days shall be confined or on a leash at all times, unless the owner or custodian of such dog submits evidence to the rabies control officer that such dog has been vaccinated in a manner and by procedures comparable to the requirements of this article.

(Ord. of 12-7-2015, art. V)

Sec. 6.5-50. State promulgated rules and regulations.

The following rules and regulations of the Georgia DHR, including all subsequent amendments, revisions or modifications thereto, and which are expressly incorporated herein, are hereby adopted and approved for enforcement as set forth therein:

- (1) Control of Rabies, Comp. R. & Regs. § 290-5-2.
- (2) Food Service, Comp. R. & Regs. § ~~290-5-14~~, 511-6-1
- (3) Tourist Accommodations, Comp. R. & Regs. § 290-5-18.
- (4) Land Disposal of Domestic Septage, Comp. R. & Regs. § 290-5-25.
- (5) On-Site Sewage Management Systems, Comp. R. & Regs. § 290-5-26.
- (6) Drinking Water Supply, Comp. R. & Regs. § 290-5-55.
- (7) Solid Waste, Comp. R. & Regs. § 290-5-56.
- (8) Special On-Site Sewage Management Systems, Comp. R. & Regs. § 290-5-59.
- (9) The Georgia Smokefree Air Act of 2005, Comp. R. & Regs. § 290-5-61.

Copies of those DHR rules and regulations are available at the DHR website:

http://rules.sos.state.ga.us/pages/DEPARTMENT_OF_HUMAN_RESOURCES/PUBLIC_HEALTH/index.html

(Ord. of 7-6-09)

Sec. 8-22. Construction of terms; definitions.

- (a) Wherever the term "City of Dawsonville" is used herein, such term shall be construed to mean "Dawsonville, Georgia"; wherever the term "city" is used herein, it shall be construed to mean "Dawsonville, Georgia."
- (b) As used in this article, the term:

Administrative fee means a component of an occupation tax, which approximates the reasonable cost of processing and handling the occupation tax and associated documents.

Business means any person, corporation, partnership, or other legal entity which exerts substantial efforts within the city, engages in, causes to be engaged in, and/or represents or holds out to the public to be engaged in any occupation or activity with the object of gain or benefit, either directly or indirectly.

Business location or office shall include any structure or vehicle where a business, profession, or occupation is conducted, but shall not include a temporary or construction work site which serves a single customer or project, or a vehicle used for sales or delivery by a business or practitioner of a profession or occupation which has a location or office. A temporary work site which serves multiple customers is included in this definition. The renter's or lessee's location which is the site of personal property which is rented or leased from another does not constitute a location or office for the personal property's owner, lessor, or the agent of the owner or lessor. The site of the real property which is rented or leased to another does not constitute a location or office for the real property's owner, lessor, or the agent of the owner or the lessor unless, in addition to showing the property to prospective lessees or tenants and performing maintenance or repair of the property, otherwise conducts the business of renting or leasing the real property at such site or otherwise conducts any other business, profession, or occupation at such site.

Dominant line means the type of business within a multiple-line business that the greatest amount of income is derived from.

Employee.

- (1) Except as otherwise provided in subsection (2) of this definition, "employee" means an individual whose work is performed under the direction and supervision of the employer and whose employer withholds FICA, Federal Income Tax, or state income tax from such individual's compensation or whose employer issues to such individual for purposes of documenting compensation a form I.R.S. W-2 but not a form I.R.S. 1099.
- (2) An individual who performs work under the direction and supervision of one business or practitioner in the terms of a contract or agreement with another business which recruits such individual is an employee or practitioner which issues to such individual for purposes of documenting compensation a form I.R.S. W-2.

Engaged in business means doing or performing of any act of selling any goods or services, or soliciting business, or offering any goods or services for sale primarily in an attempt to make a profit, including selling or performing services of the character of a wholesaler or retailer, or being involved in any of the functions performed as a manufacturer, or renting real or personal property; all of the foregoing performed either as an owner, operator or agent of any business, trade, profession, or occupation within the city.

