

MINUTES
CITY COUNCIL WORK SESSION AND REGULAR MEETING
G.L. Gilleland Council Chambers on 2nd Floor
Monday, August 19, 2019
5:30 P.M.

1. **CALL TO ORDER:** Mayor Mike Eason called the meeting to order at 5:29 pm.
2. **ROLL CALL:** Present were Councilmember Jason Power, Councilmember Mark French, Councilmember Stephen Tolson, Councilmember Caleb Phillips, City Attorney Dana Miles, City Attorney Paul Mitchell, City Manager Bob Bolz, City Clerk Beverly Banister, Deputy City Clerk Tracy Smith, Utilities Director Gary Barr, Public Works Director Trampas Hansard, Finance Administrator Hayden Wiggins and Human Resource Manager Donna Blanton.
3. **INVOCATION AND PLEDGE:** Invocation and Pledge were led by Councilmember Caleb Phillips.
4. **ANNOUNCEMENTS:** Mayor Eason announced that there are vacancies on the Planning Commission, Historic Preservation Commission and the Downtown Development Authority. He also noted the next Food Truck night is September 6, 2019.
5. **APPROVAL OF THE AGENDA:** Motion to approve the agenda as submitted made by S. Tolson; second by J. Power. Vote carried unanimously in favor.
6. **PUBLIC INPUT:** The following people spoke during the public input:
 - Cheryl Wood, Po Box 81, Dahlonega, GA 30533 – She spoke about item #15, the alcohol ordinance amendment. She states she owns the Moonshine Distillery and has requested the City not charge an additional fee to serve cocktails. She gave three examples of other cities who are allowed to serve cocktails under their manufacturing license.
 - Bob Suchke – Po Box 201, Dahlonega, GA 30533 – He spoke in regard to item #15 and also stated that he would like the Council to consider allowing the distillery to serve cocktails.

Councilmember Phillips asked how many times per year did they plan on being able to serve cocktails. Cheryl Wood stated they are talking about special events, weekends, any GRHOF or amphitheater events. Phillips asked Attorney Miles if the distillery could purchase a special event permit right now and be able to serve up to ten days per year; Miles reported yes there is a procedure that has to be followed such as obtaining a special event permit license from the State, licensed servers and a catering license. Mr. Suchke and Ms. Wood stated their license with the State allows them to serve cocktails and he asked again for the Council to permit them to serve them.

7. **CONSENT AGENDA:** Motion to approve the consent agenda for the following items (a, b) made by S. Tolson; second by J. Power. Vote carried unanimously in favor.
 - a. Approve Minutes
 - Regular Meeting held August 5, 2019
 - b. Approve Amendment to Meeting Room Rules and Regulations (Exhibit "A")
8. **ZA-C2000006:** The City of Dawsonville is requesting a zoning amendment correction from INST (Institutional District) to TB (Town Business District) for TMP D01 010 located at 86 Hwy. 53 West. Hearing Dates: Planning Commission – August 12, 2019 and City Council – August 19, 2019.

Motion to open the public hearing made by M. French; second by J. Power. Vote carried unanimously in favor. Planning Director Robbie Irvin presented the zoning amendment request. Mayor Eason conducted the public hearing; no one spoke in favor or opposition to the request. Motion to close the public hearing made by M. French; second by C. Phillips. Vote carried unanimously in favor.

The request will be presented at the September 9, 2019 meeting for a decision.

9. **SIGN OPTIONS FOR MAIN STREET PARK AND FARMER'S MARKET:** City Manager Bob Bolz presented some ideas for signs at the Main Street Park and requested input from the Council regarding the size, color, style and placement of the signs so cost estimates could be obtained. Council favored the archway sign for the main entrance of the park and smaller signs for the farmer's market and throughout the park. A metal sign was the preference; however, a color scheme was not decided. Direction was given to Bolz to obtain cost estimates for at least one large sign and three smaller signs.

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- 10.** An Ordinance By The City Of Dawsonville To Amend Its Zoning Ordinance; To Clarify Existing Definitions And Provide Additional Definitions; To Establish Prohibited Uses; To Amend Provisions Related To Bed And Breakfast Establishments And Short-Term Home Rentals; To Amend Provisions On Conditional Uses, Tree Protection And Administrative Variances; To Amend Provisions Related To Postponement Of Zoning Matters; To Amend Provisions Related To Conditional Use And Variance Expiration; To Adopt Provisions Related To Applicable Ordinances And Regulations; To Adopt Fees For Zoning Matters; To Adopt Changes And Corrections To Various Zoning District Provisions; And For Other Purposes. (First Reading and Public Hearing: August 5, 2019; Second Reading and Adoption: August 19, 2019)

Planning Director Irvin presented and read the second reading of the ordinance. Motion to approve the ordinance as presented made by S. Tolson; second by J. Power. Vote carried unanimously in favor. (Exhibit "B")

- 11.** An Ordinance By The City Of Dawsonville To Amend Its Business Regulation Ordinance To Regulate The Operation Of Hotels, Bed And Breakfast Establishments, Short-Term Home Rentals, And Other Short-Term Rentals; To Provide For Severability; To Provide An Effective Date; And For Other Purposes. (First Reading: August 5, 2019; Second Reading and Adoption: August 19, 2019)

Planning Director Irvin presented and read the second reading of the ordinance. Motion to approve the ordinance as presented made by S. Tolson; second by J. Power. Vote carried unanimously in favor. (Exhibit "C")

- 12.** An Ordinance To Amend The Code Of The City Of Dawsonville, Georgia, By Adopting Regulations Concerning The Placement Of Small Wireless Facilities, Support Structures, And Poles In City Rights Of Ways; To Adopt A New Article III On Right Of Way Regulations In Chapter 10 Of The Code; To Provide For Aesthetic Regulations Governing The Placement Of Facilities And Equipment In Public Rights Of Ways Within The City Limits; To Provide An Effective Date; And For Other Purposes. (First Reading: August 5, 2019; Second Reading and Adoption: August 19, 2019)

Planning Director Irvin presented and read the second reading of the ordinance. Motion to approve the ordinance as presented made by J. Power; second by M. French. Vote carried unanimously in favor. (Exhibit "D").

- 13.** An Ordinance To Amend The General Penalty Provisions For Ordinance Violations; To Provide Consistent Administrative References To The City Fee Schedule; To Repeal Duplicative Sections; To Clarify Sections Related To Land Disturbance Permits And Statutory Fees; And For Other Purposes. (First Reading: August 5, 2019; Second Reading and Adoption: August 19, 2019)

Planning Director Irvin presented and read the second reading of the ordinance. Motion to approve the ordinance as presented made by C. Phillips; second by J. Power. Vote carried unanimously in favor. (Exhibit "E")

- 14.** An Ordinance To Repeal The Existing Fee Schedule And Provide A New Fee Schedule; And For Other Purposes. (First Reading: August 5, 2019; Second Reading and Adoption: August 19, 2019)

Planning Director Irvin presented and read the second reading of the ordinance. Motion to approve the ordinance as presented made by S. Tolson; second by J. Power. Vote carried unanimously in favor. (Exhibit "F")

- 15.** An Ordinance To Amend The Existing Alcohol Ordinance To Clarify The Types Of Licenses And/OR Permits Available; To Provide For New License Types; To Clarify Licensing And Permit Restrictions And Regulations On Particular Establishment Types; To Clarify Which Licenses Are Eligible For Administrative Approval By City Manager; To Provide References To The City Fee Schedule; And For Other Purposes. (First Reading: August 19, 2019; Second Reading and Adoption: September 9, 2019)

Planning Director Irvin presented and read the first reading of the ordinance. Councilmember Phillips asked Chery Wood if she could clarify how often she wants to serve alcohol; Ms. Woods stated she

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did not want to be limited to events only but maybe to serve on Friday and Saturday. Councilmember Tolson asked Attorney Miles about the conditions to the special event permit. Miles stated there are two types of permits with the ordinance as drafted; a temporary on premises consumption permit for anywhere in the City limited to ten days per year or a special event permit which occurs at city facilities (public property) which requires approval from the City Council for every event and there is no limit to the number of times the permit can be issued. He further stated under State law, the local jurisdiction has the right to allow or deny the serving of cocktails; currently the ordinance as drafted does not provide for authorization except for the two options provided. Councilmember Tolson stated the Council needs to regulate the serving of alcohol locally and the point was made that she would have no requirement to sell a certain percentage of food like the other establishments serving alcohol. Ms. Wood argued she also is only permitted to sell distilled spirits in which she manufacturers while other establishments serve beer, wine and distilled spirits; she'd like to be able to serve a cocktail during her business hours to someone to try it so they can purchase the bottle. Currently in serving samples, they are limited in size and quantity. Council will take into consideration the request.

- 16. PRESENTATION OF THE GFOA CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING:** Councilmember Tolson read the summary of the achievement and Mayor Eason presented the award to Finance Administrator Hayden Wiggins.
- 17. MILLAGE RATE FOR TAX YEAR 2019:** Motion to approve the millage rate and rollback to zero made by J. Power; second by M. French. Vote carried unanimously in favor.
- 18. FY 2018-2019 SPLOST VI BUDGET AMENDMENT:** Finance Administrator Wiggins explained the request is a maintenance issue, the expenditures were more than the revenue, therefore requiring money to be transferred from the SPLOST VI reserves to balance the budget. Motion to approve the SPLOST VI budget amendment for FY2018-19 in the amount of \$998,900 made by M. French; second by S. Tolson. Vote carried unanimously in favor.

STAFF REPORTS

19. BOB BOLZ, CITY MANAGER:

- Prefabricated restroom options were sought for Main Street Park. Two options came in at just under \$300,000 which is less than the stick-built restroom; still waiting to receive estimates from five other companies. The size of the bathroom was discussed.
- Gary Barr requested to reduce his work hours to 32 hours per week with a corresponding reduction of 20% in wages.
- Four speed tables were installed in the Stonewall subdivision.
- A six-inch water line was repaired on Flat Creek.
- Problems have been occurring with the Farmington Woods lift station; a larger pump and grinder are being considered with the hopes of having Farmington Woods assist with the cost.
- Food truck night is September 6, 2019.

20. ROBBIE IRVIN, PLANNING DIRECTOR

- A two-foot rear yard setback was granted for 110 Crown Pointe; a single-family home was constructed with an encroachment of two-feet at the rear left corner of the structure. The rear yard setback should be thirty feet, and this reduced it to twenty-eight feet, there were no objections and there will be no other variance of this type allowed.

- 21. HAYDEN WIGGINS, FINANCE ADMINISTRATOR:** Financial reports representing fund balance and activity provided through July 31, 2019. No questions or comments from Council.

EXECUTIVE SESSION

At 6:36 p.m. a motion to close regular session and go into executive session for Real Estate Acquisition was made by J. Power; second by S. Tolson. Vote carried unanimously in favor.

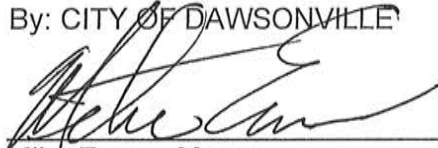
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At 6:54 p.m. a motion to close executive session and resume regular session was made by S. Tolson; second by C. Phillips. Vote carried unanimously in favor.

ADJOURNMENT:

At 6:56 p.m. a motion to adjourn the meeting was made by M. French; second by J. Power. Vote carried unanimously in favor.


By: CITY OF DAWSONVILLE



Mike Eason, Mayor



Caleb Phillips, Councilmember Post 1




Stephen Tolson, Councilmember Post 2



Jason Power, 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 Jason Power, Councilmember Caleb Phillips, Councilmember Stephen Tolson, 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 the August 19, 2019.
2. During such meeting, the Board voted to go into closed session.
3. The executive session was called to order at 636 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);

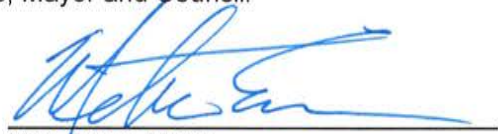
Discussion of tax matters made confidential by state law as provided by O.C.G.A. § 50-14-2(2) and _____;

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: _____

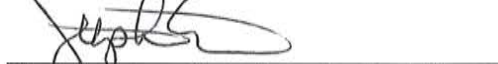
This 19th day of August 2019; By the City of Dawsonville, Mayor and Council:



Mike Eason, Mayor



Caleb Phillips, Councilmember Post #1



Stephen Tolson, Councilmember Post #2



Jason Power, Councilmember Post #3



Mark French, Councilmember Post #4

Sworn to and subscribed before me this
19 day of August, 2019.