Manufacturing means a person who, either directly or by contracting with others for the necessary labor or mechanical services, manufactures for sale or commercial use any articles, substances or commodities, including, but not limited to, the following: materials upon which commercial activities have been applied, by hand or machinery, so that as a result thereof a new substance of trade or commerce is produced; the production or fabrication of special or custom-made articles; the making, fabrication, processing, refining, mixing, slaughtering, packing, aging, curing, preserving, canning, preparing and freezing of fresh foods, fruits, vegetables and meats.

Nonprofit organization means an organization which complies with U.S. Internal Revenue Code 501-a.

Occupation tax means a tax levied for revenue raising purposes on persons, partnerships, corporations or other entities for engaging in an occupation, profession or business, if the business pays an occupation tax.

Person wherever used in this article shall be held to include sole proprietors, corporations, partnerships or any other form of business organization.

Practitioner of profession or occupation is one who by state law requires state licensure regulating such profession or occupation. "Practitioners of professions and occupations" shall not include a practitioner who is an employee of a business, if the business pays an occupation tax.

~~*Regulatory fees* means payments, whether designated as license fees, permit fees, or by another name, which are required by a local government as an exercise of its police power and as a part of or as an aid to regulation of an occupation, profession, or business. The amount of the regulatory fee shall approximate the reasonable cost of the actual regulatory activity performed by the city. A regulatory fee may not include an administrative fee or registration fee. The city is not authorized to require any administrative fee, registration fee, or fee by any other name in connection with a regulatory fee, except an occupation tax, as defined in the code section. Regulatory fees do not include development impact fees and defined by O.C.G.A. § 36-71-2(8) or other costs or conditions of zoning or land development.~~

Retailer means a person who sells to consumers or any other person for any purpose, other than for resale, any tangible personal property.

Services means the accommodating or performing a duty or work by a person utilizing time or talents for direct or indirect remuneration.

Wholesaler means a person who sells to jobbers or to persons, other than consumers, any tangible personal property.

(Ord. of 12-3-2018, § 1)

Sec. 8-23. Regulatory fee structure.

A regulatory fee, if any, will only be imposed as provided under state law on those applicable businesses. A regulatory fee may not include an administrative fee.

(Ord. of 12-3-2018, 5-1)

Sec. 8-31. When registration and tax due and payable.

- (a) The registration and occupation tax shall be due and payable to the city at the business license office of the city one calendar year from the date of original registration and shall be delinquent if not paid within 90 days of the due date. For any new profession, trade or calling begun in the city, the registration and tax shall be due and payable within 30 days of the commencement of the business.
- ~~(b) Regulatory fees authorized by this article shall be paid before commencing business as a condition precedent for transacting business.~~
- ~~(c) Regulatory fees may be paid after commencing business when:
 - ~~(1) The work done, or services provided are necessary for the health and safety of one or more individuals; and~~
 - ~~(2) The work done, or services provided have no adverse effect on any other person; and~~
 - ~~(3) Regulatory fees are tendered to the local government within two business days after commencing business.~~~~
- (d) The tax certificate herein provided for shall be issued by the planning director or chief financial officer.
- (e) Payment of an occupation tax shall not be required prior to the commencement of business. Payment of an occupation tax shall not be required as a precondition for the practice of professions and occupations as set out in O.C.G.A. § 48-13-9(c).

(Ord. of 12-3-2018, § 1)

Sec. 8-35. Evidence of qualification required if applicable.

- (a) Any business required to obtain health permits, bonds, certificate of qualification, certificates of competency or any other **regulatory** matter shall first, before the issuance of a city business registration, show evidence of such qualification.
- (b) Any business required to submit an annual application for continuance of that business shall do so before the registration is issued.

(Ord. of 12-3-2018, § 1)

Sec. 8-49. Applications of provisions to prior ordinance.

This article does not repeal or affect the force of any part of any ordinance heretofore passed where taxes levied under such prior ordinance have not been paid in full. So much and such parts of ordinances heretofore and hereinafter passed as provided for the issuing and enforcing of execution for any tax or assessment required by such ordinances, or that imposed fines or penalties for the nonpayment of such tax, or for failure to pay **regulatory** fees provided for in said ordinance or ordinances, or failure to comply with any other provisions hereof, shall continue and remain in force until such tax, **regulatory fee** or assessment shall be fully paid.

(Ord. of 12-3-2018, § 1)

Sec. 8-55. Occupation tax certificate not transferable.

An occupation tax certificate ~~and/or regulatory fee certificate~~ shall not be transferable, and a transfer of ownership shall be considered in the same light as the termination of such business and the establishment of a new business. Therefore, a new certificate shall be required for each new owner of the business.

(Ord. of 12-3-2018, § 1)

Sec. 102-19. Adoption by reference.

- (a) The following codes and their Georgia Amendments as the same are adopted and amended from time to time by the Department of Community Affairs, comprising the Georgia Minimum Standards and Requirements for Construction, Alteration, Etc., of Buildings and Other Structures, shall be enforced within the City of Dawsonville:
- (1) International Building Code;
 - (2) International Fuel Gas Code;
 - (3) International Mechanical Code;
 - (4) International Plumbing Code;
 - (5) International Electrical Code;
 - (6) International Fire Code;
 - (7) International Energy ~~Conservation~~Conservation Code; and
 - (8) International Residential Code.
- (b) *Local amendments.*
- (1) The International Building Code shall be amended as follows:
 - a) Section 704.5 of this Code, or such future sections as shall concern the same as the current § 704.5 of this Code is amended to provide that:
 - i) Exterior walls shall be fire-resistance rated in accordance with Tables 601 and 602. The fire resistance rating of exterior walls with a fire separation distance of greater than 50 feet (15,240 mm) shall be rated for exposure to fire from the inside. The fire resistance rating of exterior walls with a fire separation distance of 50 feet (15,240 mm) or less shall be rated for exposure to fire from both sides.
 - ii) Any structures involved are to be constructed in a manner and with materials which will ensure that the structures will be in compliance with the fire rating standards for proposed spacing. Said structures shall be so constructed in accordance with the plans and conditions approved by the Building Official and the Fire Marshall's Office.
 - b) In the event that future state minimum requirements exceed the protections provided by this local amendment, then the more stringent requirements shall apply and shall be enforced within the City of Dawsonville.
 - (2) The International Fire Code shall be amended as follows:
 - a) Section 903 of this Code which concerns Automatic Sprinkler Systems is amended to provide that:
 - i) Sprinkler Standards.
 - (1) All buildings 10,000 square feet or more under a common roof, any building over one story in height, or any building with an occupant load of 100 or more persons shall be sprinkled with an approved N.F.P.A. 13 system with the exception of the following:
 - (i) Multi-family dwellings up to and including three stories in height shall be sprinkled with an approved sprinkler system modified to include full sprinkler coverage in all attics and breezeways.

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- (ii) Single family dwellings.
- (2) All buildings 6,000 square feet or more in an area under a common roof where vehicles are pulled inside for the purpose of maintenance, repair, storage, or installation of all accessories shall be fully sprinkled with an approved sprinkler system except where vehicle bay areas in a building are less than or equal to 600 square feet, it shall be permissible to place up to six sprinkler heads off of the domestic water supply in lieu of sprinkling the entire building. In so doing, calculations must be performed by an approved sprinkler contractor certified by the State of Georgia and such calculations must be shown on the plans submitted for approval by the Fire Marshall's Office.
- ii) All day care and preschool occupancies must install a sprinkler system in accordance with N.F.P.A. 13-R.
 - iii) All home day care occupancies with seven or more children must install a sprinkler system in accordance with N.F.P.A. 13-R.
 - iv) All group home care occupancies must install a sprinkler system in accordance with N.F.P.A. 13 R.
 - v) Mixed Occupancies existing in the same building as a residential occupancy must install a sprinkler system in accordance with N.F.P.A. 13 R. Where residential occupancies are located above any nonresidential occupancy, there shall be a fire resistance separated rating of not less than one hour.
 - vi) All structures installing a ~~N.F.P.A. 13-R~~ sprinkler system must also install a sprinkler system in the attic area if required by the Building Official and or the Fire Marshall's office.
- b) The fire code official shall have the authority to require construction documents and calculations for all fire protection systems and to require permits be issued for the installation, rehabilitation or modification of any fire protection system. Construction documents for fire protection systems shall be submitted for review and approval prior to system installation.
- c) In the event that future state minimum requirements exceed the protections provided by this local amendment, then the more stringent requirements shall apply and shall be enforced within the City of Dawsonville.
- (3) The International Residential Code shall be amended as follows:
- a) Section 302.1 of this Code is amended to provide that an exterior wall with a fire separation distance less than fifty feet (15,240 mm) shall have not less than a one-hour fire-resistive rating with exposure from both sides.
 - b) Any structures involved are to be constructed in a manner and with materials which will ensure that the structures will be in compliance with the fire rating standards for proposed spacing. Said structures shall be so constructed in accordance with the plans and conditions approved by the Building Official and the Fire Marshall's Office.
 - c) In the event that future state minimum requirements exceed the protections provided by this local amendment, then the more stringent requirements shall apply and shall be enforced within the City of Dawsonville.