Signature
Notary Public

My Commission expires: 02.18.2020



Beverly A. Banister
NOTARY PUBLIC
Dawson County, Georgia
My Commission Expires
February 18, 2020



CITY OF DAWSONVILLE
 415 Hwy 53 E, Suite 100
 Dawsonville, GA 30534
 Phone #: (706) 265-3256 Fax #: (706) 265-4214
 Email: accounting@dawsonville-ga.gov

**Meeting Room Rules,
 Regulations and Fee
 Schedule**

The following Rules and Regulations shall apply to all use of City Hall Meeting Rooms:

1. City use of the meeting rooms takes precedence over all other uses. The City of Dawsonville reserves the right to change meeting rooms or cancel use of meeting rooms by an outside individual, group or organization if the space is needed for city purposes.
2. Reservations for meeting rooms must be submitted no less than five business days in advance of use and not greater than 12-months in advance of use. A Meeting Use Rental Agreement must be completed at that time and the deposit amount must be received within five business days of the date the reservation was made. Cancellations made less than five business days before rental date will result in deposit forfeiture.
3. Reservations can be made in person or over the phone through City Hall.
4. Meeting rooms are rented out in 1/2 day increments during the business day: 8:30 AM to Noon and 12:30 PM until 4:15 PM.
5. Meeting rooms are rented out in two-hour increments on evenings and weekends at a higher cost than during the business day. All events must conclude no later than 9:45PM.
6. Meeting rooms are not available on city holidays.
7. Fees shall be discounted by 50% to any city citizen or organization located within the city limits. There will be no fee charged to any organization reserving a room for their board meeting in which the Mayor or Council is designated as a representative.
8. Tables and chairs are set up in classroom form. You may rearrange the room, but the room must be returned to the way it was found. Failure to do so may result in forfeiture of deposit amount.
9. Use of city audio visual equipment, including the Smart TV is prohibited without the assistance of City Hall Staff. There are additional fees for use of this equipment. Audio visual equipment is not available on weekends.
10. Unless otherwise noted, the renter may serve light refreshments in Meeting Rooms. If food or beverages are brought into the meeting room, tables must be covered with a tablecloth and removed when finished. The renter is responsible for all trash and clean up. The trash must be bagged and deposited in the dumpster found outside of City Hall. Failure to properly clean up shall result in forfeiture of deposit amount.
11. The maximum number of people allowed in each meeting room is reflected in the fee schedule. These numbers cannot be exceeded.
12. Assuming compliance with all Rules and Regulations and terms of the Meeting Room Use Agreement, the deposit amount shall be returned to the renter within 10 business days following the use of the room.
13. Please ensure all items from your meeting are removed from the meeting room. The city is not responsible for items left in the room.
14. If the thermostat is adjusted, please return the temperature to 72 degrees. Please turn off the lights when leaving.
15. Staff only areas are considered off limits to all meeting room guests.
16. Tape, tacks and other fasteners may not be used on City Hall walls or equipment. If the room or any equipment are damaged, the repair or replacement cost will be paid by the renter.

Meeting Room	Capacity	Cost per 1/2 Day	Cost per 2 Hour Weekend/Night	Deposit Amount	Other
Joe Lane Cox	65	\$125.00	\$125.00	\$100.00	
Council Chambers	115	\$150.00	N/A	\$100.00	No Food/Beverages
1st Fl. Conference	10	\$60.00	\$60.00	\$60.00	
Executive Council Chambers	10	\$60.00	\$60.00	\$60.00	Limited Availability

Publication Date: 07/24/2019

First Reading and Public Hearing: 08/05/2019

Second Reading: 08/19/2019

Adopted: 8.19.2019

AN ORDINANCE BY THE CITY OF DAWSONVILLE TO AMEND ITS ZONING ORDINANCE; TO CLARIFY EXISTING DEFINITIONS AND PROVIDE ADDITIONAL DEFINITIONS; TO ESTABLISH PROHIBITED USES; TO AMEND PROVISIONS RELATED TO BED AND BREAKFAST ESTABLISHMENTS AND SHORT-TERM HOME RENTALS; TO AMEND PROVISIONS ON CONDITIONAL USES, TREE PROTECTION AND ADMINISTRATIVE VARIANCES; TO AMEND PROVISIONS RELATED TO POSTPONEMENT OF ZONING MATTERS; TO AMEND PROVISIONS RELATED TO CONDITIONAL USE AND VARIANCE EXPIRATION; TO ADOPT PROVISIONS RELATED TO APPLICABLE ORDINANCES AND REGULATIONS; TO ADOPT FEES FOR ZONING MATTERS; TO ADOPT CHANGES AND CORRECTIONS TO VARIOUS ZONING DISTRICT PROVISIONS; AND FOR OTHER PURPOSES.

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;

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;

WHEREAS, the City finds that the 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;

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

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

AND WHEREAS, the Mayor and City Council of the City desire to exercise their authority to adopt this ordinance.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF DAWSONVILLE HEREBY ORDAINS AS FOLLOWS:

SECTION 1.

Appendix A, Article III, of Subpart B **Section 301 Definitions** of the Code of the City of Dawsonville is hereby amended by repealing the existing definitions for the terms "dwelling," "dwelling, single-family," and "permanent residence," in their entirety and replacing them definitions as follows:

Dwelling: A building, other than a manufactured home or house trailer, designed, arranged or used for residential use.

Dwelling, single-family: A building designed or arranged to be occupied by one single housekeeping unit only as a residence.

Permanent residence: Any building, structure, dwelling, or dwelling unit which is used as a residence for more than six (6) months per year.

Yard sale: The temporary sale of home furniture, appliances, clothing and/or domestic items owned by an occupant of a residential dwelling and taking place on the premises on which such occupant resides, whether in the yard or in a carport or garage, usually as a result of the occupant moving/relocating to another place of residence. Yard sales which do not take place on the premises on which such occupant resides are considered open-air businesses and are permitted only as a Conditional Use in commercial zoning districts.

SECTION 2.

Appendix A, Article III, of Subpart B **Section 301 Definitions** of the Code of the City of Dawsonville is hereby amended to define the terms “commercial use,” “residential use,” and “short-term rental” as follows:

Commercial use: Any primary or principal use of property for profit.

Residential use: Any primary or principal use of property as a permanent residence by the owner, lessee or occupant of the property.

Short-term rental: The renting or leasing of a building, structure, dwelling, or dwelling unit for no more than thirty (30) consecutive days. A short-term home rental is considered a short-term rental.

SECTION 3.

Appendix A, Article VII, of Subpart B of the Code of the City of Dawsonville is hereby amended by repealing existing section 711 in its entirety and replacing it with a new section 711 as follows:

Sec. 711. – Prohibited uses.

Unless otherwise provided, any use not specifically or conditionally permitted in a zoning district as provided in this Ordinance shall be prohibited in that district.

SECTION 4.

Appendix A, Article VII, of Subpart B of the Code of the City of Dawsonville is hereby amended by repealing existing sections 718 through 719 in their entirety and replacing them with new sections 718 through 719 as follows:

Sec. 718. - Bed and breakfast establishments.

Bed and breakfast establishments must comply with the following requirements:

- (a) Only one building, dwelling, or structure, the purpose of which is to rent entirely or a portion thereof, is allowed per parcel; and
- (b) Obtain a permit or license from the City in compliance with all provisions of the City's business license requirements, including but not limited to Chapter 8 of the City Code, prior to operating as a bed and breakfast establishment.

Sec. 719. - Short-term home rentals.

Short-term home rentals must comply with the following requirements:

- (a) Only one dwelling, the purpose of which is to rent entirely, is allowed per parcel; and
- (c) Obtain a permit or license from the City in compliance with all provisions of the City's business license requirements, including but not limited to Chapter 8 of the City Code, prior to operating as a short-term home rental.

SECTION 5.

Appendix A, Article VII, of Subpart B of the Code of the City of Dawsonville is hereby amended by adopting and inserting a new section 720 as follows:

Sec. 720. – Conditional uses.

Conditional uses are allowed in all zoning districts upon approval by the governing body subject to the following restrictions and criteria:

- (a) No conditional use shall be allowed for a prohibited use in a zoning district.
- (b) All conditional uses shall be consistent with the existing use of the property, any reasonable extension of that use or any use that would be transitional between the existing use and the zoning of surrounding properties.
- (c) All conditional use applications shall be treated in the same manner and use the same procedure as a rezoning petition.
- (d) The governing body shall place such restrictions or conditions on the approval of any conditional use as it deems fit in order to comply with this Section, the intent of the Zoning Ordinance and City's Future Land Use Plan.

SECTION 6.

Appendix A, Article IX, of Subpart B of the Code of the City of Dawsonville is hereby amended by repealing existing section 807 in its entirety and replacing it with a new section 807 as follows:

Sec. 807. - Tree protection.

In the land development process, no more than 75 percent of the mature, healthy, existing trees in excess of ten inches DBH shall be cut, damaged or destroyed. Provided, however, that additional trees may be removed upon approval by the Planning Director or designee if one five inch caliper tree or larger is planted and maintained for each one tree removed in excess of ten inches DBH. A tree

survey shall be required prior to the removal of trees when tree removal is part of the development process. A tree survey shall not be required for a bona fide timber harvest as regulated through the Georgia Forestry Commission. Once timber is harvested as regulated through the Georgia Forestry Commission from a property, said property shall not be eligible for rezoning or development permits for a period of three years following the completion of the timber harvest.

SECTION 7.

Appendix A, Article IX, of Subpart B of the Code of the City of Dawsonville is hereby amended by repealing existing section 902 in its entirety and replacing it with a new section 902 as follows:

Sec. 902. - Administrative variances.

The director of planning and zoning shall have the power to grant administrative variances (except for density and use) from the development standards of the zoning ordinance of the city if the intent of the ordinance can be achieved and equal performance obtained by granting a variance.

- A. *Authority.* The authority to grant administrative variances in accord with this section shall be limited to variances from the following requirements:
 1. *Front yard, side yard and rear yard setbacks.* Variances shall not exceed twenty percent of the setback in applicable zoning district;
 2. *Building height.* A variance may be granted up to, but not exceeding, ten feet if such variance does not allow space habitable by humans and is also approved by the fire marshal and would not result in an increase in the number of stories that would otherwise be allowed by the zoning district;
 3. *Buffers.* The dimensions of a landscaping buffer required by the zoning ordinance or other ordinance may be varied by no more than twenty percent if the adopted comprehensive plan recommends a similar or more compatible use of the neighboring property or in other situations if the intent of the required buffer can be equally achieved; however, no buffer required as a condition of zoning shall be modified; and
 4. *Parking.* If the required parking standards cannot reasonably be met and if a variance will not adversely affect the spirit or intent of the ordinance, then a variance of not more than ten percent may be granted.
- B. *Application, Notification and Fee.* The applicant may choose to either submit an affidavit attesting to notice that includes signatures of all adjoining property owners listed within the application package consenting to the requested administrative variance or the applicant may choose to request written notice from the planning department to adjoining property owners of the variance application and then wait at least ten business days from notice to all adjoining property owners before the variance may be considered for approval. In either application method, notice of the variance application shall be posted upon the property ten days before the variance is considered and shall state the variance requested and the date the variance shall be considered.
- C. *Basis for approval.* No variance may be granted administratively for an application for a variance that has been heard by the planning commission within one year or if the application is for the expansion of a non-conforming use or structure. The following criteria shall be considered by the planning director before granting an administrative variance.

1. The variance neither interferes with the rights of others as provided in this chapter nor is injurious to the public health, safety, general welfare;
 2. A strict interpretation and enforcement of the standards or requirement would result in practical difficulty or unnecessary hardship;
 3. Exceptional or extraordinary circumstances applicable to the subject property exist that do not generally apply to other properties in the same district;
 4. The variance provides for reasonable use under the specified circumstances of each application;
 5. The variance achieves the general intent of this ordinance;
 6. The variance is the minimum possible variance under the specific circumstances; and
 7. The variance does not exceed the scope of the authority set forth in subsection (A) hereof.
- D. *Conditions of approval.* The planning director may impose reasonable conditions upon any administrative variance to ensure that the public health, safety, and general welfare are protected. A violation of any imposed condition shall be a violation of this section.
- E. *Administration.* After all requirements for a variance application in accord with the terms hereof are received, the planning and zoning department shall review and certify that all required information is complete and that the request is within the limits of consideration set forth in subsection (A) hereof. After required notice has been provided and the time period for response has passed, the planning director shall have ten business days to render a decision. Notice of the decision shall be provided to the applicant by mailing such decision within five business days of the decision. Notice of the action taken by the planning director shall be provided to the Planning Commission and the Mayor and Council and shall be placed as a report item for no further action upon the next available meeting agenda of the Planning Commission following the decision of the planning director.
- F. *Compliance with other codes.* The effect of an administrative variance approval shall be that a specific request is determined to be appropriate for a specific location. The administrative variance application shall not approve a site plan nor waive or modify any other requirements of any other City code other than as specifically granted pursuant to the variance.
- G. *Appeal.* The applicant or an adjoining property owner may appeal to the mayor and council the decision of the planning director regarding an administrative variance within ten days of the decision via written objection and appeal. Any such appeal shall be heard by the mayor and council de novo in accord with the standard appeal procedure. Any appeal of the decision of the mayor and council shall be on the record by certiorari to Dawson County Superior Court.