(Ord. of 6-7-2004; Ord. of 12-5-2005(4), § 2; Ord. of 3-3-2009, §§ 2, 3)

Sec. 107-~~233~~ 240. Article X -Penalties.

Any person violating any of the provisions of this **article chapter**, or failing to comply with remedial measures described in a notice of violation by the date set forth for such completion, shall become liable to the city by reason of such violation for any one or more of the following penalties:

- (1) *Civil penalties.* In the event a violation of any provision of this article or the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days (or such greater period as the city shall deem appropriate), the city may impose a civil penalty not to exceed \$1,000.00 for each day the violation remains unremedied after receipt of the notice of violation.
- (2) *Criminal penalties.* The city public works director or planning director may request, at his discretion, the city code enforcement personnel to issue a citation to the alleged violator requiring such person to appear in municipal court or other court of appropriate jurisdiction to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000.00. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.
- (3) *Stop work order.* The city may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.
- (4) *Withhold certificate of occupancy/certificate of completion.* The city may refuse to issue a certificate of occupancy or certificate of completion for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
- (5) *Suspension, revocation or modification of permit.* The city may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the city may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
- (6) *Violations deemed a public nuisance.* In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to public health, safety, welfare, and environment and is declared and deemed a nuisance, and may be abated by injunctive or other equitable relief as provided by law.
- (7) *Remedies not exclusive.* The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law and the city may seek cumulative remedies.
- (8) *Recovery of fees.* The city may recover attorney's fees, court costs, and other expenses associated with enforcement of this article, including sampling and monitoring expenses from any violator of this article.

(Ord. of 2-6-2006, § 8.2; Ord. of 12-17-2018, § 6)

Sec. 109-17. Road classification and design speed.

Road classifications and design speeds shall be requested by the developer and will be reviewed by the city during review of the preliminary plat.

Road Classification	Classification Code	Design Speed
Arterial - Primary	R010	50
Arterial - Secondary	R010	50
Collector - Primary	R020	45
Collector - Secondary	R030	40
Local - Non-residential	R040	30
Local - Non-residential cul-de-sac	R080	N/A
Local - Residential	R040	20 25
Local - Residential cul-de-sac	R080	N/A

(Ord. of 7-15-2019, § 1)

Sec. 109-30. Minimum requirements.

On any existing street having a right-of-way less than the minimum which abuts a property being developed, one-half of the required width of right-of-way, measured to the centerline of the existing right-of-way, shall be dedicated at no cost to the city along the entire property boundary abutting the existing street.

Additional street right-of-way width may be required to be dedicated at intersections or other locations fronting the property where turning lanes, storage lanes, medians, islands, or realignments are required for traffic safety and minimum right-of-way standards would be inadequate to accommodate these improvements.

Minimum widths for construction (new streets or widening sections) are specified in the table below. Roadway width dimensions are back of curb to back of curb.

Road Classification	Minimum Right-of-Way Width	Minimum Roadway Widths
Arterial - Primary	100'	66'
Arterial - Secondary	100'	52'
Collector - Primary	60'	52'
Collector - Secondary	60'	42'
Local - Non-residential	60'	28'
Local - Non-residential cul-de-sac	120'	50'R
Local - Residential	50'	30'
Local - Residential cul-de-sac (<u>Dead end street less than 150 feet</u>)	100'	40'R
<u>Local-Residential cul-de-sac (Dead end street exceeding 150 feet)</u>	<u>120'</u>	<u>50'R</u>

(Ord. of 7-15-2019, § 1)

Sec. 109-34. Dead-end streets and culs-de-sac.

All dead-end streets require the installation of cul-de-sacs.