SECTION 8.

Appendix A, Article IX, of Subpart B of the Code of the City of Dawsonville is hereby amended by repealing existing sub-section 910.1 (3) and replacing it with a new sub-section 910.1 (3) as follows (sub-sections (1) and (2) of section 910 shall not be changed or amended):

Sec. 910.1 – Withdrawal and Postponement Procedure.

(3) Postponement of consideration by the planning commission or governing body.

a. In the event that an applicant for a zoning change desires to postpone the decision on an application prior to the date the city submits notice of the pending zoning decision to the legal

organ, the applicant may do so upon written request received before said date by the planning director or designee or his designee.

b. In the event that an applicant for a zoning change desires to postpone a decision on an application after the date that the city submits notice of the pending zoning decision to the legal organ, the applicant may do so:

i. Upon written request received by the planning director or designee or his designee providing the reason for the requested postponement; and

ii. Upon payment of the postponement fee as listed in the city fee schedule.

c. Only one postponement may be secured per application before the decision by the planning commission, and only one postponement may be secured per application before the decision by the governing body.

d. All postponed applications shall be placed on the agenda for a specified meeting of the planning commission or the governing body, depending on the hearing postponed, within two (2) months or less of the date of the existing meeting date.

e. The planning commission or the governing body may postpone any application on its own motion to a specified meeting within two (2) months or less of the date of the existing meeting date upon a proper motion duly passed stating the reason for the postponement.

SECTION 9.

Appendix A, Article IX, of Subpart B of the Code of the City of Dawsonville is hereby amended by repealing existing section 917 in its entirety and replacing it with a new section 917 as follows:

Sec. 917. – Expiration of conditional use or variance approval

a. If, after one (1) year from the date the governing body approves a conditional use permit or the planning commission approves a variance, action has not been taken with the City to utilize the property in accordance therewith (such as securing a development permit, business license, or taking other actions involving obtaining a City permit, certificate or license showing a reliance thereon) the approval of the conditional use permit or variance as the case may be shall expire. At such point, the conditional use permit or variance shall be null, void and of no further force or effect. Prior to any expiration of approval, the owner of the property in question may petition the governing body for a modification or extension of variance or conditional use approval. Any such extension shall be valid for one (1) year from the date of approval. Only one such extension shall be permitted. All variances and conditional use permits in effect as of September 1, 2019 shall be subject to the terms of this ordinance and shall have until September 1, 2020 to comply or they will expire. All variances and conditional use permits granted after September 1, 2020 shall have expiration deadlines one (1) year from the date of approval as set forth in this section.

b. If a landowner takes action with the City to utilize the property in accordance with a conditional use permit and then ceases or abandons that conditional use for a continuous period of one (1) year or more, the conditional use shall lapse, expire and be of no further validity.

SECTION 10.

Appendix A, Article IX, of Subpart B of the Code of the City of Dawsonville is hereby amended adopting and inserting a new section 921 as follows:

Sec. 921. – Applicable zoning ordinance and/or development regulations.

All land development shall conform to the zoning ordinance and development regulations in place at the time the development is initiated. Once initiated, the development must be completed within two (2) years based upon the terms of the zoning ordinance and development regulations in place at the time development was initiated. After two (2) years following initiation of development, any future land development must comply with the zoning ordinance and development regulations then in place.

SECTION 11.

Appendix A, Article IX, of Subpart B of the Code of the City of Dawsonville is hereby amended adopting and inserting a new section 922 as follows:

Sec. 922. – Fees for Zoning Map Amendments, Conditional Use Permits, Variances and Administrative Variances.

The application fees for all zoning map amendments, conditional use permits, variances and administrative variances shall be set forth in City Code Section 2-110 as the same may be amended from time to time.

SECTION 12.

Appendix A, Article XVIII RPC, Residential Planned Community, of Subpart B of the Code of the City of Dawsonville is hereby amended by repealing existing sub-section 1803 (g) and replacing it with a new sub-section 1803 (g) as follows (sub-sections (a) through (f) of section 1803 shall not be changed or amended):

Sec. 1803. – Permitted Uses.

g. A limited commercial component to the project is allowed, i.e. golf clubhouse, neighborhood child care facility, etc. This may be included at no more than five percent (5%) of the total gross acreage. The commercial uses are intended for small-scale neighborhood service and will be specifically determined by the Mayor and Council upon Master Plan approval. The commercial component of the Master Plan shall be integrally designed with the residential component and shall provide both vehicular and pedestrian interconnectivity and access throughout.

SECTION 13.

Appendix A, Article XXII Commercial Zoning Districts in General, of Subpart B of the Code of the City of Dawsonville is hereby amended by repealing existing sub-section 2202 (6) and replacing it with a new sub-section 2202 (6) as follows (sub-sections (1) through (5) of section 2202 shall not be changed or amended):

Sec. 2202. – Maintenance Requirements.

6. If any commercial structure or structures become vacant for more than 60 days and the owner fails to maintain the property in accord with the terms hereof and after notice from the City of such failure, then the owner shall be subject to citation and shall be subject to the maximum fine permitted for ordinance violations for each day of each violation of any provision of this ordinance.

SECTION 14.

Appendix A, Article XXIII NB, Neighborhood Business Districts in General, of Subpart B of the Code of the City of Dawsonville is hereby amended by repealing existing section 2303 and replacing it with a new section 2303 as follows:

Sec. 2303. - Outdoor sales, storage, and display.

Except as otherwise provided, it shall be unlawful in the NB, Neighborhood Business District to provide more than what would be equal to 20 % of the internal floor space for outdoor storage, outdoor display or outdoor sales on any portion of a subject lot; provided, however that said prohibition shall not apply to auto, boat, recreational, farm and manufactured home and other vehicle rental and sales.

SECTION 15.

Appendix A, Article XXIV HB, Highway Business District, of Subpart B of the Code of the City of Dawsonville is hereby amended by repealing the unnumbered size and setback table for HB following existing section 2404 and replacing it with a new table as follows:

HB, Highway Business District*

Minimum Lot Size	Front Setback	Side Setback	Rear Setback	Minimum Square Feet	Maximum Height of Building
21,780 sf if on city water & sewer; 43,560 sf if not	40'	20' Zero when abutting commercial	20' Zero when abutting commercial	1,000'	As engineered

*Additional requirements for access, curb cuts, deceleration and acceleration lanes, etc. may be required. Additional front setback may be required for state highways.

SECTION 16.

Appendix A, Article XXV TB, Town Business District (Historical District), of Subpart B of the Code of the City of Dawsonville is hereby amended by repealing existing section 2506 and replacing it with a new section 2506 as follows:

Sec. 2506. - Signs.

For the purposes of this section, all signs and other advertising devices are regulated according to the city Historical District sign ordinance as well as the general sign ordinances of the city.

SECTION 17.

If any section, provision or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent that this Ordinance would have been adopted had such invalid portion not been included herein.

SECTION 18.

All Ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 19.

This ordinance shall become effective upon adoption, the public good demanding the same.

SO ADOPTED AND ORDAINED by the City Council of Dawsonville, Georgia, this 19 day of August, 2019.

MAYOR AND DAWSONVILLE CITY COUNCIL

By: 
Mike Eason, Mayor


Caleb Phillips, Council Member Post 1


Stephen Tolson, Council Member Post 2


Jason Power, Council Member Post 3


Mark French, Council Member Post 4

ATTESTED TO BY:


Beverly A. Banister, City Clerk

First Reading: 08/05/2019

Second Reading: 08/19/2019

Adopted: 8.19.2019

AN ORDINANCE BY THE CITY OF DAWSONVILLE TO AMEND ITS BUSINESS REGULATION ORDINANCE TO REGULATE THE OPERATION OF HOTELS, BED AND BREAKFAST ESTABLISHMENTS, SHORT-TERM HOME RENTALS, AND OTHER SHORT-TERM RENTALS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, in accordance with Article IX, Section II, Paragraph II of the Constitution of the State of Georgia, approved by the voters of the State in November 1982, and effective July 1, 1983, and pursuant to O.C.G.A. § 36-35-3(a), the governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government; and

WHEREAS, the Mayor and City Council of Dawsonville, Georgia (hereinafter "the City") desire to identify and adopt rules and regulations to protect the public health, safety and welfare related to the operation of hotels, bed and breakfast establishments, short-term home rentals and other short-term rentals; and

AND WHEREAS, in the interests of the health, safety, and general welfare of the citizens of the City of Dawsonville, Georgia, the Mayor and City Council desire to exercise their authority to adopt this ordinance.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF DAWSONVILLE HEREBY ORDAINS AS FOLLOWS:

SECTION 1.

Chapter 8 of the Code of the City of Dawsonville, Georgia, is hereby amended by adopting and inserting a new Article XI as follows:

ARTICLE XI. – HOTELS AND SHORT-TERM RENTALS

Sec. 8-700. – Definitions.

- (1) "*Applicant*" means all persons who are required to sign an application for a short-term rental license;
- (2) "*Bed and Breakfast Establishment*" means a dwelling unit, or portion thereof, where short-term lodging rooms, with or without meals, are provided for compensation, and where the operator of the inn resides on the premises.
- (3) "*Director*" means the Director of the City of Dawsonville Planning and Zoning Department;

- (4) *“Hotel”* means any structure or any portion of a structure, including any lodging house, rooming house, dormitory, Turkish bath, bachelor hotel, studio, hotel, motel, motor hotel, auto court, inn, public club or private club, containing guest rooms and which is occupied, or is intended or designed for occupancy by guests, whether rent is paid in money, goods, labor or otherwise. Such term does not include any jail, hospital, asylum, sanitarium, orphanage, prison, detention center or other buildings in which human beings are housed and detained under legal restraint or for medical reasons.
- (5) *“Owner-occupied property”* means real property which contains one or more dwelling unit(s) where the principal dwelling unit must be occupied by the property owner and constitutes his/her primary and usual place of residence.
- (6) *“Short-term rental”* means renting or leasing of a building, structure, dwelling, or dwelling unit for no more than thirty (30) consecutive days. For example, said definition applies to buildings or structures used for commercial or business purposes as well as hotels, bed and breakfast establishments and short-term home rentals used of residential purposes.
- (7) *“Short-term rental license”* means the license issued by the City Planning and Zoning Department to an Applicant following the submission of the proper application form acceptable to the Director and the requisite fee set forth in Section 2-110.
- (8) *“Short-term home rental”* means a dwelling unit, where either the entire unit or any portion thereof, is provided for short-term lodging for compensation, regardless of whether the dwelling unit is owner-occupied or whether the operator of the short-term rental resides on the premises.
- (9) *“Short-term rental agent”* means a natural person designated by the owner of a short-term rental on the short-term rental license application. Such person shall be available for and responsive to contact at all times and someone who is customarily present at a location within the city for purposes of transacting business.
- (10) *“Short-term rental occupants”* means guests, tourists, lessees, vacationers, or any other person who, in exchange for compensation, occupy a dwelling or dwelling unit, or a portion thereof, or a building or structure, or any portion thereof, for a period of time not to exceed 30 consecutive days. Said term includes, but it not limited to, guests at hotels, short-term home rentals, and bed and breakfast establishments.

Sec. 8-701. – License required.

(a) No person shall rent, lease, or otherwise exchange for compensation all or any portion of a dwelling, dwelling unit, building or structure as a short-term rental without first obtaining a short-term rental license.

(b) Before operating a short-term rental, the Owner or Short-term Rental Agent shall apply to the City of Dawsonville Planning and Zoning Department for a Short-term rental license and shall pay an annual license fee. The annual license fee shall be as set out in section 2-110 and as modified by the Mayor and City Council from time to time. For purposed of this Article, every person who obtains such a license shall be referred to as a “Licensee.”

(c) An approved annual Short-term rental license shall be valid from the date issued and expire on December 31st of each calendar year. The license fee for a short-term rental license applied for, or issued, after July 1st of any calendar year, shall be prorated as one-half of such annual license fee set out in section 2-110.

(d) All individuals currently holding a pre-existing annual permit and/or license to operate as a short-term rental shall be allowed to continue operating under said permit and/or license until its expiration. Upon expiration of the pre-existing permit and/or license, the individual, in order to continue operating as a short-term rental, must apply for a new annual Short-term rental license pursuant to this Article.

(e) Any individual with a pre-existing annual permit and/or license to operate as a short-term rental must comply with all conditions and regulations of this Article.

Sec. 8-702. – Application; procedure for applying.

(a) All applications shall be fully completed by the applicant and sworn to and signed by the applicant in the presence of a notary public or other officer authorized to administer oaths. If the application is filed on behalf of an entity, including, but in no way limited to, a partnership, corporation, civic, patriotic or social club or corporation, a private club, or a limited liability company, then the applicant must be an agent or officer of the entity with actual authority. The applications shall be on a form specified by the Director.

(b) All applications shall be accompanied by a non-refundable application fee as set for in section 2-110 and as amended by the Mayor and City Council from time to time.

(c) All applications shall include:

(1) The name, address, telephone number, and email address of the owner(s) of record of the dwelling, dwelling unit, building or structure for which a license is sought. If such owner is not a natural person, the application shall identify all partners, officers, and/or directors of any such entity, including personal contact information for each such natural person;

(2) The address of the dwelling, dwelling unit, building or structure to be used as a short-term rental;

(3) The name, address, telephone number, and email address of the short-term rental agent, which shall constitute his or her 24-hour contact information;

(4) The owner's sworn acknowledgement that he or she has received a copy of this section, has reviewed it, and understands its requirements;

(5) The number and location of parking spaces allotted to the premises;

(6) The owner's agreement to use his or her best efforts to assure that use of the premises by short-term rental occupants will not disrupt the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their property;

(7) The name(s) and address(es) of all adjoining landowners of record for the purpose of providing them notice of the application; and

(8) Any other information that this Article requires the owner to provide to the City as part of any application for a short-term rental license. The Director or his designee shall have the authority to obtain any additional information from the applicant as necessary to achieve the objectives of this Article.

(d) Attached to and concurrent with submission of the application described in this section, the owner shall provide:

(1) Proof of owner's current ownership of the dwelling unit and/or structure to be used as a short-term rental or hotel;

(2) Proof of insurance indicating that the premises is used as a short-term rental; and

(3) A written certification from the short-term rental agent that he or she agrees to perform the duties specified in this Article.

Sec. 8-703. – Grant or denial of application.

(a) All of record real property owners adjacent to a proposed short-term rental or hotel shall be notified of the application prior to the issuance of an initial short-term rental license. Notification shall be issued by the City providing a copy of the application to the adjacent property owners and shall include:

(1) The street address of the proposed short-term rental or hotel;

(2) The location of any on-site parking for short-term rental occupants;

(3) Applicable maximum occupancy requirements;

(4) The name of the property owner; and

(5) The name and contact information of the short-term rental agent.

(b) Review of an application shall be conducted by the Director in accordance with due process principles. Applications under this Article shall be granted unless the applicant fails to meet the conditions and/or requirements of this Article, or otherwise fails to demonstrate the ability to comply with local, state, or federal law. Any false statements or information provided in the application or violation of this Article are grounds for revocation, suspension, and/or imposition of penalties, including denial of future applications.

Sec. 8-704. – Duty to notify city of material change to application.

The owner, applicant, and/or licensee maintain a duty to notify the City of any material change to information listed on the application, within three (3) business days of such change unless otherwise noted in this Article.

Sec. 8-705. – Short-term rental agent; duties.

- (a) The owner of a short-term rental shall designate a short-term rental agent on its application for a short-term rental license. A property owner may serve as the short-term rental agent. Alternatively, the owner may designate a natural person as his or her agent who is over the age of eighteen (18).
- (b) The duties of the short-term rental agent are to:
 - (1) Be reasonably available to handle any problems arising from use of the short-term rental unit;
 - (2) Appear on the premises of any short-term rental unit within two (2) hours following notification from the City of issues related to the use or occupancy of the premises. This includes, but is in no way limited to, notification that occupants of the short-term rental unit have created unreasonable noise or disturbances, engaged in disorderly conduct, or have committed violations of Code of the City of Dawsonville, Georgia, or other applicable local, state or federal law, including, but in no way limited to, laws pertaining to noise, disorderly conduct, overcrowding, consumption of alcohol, or use of illegal drugs. Failure of the agent to timely appear to two or more complaints within a one (1) year period regarding violations may be grounds for penalties as set forth in this Article. This is not intended to impose a duty on the short-term rental agent to act as a peace officer or otherwise require the agent to place himself or herself in a perilous situation;
 - (3) Receive and accept service of any notice of violation related to the use or occupancy of the premises; and
 - (4) Monitor the short-term rental unit for compliance with this Article.
- (c) An owner may change his or her designation of a short-term rental agent temporarily or permanently; however, there shall only be one such agent for a property at any given time. To change the designated agent, the owner shall notify the Director in writing of the new agent's identity, together with all information regarding such person as required by this Article.
- (d) Any change in designation of the short-term rental agent will not take effect until notice has been provided to the City.

Sec. 8-706. – Annual license fee.

The annual license fee, as described in this Article and as set forth in section 2-110, is established pursuant to the following consideration:

- (a) For owner-occupied property used for short-term rentals, only square footage of the dwelling unit actually rented is used to calculate the annual license fee. For example, if there is a secondary dwelling unit or structure that is rented out as a complete unit, the entire square footage of said unit or structure is considered.

- (b) For Bed and Breakfast Establishments, the square footage of any lodging rooms, as well as any common area between guests that is separate and apart from areas used as the primary residence of the operator is used to calculate the annual license fee. For example, if the operator of a bed and breakfast establishment resides in a separate structure on the premise from the main dwelling, the entire square footage of the main dwelling is used to calculate the annual license fee. Alternatively, if the operator resides in the main dwelling and only rents out private lodging rooms, only the square footage of any lodging room, closet, and private bathroom, or common bathroom exclusively used for guests is used to calculate the annual license fee.
- (c) For short-term home rentals, where an entire dwelling unit is rented out, the square footage of the entire dwelling unit is used to calculate the annual license fee. For example, if a property-owner markets and rents an entire home or dwelling unit, the square footage of the entire home or dwelling unit would be considered in calculating the annual license fee.
- (d) For hotels, the square footage of all lodging rooms and guest common areas, including, but in no way limited to, lobbies, dining rooms, hallways, pool areas, gyms, and other recreational facilities are included in the calculation of the annual license fee.
- (e) For buildings or structures used for commercial or business purposes, the square footage of the building, structure or portion thereof that is rented out is used to calculate the annual license fee.

Sec. 8-707. – Renewal of license.

- (a) All licenses granted under this Article shall be valid from the date issued and expire on December 31st of each year.
- (b) Each application for renewal of a license shall be approved or denied in accordance with the procedures prescribed in this Article.
- (c) Current licensees will receive a renewal package by November 1st of each year. It is the licensee's responsibility to return renewal paperwork to the Director or his Designee by November 20th of each year.
- (d) Any application received after November 20th of the year in which it is due shall be deemed late. Late applications will begin being processed at the time of receipt, but are not guaranteed renewal prior to January 1st. Should the license not be renewed prior to January 1st, the licensee shall suspend all renting of dwellings, dwelling units, buildings, structures, and/or rooms until such time as the renewal license is issued.
- (e) Any licensee who has not submitted the renewal application and required fee by 4:00 p.m. on November 20th, shall pay a late charge as determined by the Mayor and City Council and set forth in section 2-110. If November 20th should fall on a Saturday or Sunday, this deadline shall be the following Monday.
- (f) Any application received after 4:00 p.m. on December 20th (or the following Monday should December 20th fall on a Saturday or Sunday) shall be treated as an initial application and the applicant shall be required to comply with all rules and regulations for the granting of licenses as if no previous license had been held. This will include, but in no way be limited to, a

reassessment of administrative fees and suspension of any and all rental activities during the reapplication process.

Sec. 8-708. – General regulation of business operations.

(a) The following regulations apply to bed and breakfast establishments:

- (1) Shall have a maximum of six guest rooms;
- (2) The maximum occupancy for guests shall be two persons per guest room;
- (3) Off-street parking spaces must be provided and screened from view of adjoining property uses and the public street;
- (4) The operator shall provide and publish rules and regulations for short-term rental occupants to view in order to promote compliance with this Article.

(b) The following regulations apply to short-term home rentals:

- (1) The maximum occupancy for the dwelling unit between the hours of 10:00 p.m. and 8:00 a.m. is two persons per bedroom plus two additional persons per dwelling unit;
- (2) Between the hours of 8:00 a.m. and 10:00 p.m., the maximum occupancy of the dwelling unit and property may be increased by one guest per short-term rental occupant. For example, if a five-bedroom house is rented, the maximum occupancy between 8:00 a.m. and 10:00 p.m. would be twelve (12) short-term rental occupants and twelve (12) guests, for a total of twenty-four (24) persons;
- (3) Sufficient parking must be provided for every short-term rental occupant to park his or her vehicle off-street;
- (4) The property-owner and/or short-term rental agent shall provide and publish rules and regulations for short-term rental occupants to view in order to promote compliance with this Article.

(c) The following regulations apply to hotels:

- (1) The maximum occupancy of the structure and/or lodging rooms of a hotel shall be determined by the County Fire Marshal.

(d) The following regulations apply to all hotels, short-term home rentals, and bed and breakfast establishments:

- (1) Dwelling units and/or lodging rooms must be properly maintained and regularly inspected by the owner to ensure continued compliance with applicable zoning, building, health, and safety code provisions;
- (2) Shall comply with and remit all necessary hotel-motel excise taxes pursuant to Chapter 11, Article III.

Sec. 8-709. – Enforcement.

- (a) To ensure continued application of the intent and purpose of the Article, the Director or his designee shall notify the owner of a short-term rental of all instances in which nuisance behavior of the rental guest or the conduct of his or her short-term rental agent results in a citation for a code violation or other legal infraction.
- (b) The Director shall maintain a file for each short-term rental location and maintain in each such file a record of all code violation charges, founded accusations, and convictions occurring at or related to such short-term rental. When a short-term rental property has accumulated three (3) code violations (whether incurred by the owner, short-term rental agent and/or short-term rental occupants) within a period of twelve (12) consecutive months, the City shall revoke any existing license and reject all applications for the subject premises for a period of twelve (12) consecutive months.
- (c) If a short-term rental owner has been cited and found in violation of any zoning, building, health, or safety code provision, the license shall be immediately suspended and the owner must demonstrate compliance with the applicable code prior to being eligible for reinstatement or to receive a subsequent annual license.
- (d) Citations for ordinance violations shall be punishable pursuant to section 1-8, as well as by suspension or revocation of a license as determined by the Director.

Sec. 8-710. – Appeals.

- (a) A person aggrieved by the Director's decision to revoke, suspend, or deny a short-term rental license may appeal the decision to the Mayor and City Council. The appeal must be filed with the City Clerk in writing, within thirty (30) calendar days of the adverse action, contain a concise statement of the reason for appeal, and be accompanied by the appeal fee as set out in section 2-110 and as amended by the Mayor and City Council from time to time.
- (b) The timely filing of an appeal shall stay the revocation, suspension, or denial, pending a decision by the Mayor and City Council.
- (c) The Mayor and City Council shall consider the appeal within thirty (30) days after receipt of the appeal, and provide the aggrieved party written notice of the time, place, and date of the scheduled hearing on the matter. The standard of proof on all issues in the hearing shall be a preponderance of the evidence and a determination will be made on the basis of the evidence presented at the hearing.
- (d) At the hearing, the Director or his or her designee shall present the facts upon which the denial, suspension, or revocation of the license were based. After presentation of the case against the aggrieved party, the aggrieved party will have an opportunity to present his/her case, to rebut the allegations made against him/her, and present whatever defenses he/she has. The aggrieved party shall have the right to be represented by an attorney, at the expense of the aggrieved party, and to present evidence and cross-examine opposing witnesses.

- (e) At the conclusion of the hearing, the Mayor and Council shall determine whether the denial, revocation, or suspension of the license was warranted. The findings and conclusions of the Mayor and Council shall be placed in writing and forwarded by the Director to the aggrieved party.
- (f) The decision of the Mayor and Council shall be final unless appealed to the Superior Court of Dawson County, Georgia, within thirty (30) days of the Director providing written notification to the aggrieved party of the decision. Appeal shall be by writ of *certiorari* based upon the record in accordance with O.C.G.A. § 5-4-1.
- (g) For purposes of this article, notice shall be deemed delivered when personally served, or when served by email on the date served or email sent or when served by certified mail postage prepaid within three days after the date of deposit in the United States Mail.

SECTION 2.

If any section, provision or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent that this Ordinance would have been adopted had such invalid portion not been included herein.

SECTION 3.

All Ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.


SECTION 4.

This ordinance shall become effective upon adoption, the public good demanding the same.


SO ADOPTED AND ORDAINED by the City Council of Dawsonville, Georgia, this 19 day of August, 2019.