The maximum length of ~~dead-end~~ dead-end streets and streets terminating in culs-de-sac shall be 1,500 feet.

(Ord. of 7-15-2019, § 1)

Sec. 109-47. Cul-de-sac streets.

Cul-de-sac streets shall be designed to meet requirements of International Fire Code (~~IFC2015~~), appendix D, including circular turn around.

(Ord. of 7-15-2019, § 1)

Sec. 109-48. Shoulder widths.

All streets shall have a shoulder, measured from the outer edge of the paved surface or back of curb to the inside edge of the ditch that is a minimum of 11 feet wide. The shoulder on un curb streets shall have a maximum slope of six percent. The shoulders on curb streets shall be at minimum 11 feet wide and maximum slope of two percent sloped toward curb.

(Ord. of 7-15-2019, § 1)

Sec. 109-50. Specifications.

- (a) Unless otherwise specifically set forth herein, all of the materials, methods of construction, and workmanship for street construction shall conform to the latest edition of the state department of transportation standard specifications for road and bridge construction including all amendments and the latest edition of the city standard specification for roadway and drainage systems and the latest edition of the city standard details. The standard specifications and details can be obtained as a separate document from the city website (www.dawsonville-ga.gov) or from the city department of planning and zoning.
- (b) Street and alley subgrade shall be constructed in accordance with the following state DOT specification sections:
 - (1) Section 201- Clearing and grubbing right-of-way.
 - (2) Section 205 - Roadway excavation.
 - (3) Section 208 - Embankments.
 - (4) Section 209 - Subgrade construction.
- (c) Street and alley bases shall be constructed in accordance with the following state DOT specification sections:
 - (1) Section 300 - General specifications for base and subbase courses.
 - (2) Section 310 - Graded aggregate construction.
- (d) Street and alley surface and binder asphaltic paving courses, ~~including prime bituminous tack coat~~, shall be constructed in accordance with state DOT specification section 400 - Hot mix asphaltic concrete construction.

(Ord. of 7-15-2019, § 1)

Sec. 109-53. Sidewalks.

- (a) If the proposed sidewalk will be an extension of an existing sidewalk the proposed sidewalk shall be at least as wide the existing sidewalk and be at minimum five feet wide.
- (b) Sidewalks shall be provided along both sides of all roads within residential developments and along the entire length of the property where a road entrance is constructed. Sidewalks shall be provided along public streets for all multi-family, commercial, and industrial developments, and in such other locations as deemed necessary by the city for safe pedestrian movement. If the development abuts existing roads on multiple sides a sidewalk shall be required on the entire length of property that abuts existing roads
- (c) The sidewalks must be constructed to conform to the state DOT sidewalk standards.
- (d) Sidewalks shall be five foot wide and four inches thick.
- (e) Sidewalks shall have ADA compliant ramps and warning pads at intersections. The warning pads shall be screwed down and thermal coated.

(Ord. of 7-15-2019, § 1)

Sec. 109-54. Driveways.

All structures erected in the city must be served with access from a public street by an appropriate driveway in accordance with the specifications below. "Residential" shall apply to all residentially zoned property and "Commercial" shall apply to all non-residentially zoned property including, but not limited to, all industrial, highway business, institutional and commercially zoned properties.

All driveways shall have a landing. The landing is defined as the portion of the driveway that connects to the public street.

	Residential	Commercial
Minimum width	9'	12' (one way entry/exit) 24' (two way entry/exit)
Apron width minimum	3' on each side	3' on each side
Slope maximum	10%	5%
Minimum landing length	20'	30'
Maximum landing slope	5%	4%

All driveways shall be constructed at a minimum of ~~3-5~~ 4 inches or more of 3,000 psi concrete or two inches or more of asphalt on a compacted base. All culverts under driveways shall be ~~12~~ 18 inches or more in diameter and covered with a minimum of four inches of gravel.

All driveways shall be setback at least six feet from the side property line and shall meet the same elevation at the existing (or to be constructed) sidewalk. There shall be at least 20 feet between the entrances for a U-shaped or similar driveway located on a single lot.

(Ord. of 7-15-2019, § 1)

Sec. 111-31. Culverts and piped system design criteria.