**MAYOR AND DAWSONVILLE CITY
COUNCIL**

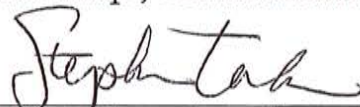
By:



Mike Eason, Mayor



Caleb Phillips, Council Member Post 1



Stephen Tolson, Council Member Post 2

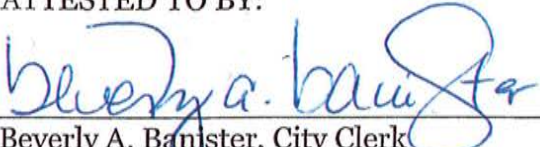


Jason Power, Council Member Post 3



Mark French, Council Member Post 4

ATTESTED TO BY:



Beverly A. Banister, City Clerk

First Reading: 08/05/2019

Second Reading: 08/19/2019

Adoption: 8.19.2019

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF DAWSONVILLE, GEORGIA, BY ADOPTING REGULATIONS CONCERNING THE PLACEMENT OF SMALL WIRELESS FACILITIES, SUPPORT STRUCTURES, AND POLES IN CITY RIGHTS OF WAYS; TO ADOPT A NEW ARTICLE III ON RIGHT OF WAY REGULATIONS IN CHAPTER 10 OF THE CODE; TO PROVIDE FOR AESTHETIC REGULATIONS GOVERNING THE PLACEMENT OF FACILITIES AND EQUIPMENT IN PUBLIC RIGHTS OF WAYS WITHIN THE CITY LIMITS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Georgia General Assembly enacted the Georgia Streamlining Wireless Facilities and Antennas Act, O.C.G.A. Title 36, Chapter 66C (the "SWFAA");

WHEREAS, the SWFAA governs the placement of small wireless facilities and their associated poles and support structures in public rights of way, specifically affecting regulatory authority of municipalities within public rights of way;

WHEREAS, the adoption of this Ordinance will make more effective the government of the City of Dawsonville, Georgia (the "City"), by preparing for such regulatory changes;

WHEREAS, the preservation of aesthetics in certain areas of the City, including, but in no way limited to, the historic district, is of great importance to the Mayor and City Council and the citizens of Dawsonville;

WHEREAS, the placement of facilities and other equipment in public rights of way may harm the public health, safety, and welfare of the citizens of the City; and

WHEREAS, the Mayor and Council now desire to adopt this Ordinance regarding the placement of small wireless facilities and their associated structures, as well as aesthetic regulations for all equipment placed in public rights of ways.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF DAWSONVILLE HEREBY ORDAINS AS FOLLOWS:

SECTION 1.

Chapter 10, Article III of the Code of the City of Dawsonville, Georgia, is hereby amended by repealing existing Article III in its entirety and replacing it with a new "ARTICLE III. – RIGHT-OF-WAY REGULATIONS" as follows:

Chapter 10 – STREET, SIDEWALKS, AND OTHER PUBLIC PLACES

ARTICLE III. – GENERAL RIGHT-OF-WAY REGULATIONS

DIVISION 1. – GENERALLY

Sec. 10-35. – Title.

This article shall be known as the City of Dawsonville Right-of-Way Regulations.

Sec. 10-36. – Purpose.

The purpose of this article is to provide for regulations of public rights-of-way in accordance with the powers granted to the City of Dawsonville via its Charter, O.C.G.A. § 32-4-92 and § 32-6-1. It is further the purpose to advance the health, safety, and welfare of the public by proscribing regulations for the use of and work in public rights-of-way.

Sec. 10-37. – Definitions.

Unless otherwise defined expressly below, the words and phrases used in this article shall have the meanings given them in O.C.G.A. § 36-66C-2. Terms not defined in O.C.G.A. § 36-66C-2 shall have their ordinary and customary signification attached to them, unless otherwise defined expressly below. In the event that any federal or state law containing definitions used in this Article, the definition in the referenced section, as amended, shall control.

(a) *Emergency* means a situation or set of circumstances which, in the discretion of the City of Dawsonville or its officials, warrants swift action or response.

(b) *Encroachment* means any object, building, structure, line, pipe, cable, small wireless facility, antenna, or thing located within a public right-of-way. Encroachments also include, but are not limited to, signs and sign support structure placed in and obstructions of any right-of-way.

(c) *Private Right-of-way* means any road, street, alley or drive located within the city limits that is designed for and capable of serving street legal vehicles as a throughway, but does not include private driveways intended to serve only one parcel of property.

(d) *Right-of-way* means any and all rights and interests in land held by the City or other public bodies, or hereinafter acquired by the same attendant to the roads, streets, alleys and public ways in the City of Dawsonville, to include the full width of any such right-of-way and not limited to any paved or graded portion thereof. Such term shall include any and all such interests, whether owned in fee or held by easement, no matter how acquired.

(e) *Utility* means a person, service or company carrying on an enterprise which provides accommodations to the public, including but not limited to the provision of telephone, electricity, natural gas, cable television, fiber optic, cellular service, wireless service, internet service, water, waste water, and similar services.

Sec. 10-38. – Prohibitions and enforcement.

(a) It shall be unlawful to encroach upon, utilize, or perform work in or upon any public right-of-way in violation of this ordinance, the city zoning ordinance or the city development regulations.

(b) It shall be unlawful to cause, create, or maintain any encroachment on any public right-of-way except as may be specifically authorized by this article or the Code of the City of Dawsonville, Georgia.

(c) It shall be unlawful to encroach upon, utilize or maintain any encroachment upon any Private Right-of-way that would block traffic or create a safety hazard to the travelling public, persons or property.

(d) No person or entity other than a utility company operating pursuant to a state or city franchise shall be permitted to cause, create or maintain any encroachment on any public right-of-way that is not directly adjacent to property owned or leased by that person or entity.

(e) Violations of this ordinance shall be punishable in accordance with section 1-8 of the Code of Dawsonville Georgia. In addition, the city may require the removal of any unauthorized encroachment, or the city may itself undertake the removal of such encroachment and assess the costs therefore against the offender.

Sec. 10-39. – Permit required.

(a) Any person or entity desiring to perform any work on or within any public rights-of-way including, but not limited to the installation, construction, modification, and/or removal of sidewalks, driveways, aprons, curbs, curbing, gutters, drainage structures, signs, utilities and their appurtenances, installation of any encroachment into the right-of-way or other related work, shall make application to the city, obtain approval and a permit for such purpose before any work is commenced.

(b) The requirements as stipulated in the preceding paragraph shall equally apply to any changes, alterations or additions to any existing installations or encroachment into or on public rights-of-way.

(c) Permits shall be granted and issued on either a temporary or permanent basis.

(1) Temporary permits shall be for any work on or within any public right-of-way, or any installation/maintenance of any encroachment that is non-permanent in nature. Temporary permits shall expire one (1) year after the date of issuance.

(2) Permanent permits shall be for any work on or within any public right-of-way, or any installation/maintenance of any encroachment that is permanent in nature. Permanent permits shall expire ten (10) years after the date of issuance. Permanent permits may be renewed for successive ten (10) year terms by applying for a renewal permit in the same manner required for an initial permit according to this Article.

(d) Scope of requirement:

(1) Nothing contained herein shall require any encroachment existing on the date of the adoption of this ordinance to apply for and seek a permit for continued existence for the period from the date of passage of this ordinance until December 31, 2024. However, modification or maintenance of such encroachments which alters the extent

or nature of the encroachment shall require a permit and all encroachments must be permitted by December 31, 2024.

(2) Nothing contained herein shall require a permit for the regular maintenance or repair of permitted encroachments or encroachments exempt from the permit requirement pursuant to this article. However, any maintenance or repair which alters the extent or nature of the encroachment shall require a permit.

Sec. 10-40. – Application for permits; renewal.

(a) The application for the permit required in this article shall be made in triplicate to the City Public Works Department upon forms provided by that department. The Public Works Department shall forward a copy of the application to the City Planning and Zoning Department and one copy to the City Utility Department for each department's review and comment.

(b) The application shall be accompanied by a fee set by the mayor and council as set forth in Section 2-110, and as hereafter amended.

(b) The application shall include plans and/or drawings to be submitted in support of the application sufficient to indicate the nature and extent of the work proposed. All proposed work must be in compliance with this article, the city zoning ordinance, the city development regulations and any other applicable provisions of the Code of the City of Dawsonville.

(c) Upon review of the application and prior to granting any permit under this article, the city shall have the authority to, by decision of the City Manager or his designee:

(1) Require the applicant to post a bond with a surety acceptable to the city conditioned to indemnify the city for loss or damage caused by or resulting from the work undertaken within the public rights-of-way.

(2) Require the applicant to post a bond with a surety acceptable to the city conditioned to indemnify, protect and hold harmless the city from all claims for damages or injury to persons or property caused by or resulting from the work undertaken within the public rights-of-way.

(d) The application for permit shall be reviewed and a decision thereon shall be issued by the Public Works Director or his designee, within the latter of ten business days of receipt of the completed application of the city, or within ten business days from the receipt of any documentation required by the city pursuant to this article. In reviewing the application and making a decision thereon, the city shall consider:

(1) The effect of the proposed work or encroachment on the public rights-of-way;

(2) The effect of the proposed work or encroachment on the safety and welfare of the public;

(3) Whether alternatives may ameliorate negative effects on the public rights-of-way or the safety of the public;

- (4) Whether the proposed work or encroachment will conflict with or create problems with in-progress or future anticipated improvements to the public rights-of-way whether by the city or other governmental entities, or to future utility plans or the future land use map;
- (5) Whether the proposed work or encroachment will comply with the zoning ordinance and the development regulations; and
- (6) Whether in light of the foregoing factors, the application should be granted, returned for amendment and alteration, or should be denied.

Sec. 10-41. – Removal or relocation of encroachments.

- (a) In addition to the any other removal provisions described in this article, the city reserves all rights and privileges granted to it, pursuant to O.C.G.A. §§ 32-4-92 and 32-6-171, to require removal or relocation of right-of-way encroachments.
- (b) In the event that any such relocation or removal is performed by the city or its designees, the city reserves to itself all rights and privileges granted pursuant to O.C.G.A. § 32-6-173, authorizing the city to assess the costs of such relocation or removal against the person or entity which owns or is otherwise responsible for the encroachment.
- (c) The issuance of a permit pursuant to this article does not grant a property interest in any person or entity holding such a permit, nor does it grant a compensable right to utilize the public rights-of-way. All utilizations of public rights-of-way governed by this ordinance are at the pleasure of the City of Dawsonville, and may be revoked at any time in an emergency situation or upon thirty (30) days' notice in a non-emergency situation.

Sec. 10-42. – Working in public rights-of-way.

- (a) To the extent reasonably possible, notification shall be given to the city's public works department prior to the initiation of any work within a public right-of-way in the City of Dawsonville, whether or not a permit is required under this article.
- (b) All work performed within public rights-of-way in the City of Dawsonville, whether or not subject to the permit requirements of this article, shall be performed as follows:
 - (1) Prior to initiating any work within a public right-of-way which will require working below grade, the person or entity responsible for such work shall have all utilities located to avoid conflict with or interruption in utility service.
 - (2) All care shall be taken not to physically encroach into the portion of the right-of-way utilized by the public for travel purposes, whether for vehicular or pedestrian traffic.
 - (3) In the event it is necessary to encroach into the portion of the right-of-way utilized by the public for travel purposes, the person or entity performing the work shall be responsible for posting signage, erecting barricades, and providing other protective equipment to adequately safeguard the public and those performing the work.

(4) Other than in an emergent situation, all work within public rights-of-way shall be performed in accordance with Chapter 101. In an emergent situation when it is necessary to conduct work outside of daylight hours the person or entity performing the work shall be required to provide adequate lighting to protect and adequately safeguard the public and those performing the work.

(5) At the conclusion of work within the public right-of-way, the person or entity responsible for the work shall restore the right-of-way to the condition in which it existed prior to the commencement of work, to include but not be limited to any necessary backfilling, grading, paving, landscaping, planting, and utility restoration. All public rights-of-way shall be left clean of surplus material and debris of every kind.

(c) The public works department shall have the power to inspect any work performed in public rights-of-way within its corporate limits, and shall further have the power to issue a stop work order and a citation for work not in conformance with this article or the plans submitted in support of any application to the city. Such deficiencies shall be communicated to the person or entity responsible for the work, who shall correct said deficiencies within ten (10) days of receipt of such notice from the city and, if/when properly corrected, the city shall lift the stop work order. Failure to correct the noted deficiencies shall be a violation of this article and may be enforced as provided by law.

Sec. 10-43. – Appeal.

Persons aggrieved by a decision of the city pursuant to this article may appeal the decision to the Mayor and Council of the City of Dawsonville, utilizing the appeal procedures set forth in the city zoning ordinance. Appeal of the decision of the Mayor and Council shall also utilize the appeal procedures set forth in the city zoning ordinance.

Sec. 10-44–10-49. – Reserved.

DIVISION 2. – AESTHETIC STANDARDS

Sec. 10-50. – Authority and scope.