- (a) Culverts ~~in live streams, cross drains or serving 20 acres or larger shall~~are to be designed for a 50-year frequency flood event. The ~~inlet~~ area inundated by the ~~100-year upstream headwater design~~ event ~~is to shall~~ be contained in a drainage easement.
- (b) Piped storm drainage systems ~~shall~~are to be designed for a 25-year frequency storm event, ~~in non-residential areas and for a 10-year frequency storm event in residential areas.~~
- (c) Catch basins are to be spaced so that the maximum gutter spread is six feet or less for the ~~designed~~ 10 year storm event.
- (d) The minimum pipe size to be used as a culvert or in a piped system is 18-inch diameter.
- (e) The minimum velocity in a pipe flowing full is to be two feet per second. The maximum velocity in a pipe flowing full is to be 12 feet per second. The exit velocity of culvert and pipe systems is to be controlled and modified to prevent channel erosion or scour.
- (f) The absolute minimum clearance between the bottom of the paving base or subbase and the exterior crown of the storm drain pipe or culvert is to be one foot. A clearance of two feet is considered more desirable and should be achieved if possible.

(Ord. of 7-15-2019, § 1)

Sec. 111-32. Storm Drainage piping under roads.

(a) All stormwater and drainage piping under roads shall be reinforced concrete pipe that is at least 18 inches in diameter.

(b) All stormwater drainage piping installed parallel of curbing within right of way shall be reinforced concrete pipe that is at least 18 inches in diameter.

(c) All stormwater drainage piping with fifteen feet and greater cover shall be reinforced concrete pipe that is at least 18 inches in diameter.

(d) All stormwater drainage piping installed in live streams shall be reinforced concrete pipe that is at least 18 inches in diameter.

(e) All stormwater drainage piping installed within a retaining wall backfill shall be reinforced concrete pipe that is at least 18 inches in diameter.

(Ord. of 7-15-2019, § 1)

Sec. 112-4. Special notation required

The city requires a final plat notation stating that a site plan must be approved prior to issuance of a building permit for lots which include any of the following:

- (1) Particular or unusual difficulties to meet minimum setback limits
- (2) Unusual building sites due to easement configuration
- (3) Possible floodplain encroachment
- (4) Storm water detention facilities
- (5) Zoning imposed buffers
- (6) Unusual or severe topographic features

(Ord. of 7-15-2019, § 1)

Sec. 918. Approval required by appropriate body.

Applications for amendments to the text of the zoning regulations, zoning map amendments, alterations or extensions of conditional zoning, conditional use permits, development within site specific zoning districts and site plans require approval by the governing body before development may be initiated or before such application is made effective. Applications for variances and appeals shall require approval by the planning commission before development may be initiated or before such application is made effective. Applications for certificates of appropriateness require review and approval of the Historic Preservation Commission ~~by the planning commission and approval by the governing body~~ before development, demolition or alteration may be initiated or before such application is made effective.

(Ord. of 12-3-2018)

Sec. 1103. Prohibited uses.

1. Commercial uses.
2. Industrial uses.
3. Manufactured (mobile) homes and houses moved from other locations (~~Except industrialized single-family modular homes~~).
4. Animals which individually or in numbers, create a nuisance by noise, smell, unsanitary or visual effects. Animals such as dogs and cats are permitted when their number in relation to area does not create a nuisance to neighbors. Kennels for the breeding of any animal for sale are prohibited. Pet fowl or birds may be kept in cages under the same provisions. No swine are permitted.
5. Any use not permitted in accord with the terms hereof.

(Ord. of 12-3-2018)

Sec. 1203. Prohibited uses.

1. Commercial uses.
2. Industrial uses.
3. Manufactured (mobile) homes and houses moved from other locations ~~(except industrialized single family modular homes).~~
4. Animals which individually or in numbers, create a nuisance by noise, smell, unsanitary or visual effects. Animals such as dogs and cats are permitted when their number in relation to area does not create a nuisance to neighbors. Kennels for the breeding of any animal for sale are prohibited. Pet fowl or birds may be kept in cages under the same provisions. No swine are permitted.
5. Any use not permitted in accord with the terms hereof.

(Ord. of 12-3-2018)

Sec. 1305. Prohibited uses.

1. Commercial uses.
2. Industrial uses.
3. Manufactured (mobile) homes and houses moved from other locations (~~except industrialized single-family modular homes~~).
4. Animals which individually or in numbers, create a nuisance by noise, smell, unsanitary or visual effects. Animals such as dogs and cats are permitted when their number in relation to area does not create a nuisance to neighbors. Kennels for the breeding of any animal for sale are prohibited. Pet fowl or birds may be kept in cages under the same provisions. No swine are permitted.
5. Any use not permitted in accord with the terms hereof.

(Ord. of 12-3-2018)

Sec. 1404. Development regulations in general.

All apartment, duplex, triplex, quadplex, semi-detached residences and townhouse developments shall conform to the following regulations:

1. Site plan approval required. All multi-family developments including apartments, duplexes, triplex, quadplex, semi-detached residences and townhouses require site plan approval by the planning commission in accordance with all procedures and requirements established by the city.
2. All site plans required by this section shall, at a minimum, contain the following information:
 - a. Title of the proposed development and the name, address and telephone number of the property owner.
 - b. The name, address and telephone number of the architect, engineer or other designer of the proposed development.
 - c. Scale, date, north arrow, and general location map showing relationship of the site to streets or natural landmarks.
 - d. Boundaries of the subject property, all existing and proposed, streets, including right-of-way and street pavement widths; buildings; water courses; parking and loading areas; flood plain; storm water detention; recreation areas; and other physical characteristics of the property and proposed development.
 - e. Building setbacks, buffers, landscape strips, and common areas as well as topographic contours at two feet intervals.
 - f. All accessory structures and locations shown.
3. No multi-family development shall take place in whole or part without being served by both public water and public sewer facilities.
4. Driveways and interior roads.
 - a. An interior road(s) serving any multi-family development shall be paved and have a minimum width of ~~28~~ 30 feet back of curb to back of curb. Parking on interior roads is to be regulated by section 609, off-street parking and loading spaces required.
 - b. All interior roads shall have sidewalks installed on both sides of the street.
 - c. Sidewalks and pedestrian ways shall connect to public streets and adjoining developments as applicable.
5. Parking. Insofar as practicable, off-street parking facilities shall be grouped in bays, either adjacent to streets or in the interior of blocks. No off-street parking space shall be more than 100 feet by the most direct pedestrian route from a door of the dwelling unit it is intended to serve.
6. Fire protection.
 - a. All multi-family developments shall provide adequate fire protection in the form of placement of water lines, fire hydrants, sprinkler systems, and fire walls as required by local and state fire codes required for these types of structures.
 - b. If a residential structure is located less than ~~15~~ 20 feet from any property line, then local fire codes impose certain requirements.
7. Buffer, landscaping, and open space requirements.

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- a. All multi-family developments shall conform to the following regulations. The following regulations are designed to promote the health, safety, order, aesthetics and general welfare by protecting against incompatible uses of land, controlling problems of flooding, soil erosion and air pollution, providing for a more attractive environment, assuring adequate open space, and reducing noise, night lighting, glare, odor, objectionable view, loss of privacy and other adverse impacts and nuisances through the use of buffers, landscaping and open space.
 - b. Each development shall have a minimum of 25 percent of the development's total land area as landscaped open space. A buffer of at least ten feet in width shall be provided and maintained around the entire exterior perimeter of all apartment, condominium, duplex and townhouse developments. Utilization of existing trees and vegetation is appropriate for inclusion within the buffer, or when not found appropriate, shall be supplemented with approved additional landscaping and plantings.
8. Service buildings. Subordinate accessory structures are permitted for maintenance, storage and other incidental uses supportive to the primary use of the property. Community service facilities and accessory structures are subject to site plan approval, for the convenience of the residents of the property. Such structures may include, but are not limited to, the following uses: facility management offices, community laundry facilities, and indoor community recreation areas.
 9. Maximum units per building. No more than six units shall be permitted to form any one single building.

(Ord. of 12-3-2018)

Sec. 1405. Townhouse development regulations.

All developments containing fee-simple townhouses shall conform to the following requirements:

1. Lots. Each townhouse shall be located on its own lot of record, and subdivision plat approval shall be required in accordance with the city regulations.
2. All structures will be constructed with a two hour fire resistive rated wall without an approved sprinkler system and or one hour fire resistive rated wall with an approved sprinkler system between each unit, non-flammable brick or masonry firewall between units and extending two feet above the roofline. A fire retardant product may be used in place of the firewall.