(a) O.C.G.A. § 32-4-92(a)(10) authorizes the City to establish reasonable regulations for the installation, construction, maintenance, renewal, removal, and relocation of pipes, mains, conduits, cables, wires, poles, towers, traffic and other signals, small wireless facilities, antennas, and other equipment, facilities, appliances or encroachments in, on, along, over, or under the public roads of the City. Further, 47 U.S.C. § 253(c) provides that the City has authority to manage its public rights of way.

(b) The City finds it is in the best interest of the City and its residents and businesses to establish aesthetic requirements and other specifications and reasonable conditions regarding placement of facilities in the public rights of way. These requirements, specification, and conditions are adopted in order to protect the public health, safety, and welfare of the residents and businesses of the City and to reasonably manage and protect the public rights of way and its uses in the City.

- (c) The objective of this Division is to ensure use of the public rights of way:
 - (1) Is consistent with the design, appearance, and other features of nearby land uses;
 - (2) Protects the integrity of historic, cultural, and scenic resources; and
 - (3) Does not harm residents' quality of life.
- (d) This Division applies to all requests to locate facilities in the public rights of way and ongoing use of the public rights of way for such facilities. This Division is established pursuant to the City Charter and other applicable law. This Division is administered by the Public Works Director or his designee.
- (e) Placement or modification of facilities in the public rights of way shall comply with this Division at the time the permit for installation or modification is approved and as amended from time to time. Permittees are required to comply with City Code and other applicable laws and regulations.

Sec. 10-51. – Facilities standards.

- (a) *Generally.* The following general standards apply to placement of facilities in public rights of ways:
 - (1) Facilities must be compatible in size, mass, and color to similar facilities in the same zoning area, with a goal of minimizing the physical and visual impact on the area.
 - (2) Facilities shall be visually and architecturally integrated with the residential, historic, and/or architecturally significant areas they are placed and shall not interfere with prominent vistas or significant public view corridors.
 - (3) Facilities must be located in alignment with existing trees and/or facilities.
 - (4) Facilities must maintain the integrity and character of the neighborhoods and corridors in which the facilities are located.
- (b) *Undergrounding.* Except as otherwise provided, facilities shall be installed underground so long as placement underground will not materially impact the provision of service. Any individual requesting to locate facilities above ground has the burden to demonstrate by clear and convincing evidence that undergrounding will effectively prohibit the provision of service in question.
 - (1) Light poles and small wireless facilities collocated thereon may be located above ground in areas of the City where facilities are primarily located underground.
 - (2) The City may allow collocated small wireless facilities placed above ground prior to the effective date of this Division and subject to any applicable pole attachment agreement to remain above ground without a permit until December 31, 2024 and thereafter all such facilities shall comply with this Division.

(3) The City may allow a wireless provider to replace the pole associated with a previously collocated small wireless facility at the same location or propose an alternate location within fifty (50) feet of the prior location, which the wireless provider shall use unless such alternate location imposes technical limits or significant additional cost.

(c) *Historic District.* Facilities installed in the historic district of the City shall conform to the provisions of Chapter 104.

(d) *Camouflaging.* Facilities must be designed using camouflaging techniques that make them as unobtrusive as possible if:

(1) It is not possible or desirable to match the design and color of facilities within the that of similar facilities in the same zoning area/district, as required by section 10-52(a)(1); or

(2) Existing facilities in the area are out of character with a streetscape plan or other aesthetic plan that has been adopted by the City.

(e) *Concealment.* Facilities shall incorporate specific concealment elements to minimize visual impacts.

Sec. 10-52. – Installation and Modification Standards.

Installation of new facilities or encroachments in, on, along, over, or under the public rights of way, or modification of existing facilities or encroachments in, on, along, over, or under the public rights of way shall:

(a) Minimize risks to public safety;

(b) Ensure that placement of facilities on existing structures is within the tolerance of those structures;

(c) Ensure that installation and modifications are subject to periodic review to minimize the intrusion on the right of way;

(d) Ensure that the City bears no risk of liability as a result of the installations or modifications; and

(e) Ensure that the use of the public rights of way does not inconvenience the public, interfere with the primary uses of the public rights of way, or hinder the ability of the city or other governmental entities to improve, modify, relocate, abandon, or vacate the rights or way or any portion thereof, or to cause the improvement, modification, relocation, vacation, or abandonment of facilities in the rights of way.

Sec. 10-53. – Plans for use required.

No facilities or encroachment shall be placed in, on, along, over, or under the public rights of way unless:

- (a) There are immediate plans to use the proposed facility; or
- (b) There is a contract with another party that has immediate plans to use the proposed facility.

Sec. 10-54. – Contact information required.

Every facility or encroachment placed in, on, along, over, or under the public rights of way shall at all times display signage that accurately identifies the facility owner and provides the facility owner's unique site number and a local or toll-free telephone number to contact the facility owner's operations center.

Sec. 10-55. – Applicable and controlling provisions.

If there exists any conflict between any provision of this Article III and any provision of Article IV, as applied to an encroachment directly related to and/or governed by Article IV, then the provisions of Article IV shall apply and control.

Sec. 10-56–10-99. – Reserved.

SECTION 2.

Chapter 10 of the Code of the City of Dawsonville, Georgia, is hereby amended by inserting a new "ARTICLE IV. – SMALL WIRELESS RIGHT OF WAY REGULATIONS" as follows:

Chapter 10 – STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES

ARTICLE IV. – SMALL WIRELESS RIGHT OF WAY REGULATIONS

Sec. 10-100. – Purpose and compliance.

(a) O.C.G.A. § 32-4-92(a)(10) authorizes the City to establish reasonable regulations for the installation, construction, maintenance, renewal, and relocation of pipes, mains, conduits, cables, wires, poles, towers, traffic and other signals, and other equipment, facilities, and/or appliances in, on, along, over, or under the public roads of the City. Further, 47 U.S.C. § 253(c) provides that the City has authority to manage its public rights of way. Finally, the Georgia Streamlining Wireless Facilities and Antennas Act, O.C.G.A. Title 36, Chapter 66C (the "SWFAA"), addresses the placement of small wireless facilities in the public rights of way of the City.

(b) The City finds it is in the best interest of the City and its residents and businesses to establish requirements, specifications, and reasonable conditions regarding placement of small wireless facilities and poles in the public rights of way. These requirements, specifications, and conditions are adopted in order to protect the public health, safety, and welfare of the residents and businesses of the City and to reasonably manage and protect the public rights of way and its uses in the City.

(c) The objective of this Article is to implement the SWFAA and ensure use of the public rights of way is consistent with the design, appearance, and other features of nearby land uses,

protects the integrity of historic, cultural, and scenic resources, and does not harm residents' quality of life.

Sec. 10-101. – Definitions.

Unless otherwise defined below, terms used in this Article shall have the same meanings given them in O.C.G.A. § 36-66C-2. In the event that any federal or state law containing definitions used in this Article is amended, the definition in the referenced section, as amended, shall control.

Sec. 10-102. – Applications for permits.

(a) A permit is required to collocate a small wireless facility in the public right of way, or to install, modify, or replace a pole or decorative pole in the public right of way. A permit is not required under this Article to perform the activities described in O.C.G.A. § 36-66C-6(e) or (f). Said permit shall be the same permit required pursuant to Article III; provided that, if any conflict arises between the provisions of this Article and the provisions of Article III, the provisions of this Article shall control.

(b) Any person seeking to collocate a small wireless facility in the public right of way, or to install, modify, or replace a pole or decorative pole in the public right of way, shall submit an application to the Public Works Director (the "Director"), or his designee, for a permit. Applications are available from the Director. Any material changes to information contained in an application shall be submitted, in writing, to the Director within thirty (30) days after the events necessitating the change.

(c) Each application for a permit shall include the maximum application fees permitted under O.C.G.A. §36-66C-5(a)(1), (a)(2), and (a)(3). Such maximum application fees shall automatically increase on January 1 of each year, beginning January 1, 2021, as provided under O.C.G.A. § 36-66C-5(b).

(d) A permit issued under this Article shall authorize such person to occupy the public rights of way to collocate a small wireless facility on or adjacent to a pole or a support structure that does not exceed the limitations set forth in O.C.G.A. § 36-66C-7(h)(1) and (h)(2).

(e) An applicant may file a consolidated application related to multiple small wireless facilities, poles, or decorative poles, so long as such consolidated application meets the requirements of O.C.G.A. § 36-66C-13.

(f) All accepted applications for permits shall be publicly available subject to the limitations identified and set forth in O.C.G.A. § 36-66C-6(c).

Sec. 10-103. – Review and approval of applications.

(a) The Director shall review applications for permits according to the timelines and procedures set forth in O.C.G.A. §§ 36-66C-7 and 36-66C-13.

(b) Applications for permits shall be approved except as follows:

(1) In order to receive a permit to install a pole or replace a decorative pole, the applications must have determined after diligent investigation that it cannot meet the service objective of the permit by collocating on an existing pole or support structure on which the applicant has the right to collocate subject to reasonable terms and conditions, and on which such collocation would not impose technical limitations or significant additional costs. The applicant shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and shall provide a written summary of the basis of such determination.

(2) The Director may deny an application for a permit upon a finding of any of the conditions identified in O.C.G.A. § 36-66C-7(j).

(3) For applications for new poles in the public right of way in areas zoned for residential use, the Director may propose an alternate location in the public right of way within one hundred (100) feet of the location set forth in the application, and the wireless provider shall use the proposed alternate location, unless the location imposes technical limits or significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and it shall provide a written summary of the basis for such determination.

Sec. 10-104. – Initial and annual permit fee; other fees.

(a) Upon issuance of a permit under this Article, and on each anniversary of such issuance, every person or entity issued a permit shall submit to the City the maximum annual payments permitted under O.C.G.A. § 36-66C-5(a)(4) and (a)(5); provided that, if such person or entity removes its small wireless facilities from the public rights of way pursuant to O.C.G.A. § 36-66C-5(e), then such person or entity shall be responsible for the pro rata portion of the annual payment based on the number of days of occupation since the last annual payment. Upon making such pro rata payment and removal of the small wireless facilities, the person's or entity's annual payment obligation under this section shall cease as of the date of the actual removal. The maximum annual payments shall automatically increase on January 1 of each year beginning January 1, 2021, as provided under O.C.G.A. § 36-66C-5(b).

(b) Any person or entity issued a permit shall pay the fees identified in O.C.G.A. § 36-66C-5(a)(6)–(7), as applicable.

Sec. 10-105. – Revocation of permits.

(a) The City may revoke a permit issued pursuant to this Article if the wireless provider or its equipment placed in the public right of way under that permit subsequently is not in compliance with any provision of this Article or the SWFAA.

(b) If a wireless provider occupies the public rights of way without obtaining a permit required by this Article or without complying with SWFAA, the City may, in its sole discretion, restore the right of way, to the extent practicable in the reasonable judgment of the City, to its condition prior to the unpermitted collocation or installation and to charge the responsible wireless provider the reasonable, documented cost of the City in doing so, plus a penalty not to exceed \$1,000.00. The City may suspend the ability of the wireless provider to receive any new permits from the City under this Article until the wireless provider has paid the amount

assessed for such restoration costs and the penalty assessed, if any. Notwithstanding the previous, the City may not suspend such ability of any applicant that has deposit the amount in controversy in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.

Sec. 10-106. – Activities authorized by permit; time to complete activities.

- (a) All activities authorized under a permit issued pursuant to this Article shall be completed within the timelines provided in O.C.G.A. § 36-66C7(k)(2).
- (b) Issuance of a permit under this Article authorizes the applicant to:
 - (1) Undertake the collocation, installation, modification, or replacement approve by such permit; and
 - (2) Operate and maintain the small wireless facilities and any associated pole covered by the permit for a period of ten (10) years.

Sec. 10-107. – Renewal of permits.

- (a) All permits issued pursuant to this Article expire ten (10) years from the date of issuance.
- (b) All permits must be renewed following the expiration of such permit according to the terms and conditions identified and set forth in O.C.G.A. § 36-66V-7(k)(2)(B).

Sec. 10-108. – Applications to collocate on City or authority pole; make-ready work.

- (e) If an application for a permit seeks to collocate small wireless facilities on City or authority poles in the public right of way, the City shall, within sixty (60) days of receipt of the completed application:
 - (1) Provide a good faith estimate for any make-ready work necessary to enable the authority pole to support the proposed facility; or
 - (2) Notify the wireless provider that the wireless provider will be required to perform the make-ready work.
- (f) Any make-ready work performed by the City shall be completed pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(n).

Sec. 10-109. – Removal of poles, support structures, or small wireless facilities.

- (a) A person may remove its small wireless facilities from the public rights of way according to the procedures set forth in O.C.G.A. § 36-66C-5(e).
- (b) In the event of a removal, the right of way shall be, to the extent practicable in the reasonable judgment of the City, restored to its condition prior to removal. If a person fails to return the right of way, to the extent practicable in the reasonable judgment of the City, to its

condition prior to removal within ninety (90) days of the removal, the City may, in its sole discretion, restore the right of way to such condition and charge the person the City's reasonable, documented cost of removal and/or restoration, plus a penalty not to exceed \$500.00. The City may suspend the ability of the person to receive any new permits under this Article until the person has paid the amount assessed for such restoration costs and the penalty assessed, if any. Notwithstanding the previous, the City will not suspend such ability of any person that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.