(Ord. of 12-3-2018)

Sec. 1408. Prohibited uses.

1. Commercial uses.
2. Industrial uses.
3. Manufactured (mobile) homes and houses moved from other locations (~~except industrialized single-family modular homes~~).
4. Animals that, individually or in numbers, create a nuisance by noise, smell, unsanitary or visual effects. Animals such as dogs and cats are permitted when their number in relation to area does not create a nuisance to neighbors. Kennels for the breeding of any animal for sale are prohibited. Pet fowl or birds may be kept in cages under the same provisions. No swine are permitted.
5. Any use not permitted in accord with the terms hereof.

(Ord. of 12-3-2018)

Sec. 2011. Prohibited uses.

1. Commercial uses.
2. Industrial uses.
3. Manufactured (mobile) homes and houses moved from other locations (~~Except industrialized single family modular homes~~).
4. Animals which individually or in numbers, create a nuisance by noise, smell, unsanitary or visual effects. Animals such as dogs and cats are permitted when their number in relation to area does not create a nuisance to neighbors. Kennels for the breeding of any animal for sale are prohibited. Pet fowl or birds may be kept in cages under the same provisions. No swine are permitted.
5. Any use not permitted in accord with the terms hereof.

(Ord. of 12-3-2018)

Sec. 2505. Alteration of structures or buildings.

Prior to any alteration (~~including painting~~), demolition, removal of an existing structure or building in whole or in part, or new construction of a structure or building in the historical town business district, a building permit shall be obtained and a design review shall be conducted by the historic preservation commission in accordance with the city historical district ordinance. A certificate of appropriateness shall be issued by the HPC, whereas such alteration, demolition or new construction shall be performed in accordance with the design guidelines of the preservation ordinance.

Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any structure or building; nor shall anything in this article be construed to prevent the construction, reconstruction, alteration or demolition of any such elements which any authorized public official shall certify as required by public health or safety.

(Ord. of 12-3-2018)

Sec. 3603. Development permit required.

A development permit based upon an approved site plan shall be required for any proposed use of land(s) or building(s) to indicate and ensure compliance with all provisions of these regulations before any building permit is issued or any improvement, grading, land disturbing activity or alteration of land(s) or building(s) commences; provided, however, that development permits for accessory structures for residential zoning districts shall not be required. Development permit fees are listed in the city fee schedule. Upon payment of applicable development permit fees and approval of a preliminary plat in accordance with all applicable provisions of the development regulations, development may begin on any parcel of land for an approved use within the zoned district as specified in this ordinance. All development permits shall be issued by the planning director or designee, who shall in no case approve a development permit for the use, construction, or alteration of any land or building if the land or building as proposed to be used, constructed or altered would be in violation of any of the provisions of this ordinance, the city development regulations or any other codes and laws. Development permits shall be valid for two years from date of issuance and shall thereafter expire. If work described in any development permit has not begun within 120 days from the date of issuance thereof, said permit shall expire, and further work shall not proceed until a new development permit has been obtained. Permits may be reinstated up to two separate six month extensions. Prior to reinstating a permit, the planning director shall determine if a new plan review and plan revision is required

(Ord. of 12-3-2018)

Sec. 3604. Building permit required.

No building, structure or sign, except as specifically exempted by these regulations, shall be erected, moved, extended, enlarged or structurally altered, nor shall any excavation or filling of any lot for the construction of any building be commenced until the planning director or designee has issued a building permit for such work in conformity with the provisions of these regulations. Building permit fees shall be as set forth in the city fee schedule.

All building permits shall be issued by the planning director or designee. In cases of uncertainty regarding whether a proposed building or structure conforms to any provisions within this ordinance and the City Development Regulations, the planning director or designee shall consult with the city engineer for his interpretation and ruling. Building permits shall become invalid unless the work authorized by it shall have been commenced within 90 days of date of issuance, or if the work authorized by it is suspended or abandoned for a period of six months or more, or if the work authorized by it is not completed within 18 months of date of issuance. Permits may be reinstated up to two separate six-month extensions. Prior to reinstating a permit, the planning director shall determine if a new plan review and plan revision is required

(Ord. of 12-3-2018)