Sec. 10-110. – Relocation of poles, support structures, or small wireless facilities.

- (a) If, in the reasonable exercise of police powers, the City determines:
- (1) a pole or support structure unreasonably interferes with the widening, repair, reconstruction, or relocation of a public road or highway; or
 - (2) relocation of poles, support structures, or small wireless facilities is required as a result of a public project;

then the wireless provider shall relocate such poles, support structures, or small wireless facilities pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(1).

(b) If any wireless provider fails to relocate a pole, support structure, or small wireless facility, or fails to provide a written good faith estimate of the time needed to relocate the pole, support structure, or small wireless facility within the time period prescribed in O.C.G.A. § 36-66C-7(1), the City may take the actions authorized by O.C.G.A. § 36-66C-7(1), in addition to any other powers under other applicable law.

Sec. 10-111. – Reconditioning and replacement of authority poles.

The City shall recondition and replace authority poles consistent with the provisions of O.C.G.A. § 36-66C-7(m). Wireless providers shall accommodate and cooperate with such reconditioning and replacement activities consistent and in accordance with the provisions of O.C.G.A. § 36-66C-7(m).

Sec. 10-112. – Abandonment of poles, support structures, or small wireless facilities.

- (a) A wireless provider must notify the City of its decision to abandon any small wireless facility, support structure, or pole pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(p)(1).
- (b) The wireless provider shall perform all acts and duties identified in O.C.G.A. § 36-66C-7(p) regarding abandonment.
- (c) The City may take all actions and exercise all powers authorized under O.C.G.A. § 36-66C-7(p) upon abandonment, in addition to any other powers authorized under other applicable law.

Sec. 10-113. – Development standards for poles, support structures, or small wireless facilities.

(a) Small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities may be placed in public rights of ways:

(1) Upon receipt of a permit issued pursuant to this Article;

(2) Subject to applicable codes and regulations; and

(3) All such small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities shall comply with the appropriate provisions of O.C.G.A. § 36-66C-7(h).

(b) Unless any other provision of applicable law states otherwise, a decorative pole should only be located where an existing pole can be removed and replaced, or at a new location where the City has identified that a streetlight is necessary.

(c) Unless it is determined that another design is less intrusive, or placement is required under applicable law, small wireless facilities shall be concealed as follows:

(1) Antennas located at the top of poles and support structures shall be incorporated into the pole or support structure, or placed within shrouds of a size such that the antenna appears to be part of the pole or support structure;

(2) Antennas placed elsewhere on a pole or support structure shall be integrated into the pole or support structure, or be designed and placed to minimize visual impacts.

(3) Radio units or equipment cabinets holding radio units and mounted on a pole shall be placed as high as possible, located to avoid interfering with, or creating any hazard to, any other use of the public rights of way, and located on one side of the pole. Unless the radio units or equipment cabinets can be concealed by appropriate traffic signage, radio units or equipment cabinets mounted below the communications space on poles shall be designed so that the largest dimension is vertical, and the width is such that the radio units or equipment cabinets are minimally visible from the opposite side of the pole on which they are placed.

(4) Wiring and cabling shall be neat and concealed within or flush to the pole or support structure, ensuring concealment of these components to the greatest extent possible.

(d) Notwithstanding any provision of this Article to the contrary, an applicant may collocate a small wireless facility within a historic district, and may place or replace a pole within a historic district, only upon satisfaction of the following:

(1) Issuance of a permit under this Article; and

(2) Compliance with applicable codes and regulations, including, but in no way limited to, compliance with Chapter 104.

(e) Notwithstanding any provision of this Article to the contrary, an applicant may collocate a small wireless facility on a decorative pole, and may replace a decorative pole with a new decorative pole, in the event the existing decorative pole will not structurally support the attachment, only upon satisfaction of the following:

- (1) Issuance of a permit under this Article; and
- (2) Compliance with applicable codes and regulations.

SECTION 3.

If any section, provision or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent that this Ordinance would have been adopted had such invalid portion not been included herein.

SECTION 4.

All Ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5.


This ordinance shall become effective upon adoption, the public good demanding the same.


SO ADOPTED AND ORDAINED by the City Council of Dawsonville, Georgia, this 19 day of August, 2019.

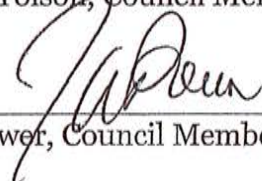
**MAYOR AND DAWSONVILLE CITY
COUNCIL**


By:


Mike Eason, Mayor


Caleb Phillips, Council Member Post 1

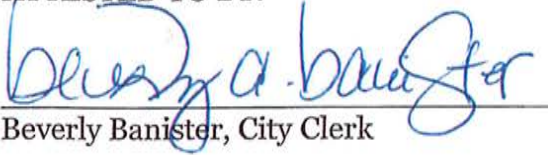

Stephen Tolson, Council Member Post 2


Jason Power, Council Member Post 3



Mark French, Council Member Post 4

ATTESTED TO BY:



Beverly Banister, City Clerk

First Reading: 08/05/2019

Second Reading: 08/19/2019

Passed: 8.19.2019

AN ORDINANCE TO AMEND THE GENERAL PENALTY PROVISIONS FOR ORDINANCE VIOLATIONS; TO PROVIDE CONSISTENT ADMINISTRATIVE REFERENCES TO THE CITY FEE SCHEDULE; TO REPEAL DUPLICATIVE SECTIONS; TO CLARIFY SECTIONS RELATED TO LAND DISTURBANCE PERMITS AND STATUTORY FEES; AND FOR OTHER PURPOSES.

WHEREAS, certain administrative issue exists with regard to references between various ordinances and the City of Dawsonville Fee and Fine Schedule;

WHEREAS, the administrative revision of these various sections will provide consistency throughout the Code of the City of Dawsonville, provide simplicity in application of fees, and provide clarification for certain code sections; and

WHEREAS, Article V of Chapter 8 and Article II of Chapter 11 of the Code of the City of Dawsonville are duplicative, overlap, and have inconsistencies between them; and

WHEREAS, the Mayor and Council desire to adopt these administrative revisions in order to provide for a more consistent Code, allow for great simplicity and efficiency, and comply with state law.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF DAWSONVILLE HEREBY ORDAINS AS FOLLOWS:

SECTION 1.

Chapter 1, Section 1-8 of the Code of the City of Dawsonville, Georgia, is hereby amended by repealing existing subsections 1-8(d) through 1-8(e) and replacing them in their entirety with new subsections 1-8(d) through 1-8(e) as follows (subsections 1-8 (a) through 1-8 (c) and subsections 1-8(f) through 1-8(g) shall not be amended):

Sec. 1-8. – General penalty.

(d) Except as otherwise provided by law or ordinance, a person convicted of a violation of this Code shall be guilty of a misdemeanor and punished by a fine not to exceed \$1,000.00, imprisonment for a period of not more than six months, any other punishment, fee, or assessment of costs provided by law, or any combination thereof.

(1) The City Manager shall establish and revise from time to time a list of fines for specific ordinance violations (“Fine Schedule”) and the same shall be reviewed, modified as necessary and approved by the City Judge before becoming effective. In the event that a person charged with an ordinance violation that is listed on the Fine Schedule desires to admit the violation and pay the fine, said person shall be allowed to do so in writing and pay the scheduled fine prior to the time set for hearing on the violation in

City Court. The Fine Schedule shall be published on the City website and available for viewing in the Office of the City Clerk.

- (2) In the event no fine is listed on the Fine Schedule for a specific ordinance violation or in the event that the person charged with the violation does not desire to admit the violation, the ordinance violation shall be referred to City Court for trial by the City Judge with punishment upon conviction set by the City Judge.
- (e) Except as otherwise provided by law or ordinance:
- (1) With respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense. Notwithstanding the foregoing, nothing in this Code shall require a separate citation be written and actually issued for each separate offense of a continuous nature.
 - (2) As to other violations, each violation constitutes a separate offense.

SECTION 2.

Chapter 4, Article III of the Code of the City of Dawsonville, Georgia, is hereby amended by repealing existing section 4-62 and replacing it in its entirety with a new section 4-62 as follows:

Sec. 4-62. – Fees and requirements for violations and impounds.

- (a) The fees, with respect to services performed in connection with the enforcement of this article, shall be established by the Mayor and City Council and set out in section 2-110, as amended from time to time. A copy of such fee schedule shall be posted at the headquarters of the animal control officer.
- (b) In no event shall any animal be redeemed by its lawful possessor, owner, or custodian unless those fees established for boarding the animal and any assessed penalties or fines are paid in full.

SECTION 3.

Chapter 8, Article II, Section 8-24 of the Code of the City of Dawsonville, Georgia, is hereby amended by repealing existing subsection 8-24(c) and replacing it in its entirety with a new subsection 8-24(c) as follows (subsections 8-24 (a) through 8-24 (b) shall not be amended):

Sec. 8-24. – Occupation tax levied; restrictions

- (c) Occupation tax schedule. The occupation tax levied shall be as established by the Mayor and City Council and set out in section 2-110, as amended from time to time.

SECTION 4.

Chapter 8, Article II of the Code of the City of Dawsonville, Georgia, is hereby amended by repealing existing sections 8-28 through 8-29 and replacing them in their entirety with new sections 8-28 through 8-29 as follows:

Sec. 8-28. – Professionals as classified in O.C.G.A. §§ 48-13-9(c)(1)–(18).

Practitioners of professions as described in O.C.G.A. §§ 48-13-9(c)(1)–(18) shall elect as their entire occupation tax one of the following:

- (1) The occupation tax based on number of employees.
- (2) A fee as established and amended by the Mayor and City Council from time to time and set out in section 2-110, per practitioner who is licensed to provide the service, such tax to be paid at the practitioner's office or location. The per practitioner fee shall include all persons in the business who qualify as a practitioner under the state's regulatory guidelines and framework.

Sec. 8-29. – Home occupation.

The occupation tax or license fee for a profession or business conducted as a home occupation shall be as established and amended by the Mayor and City Council from time to time and set out in section 2-110, regardless of any contrary provision set forth herein.

SECTION 5.

Chapter 8, Article V of the Code of the City of Dawsonville, Georgia, is hereby amended by repealing existing sections 8-271 through 8-272 and replacing them in their entirety with new sections 8-271 through 8-272 as follows:

Sec. 8-271. – Insurers license fees.

There is hereby imposed an annual license fee upon each insurer doing business within the City of Dawsonville, Georgia, as established and amended by the Mayor and City Council from time to time and set out in section 2-110, per location not covered by section 8-272. For the purpose of this article, the term "insurer" means a company which is authorized to transact business in any of the classes of insurance designated in O.C.G.A. § 33-3-5.

Sec. 8-272. – License fees for insurers insuring certain risks at additional business locations.

For each separate business location, not otherwise subject to a license fee hereunder, operated and maintained by a business organization which is engaged in the business of lending money or transacting sales involving term financing and in connection with such loans or sales offers, solicits or takes application for insurance through a licensed agent of an insurer for insurance said insurer shall pay an additional license fee as established and amended by the Mayor and City Council from time to time and set out in section 2-110, per location, per year.

SECTION 6.

Chapter 8, Article IX of the Code of the City of Dawsonville, Georgia, is hereby amended by repealing existing subsections 8-505 (4) and 8-505 (13) and replacing it in its entirety with a new subsections 8-505 (4) and 8-505 (13) as follows (the preliminary paragraph of section 8-505, subsections 8-505 (1) through (3), (5) through (12) and (14) shall not be amended):

Sec. 8-505. – Pawnshop license application.

(4) No license shall be issued until a fee in an amount established by action of the mayor and council, is paid to the city by the applicant. Any applicant granted a license before July 1 shall pay the full license fee without proration. License fees for licenses granted on or after July 1 shall be one-half (1/2) the annual license fee. License fees are not refundable once paid to the city. Annual license fees shall be as established and amended by the Mayor and City Council from time to time and set out in section 2-110.

(13) Any applicant who is denied a license may appeal such denial in accordance with the procedure set forth in section 8-515.

SECTION 7.

Chapter 8, Article IX of the Code of the City of Dawsonville, Georgia, is hereby amended by repealing existing section 8-508 and replacing it in its entirety with a new section 8-508 as follows:

Sec. 8-508. – License transfer.

No license granted for a pawnshop shall be transferable except upon application to planning and zoning department in the same form and manner, and subject to the same requirements with respect to the transferee as are applicable in an original application. Any such license may be transferred only to another applicant doing the same business at the same location as the license holder to whom the license was originally issued provided and excepting, however, that if the license holder is a partnership and one or more of the partners should die, one or more of the surviving partners may acquire, by purchase or otherwise, the interest of the deceased partner or partners without affecting a surrender or termination of such license, and in such case, the license upon notification to the city shall be placed in the name of the surviving partner. When permission for transfer has been granted, the original licensee or transferee shall cease doing business and deliver the license to the planning director, who shall record such transfer, and the transferee shall pay a fee to the City, as a condition precedent to engaging in operations under the license. The fee for such transfer shall be as established and amended by the Mayor and City Council from time to time and set out in section 2-110.

SECTION 8.

Chapter 11 of the Code of the City of Dawsonville, Georgia, is hereby amended by repealing existing **Article II Gross Premium Tax on Insurers** in its entirety and replacing it with a reservation of Article II as the same is duplicated in Chapter 8, Article V of the Code.

SECTION 9.

Chapter 12, Article I of the Code of the City of Dawsonville, Georgia, is hereby amended by repealing existing section 12-1 and replacing it in its entirety with a new section 12-1 as follows:

Sec 12-1. – State and federal franchises; regulations and fees.

In the event a utility provider that has been granted a franchise by the State of Georgia or by the United States of America seeks to locate in the city limits and provide services, said utility provider shall comply with all applicable laws and regulations (federal, state and city). In the absence of a franchise agreement with the city or a separate city ordinance establishing franchise terms with the utility provider, the franchise fee for said utility provider shall be five percent of all billings to customers located within the city or if none, five percent of all revenues generated from the facilities located within the city, or some other fee as established and amended by the Mayor and City Council from time to time and set out in section 2-110.

SECTION 10.

Chapter 13, Article I, Section 13-1 of the Code of the City of Dawsonville, Georgia, is hereby amended by repealing existing subsection 13-1 (b) and replacing it in its entirety with a new subsection 13-1 (b) as follows (subsection 13-1 (a) shall not be amended):

Sec. 13-1. – Uniform rules of the road adopted.

(b) Unless another penalty is expressly provided by state law, every person convicted of a violation of any provision of this section shall be punished in accordance with section 1-8.

SECTION 11.

Chapter 14, Article II, Section 14-25 of the Code of the City of Dawsonville, Georgia, is hereby amended by repealing existing subsection 14-25(a)(1) and replacing it in its entirety with a new subsection 14-25(a)(1) as follows (all remaining portions of subsection (a) along with subsections (b) through (d) shall not be amended):

Sec. 14-25. – Meter readings, billings and collection.

(a) (1) Nonpayment within 20 days of the date of the bill will result in a late fee being applied to the delinquent account in such amount as established and amended by the Mayor and City Council from time to time and set out in section 2-110.

SECTION 12.

Chapter 14, Article II, Section 14-193 of the Code of the City of Dawsonville, Georgia, is hereby amended by repealing existing subsection 14-193 (b) and replacing it in its entirety with a new subsection 14-193 (b) as follows (subsection 14-193 (a) along with subsection 14-193 (c) shall not be amended):

Sec. 14-193. – Application for service and payment.

(b) *Rates and paying for service.* Once approved, the person or entity receiving the broadband data utility service will be invoiced on a monthly basis by the city for the service rendered at such rates as are established by the governing authority of the city. Rates shall be established and amended by the Mayor and City Council by resolution from time to time, and shall be set out in section 2-110.

(1) The governing authority shall have the power to provide for differing rates depending upon the volume of use and type of use for which the applicant seeks broadband utility service.

(2) The rates charged by the city shall be paid without regard to whether there are fluctuations in the speed of the service or even temporary outages of the broadband utility.

(3) The city may combine charges for the broadband utility with other invoices it sends for other services provided.

(4) In addition to the rates charged monthly for broadband utility service, the city shall have the authority to, by resolution, require security deposits prior to providing connection to the broadband utility.

SECTION 13.

Chapter 107, Article III, Section 107-51 of the Code of the City of Dawsonville, Georgia, is hereby amended by repealing existing subsection 107-51(5) and replacing it in its entirety with a new subsection 107-51(5) as follows (all remaining subsections of 107-51 shall not be amended):

Sec. 107-51. – Permit application requirements.

(5) Permit application and plan review fees in accordance with section 2-110.

SECTION 14.

Chapter 107, Article III, of the Code of the City of Dawsonville, Georgia, is hereby amended by repealing existing section 107-57 and replacing it in its entirety with a new subsection 107-57 as follows:

Sec. 107-57. – Permit application and plan review fees.

A non-refundable permit application and plan review fees will be collected at the time the stormwater management plan is submitted. All of the monetary contributions shall be credited to a local budgetary category to support local plan review, administration and management of the permitting process, and inspection of all projects subject to this chapter. The fee shall be as established and amended by Mayor and City Council from time to time and set forth in section 2-110.

SECTION 15.

If any section, provision or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent that this Ordinance would have been adopted had such invalid portion not been included herein.

SECTION 16.

All Ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

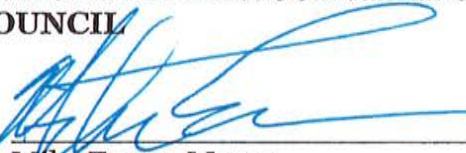
SECTION 17.

This ordinance shall become effective upon adoption, the public good demanding the same.

SO ADOPTED AND ORDAINED by the City Council of Dawsonville, Georgia, this 19 day of August, 2019.

MAYOR AND DAWSONVILLE CITY COUNCIL

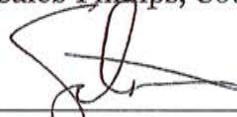
By:



Mike Eason, Mayor



Caleb Phillips, Council Member Post 1



Stephen Tolson, Council Member Post 2

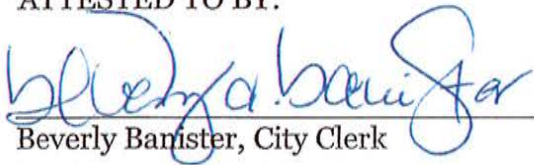


Jason Power, Council Member Post 3



Mark French, Council Member Post 4

ATTESTED TO BY:



Beverly Banister, City Clerk

First Reading: 08/05/2019

Second Reading: 08/19/2019

Passed: 8.19.2019
* effective 9.1.2019

AN ORDINANCE TO REPEAL THE EXISTING FEE SCHEDULE AND PROVIDE A NEW FEE SCHEDULE; AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and Council of the City of Dawsonville find that the adoption of a revised fee schedule that is consistent with current ordinances and needs of the City to be in the best interest of the citizens of the City of Dawsonville;

WHEREAS, the revision of the fee schedule will streamline and make more effective the operation of the government of the City of Dawsonville; and

WHEREAS, the Mayor and Council desire to adopt such fee schedule amendment.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF DAWSONVILLE HEREBY ORDAINS AS FOLLOWS:

SECTION 1.

Chapter 2, Article II of the Code of the City of Dawsonville, Georgia, is hereby amended by repealing existing section 2-110 and replacing it in its entirety with a new section 2-110 as follows:

Sec. 2-110. – Fee Schedule.

The fees or charges provided for or required by the below listed sections shall be as shown below:

A. ALCOHOLIC BEVERAGE (CHAPTER 3):

3-2(a)(1). Beer or Malt Beverage Manufacturing, per year	\$1,000.00
3-2(a)(2). Wine Manufacturing, per year	\$1,000.00
3-2(a)(3). Distilled Spirits Manufacturing, per year	\$1,000.00
3-2(b)(1). Beer or Wine Wholesale Dealer, per year	\$500.00
3-2(b)(2). Beer and Wine Wholesale Dealer, per year	\$500.00
3-2(b)(3). Distilled Spirits Wholesale Dealer, per year	\$500.00
3-2(b)(4). Beer, Wine and Distilled Spirits Wholesale Dealer, per year	\$500.00

3-2(c)(1). Retail consumption dealer of beer or wine for on-premises consumption, per year	\$500.00
3-2(c)(2). Retail consumption dealer of beer and wine for on-premises consumption, per year	\$1,000.00
3-2(c)(3). Retail consumption dealer of distilled spirits for on-premises consumption, per year	\$3,000.00
3-2(c)(4). Retail consumption dealer of beer, wine, and distilled spirits for on-premises consumption, per year	\$3,500.00
3-2(d)(1). Retail package dealers of beer or wine for off-premises consumption, per year	\$500.00
3-2(d)(2). Retail package dealers of beer and wine for off-premises consumption, per year	\$1,000.00
3-2(d)(3). Retail package dealers of distilled spirits for off-premises consumption, per year	\$4,000.00
3-2(d)(4). Retail package dealers of beer, wine, and distilled spirits for off-premises consumption, per year	\$4,500.00
3-2(e)(1). Brewpub, per year	\$2,000.00
3-2(e)(2). Brewery with Taproom, per year	\$2,000.00
3-2(e)(3). Distillery with package sales for off-premises consumption, per year	\$3,000.00
3-2(f)(1). Temporary on-premises consumption permit, per day, maximum of ten days per year	\$100.00
3-2(f)(2). Art shop alcohol permit, allowing customers to bring in a bottle(s) of wine and/or beer for on-premises consumption, per year	\$100.00
3-2(f)(3). Alcoholic Beverage Caterer license, per year	\$500.00
3-2(f)(4). Beer and/or wine amenity permit, per year (not subject to proration)	\$250.00
3-2(f)(5). Special Event Alcohol Permit fee, per event	\$50.00
3-2(f)(6). Retail Package Dealer Wine and/or Beer Tasting permit fee, per year	\$500.00
3-4(n)(7). Package Dealer Wine/Beer Tasting permit application administrative fee	\$50.00

3-4(o)(4). Amenity permit application administrative fee	\$50.00
3-4(p)(5). Art shop permit application administrative fee	\$50.00
3-4(s)(2). Alcoholic beverage caterer permit when licensed by the City, per event	\$25.00
3-4(s)(2). Alcoholic beverage caterer permit when licensed by a jurisdiction other than the City, per event	\$50.00
3-33. General license/permit application investigation and administrative fee, per application	\$100.00
3-52(c). Appeal fee	\$300.00
3-84. Alcoholic beverage license transfer fee	\$150.00

B. ANIMALS (CHAPTER 4):

4-62. Animal impound fee, per each impound within a twelve (12) month period	\$50.00 + \$50.00 per each additional impound within a twelve-month period above one
4-62. Animal boarding fee, day	\$10.00 + \$10.00 per each additional day above day one
4-62. Rabies inoculation for impounded animal	Amount charged by city veterinarian
4-90(f). Dog license if purchased at a veterinarian's office	\$1.00 above the cost of the rabies vaccination
4-90(f). Amount veterinarian to receive from each license the veterinarian issues	\$1.00
4-125(f). Dangerous Dog Annual License Fee	\$200.00
4-125(f). Vicious Dog Annual License Fee	\$500.00

C. CEMETERIES (CHAPTER 5):

5-22(a). Grave Valuation	\$1,250.00
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D. OCCUPATION TAXES AND MISCELLANEOUS BUSINESS REGULATIONS (CHAPTER 8):

8-24. Occupation Tax for businesses and practitioners with 0-1 employee	\$125.00
8-24. Occupation Tax for businesses and practitioners with 2-5 employee	\$175.00
8-24. Occupation Tax for businesses and practitioners with 6-9 employees	\$225.00
8-24. Occupation Tax for businesses and practitioners with 10+ employees	\$225.00 + \$15.00 for each employee over 9
8-28(2). Occupational Tax for Professionals, practitioner method	\$400 per practitioner
8-29. Home Occupation Tax	\$75.00
8-112(b). Adult entertainment establishment employee investigation fee, per employee	\$50.00
8-113. Adult entertainment establishment change of location fee	\$50.00
8-139(a). Initial Adult entertainment establishment license fee	\$1,525.00
8-143; 8-146. Adult entertainment establishment license renewal fee	\$1,525.00
8-146. Adult entertainment establishment license application administrative fee	\$300.00
8-216(c). Tattoo Business Operator/Owner License, initial application fee	\$500.00
8-216(d). Tattoo Business Operator/Owner License, per year	\$100.00
8-216(g). Tattoo Artists Permit	\$50.00
8-271. Insurers license fee, per year, per separate business location	\$75.00
8-272. Insurer license fee for insurers insuring certain risks at additional business locations, per location	\$14.00
8-281(c). Mobile food vendor's license (other than at special events)	\$75.00
8-281(c). Mobile food vendor's license administrative fee	\$25.00

8-300. City farmers' market license	\$25.00
8-400. Vendors at special events (including mobile food vendors) not conducted by a non-profit 501(c)(3) organization	\$25.00
8-505(4). Pawnbroker Annual License Fee, for a license obtained prior to July 1 in any given calendar year	\$1,025.00
8-505(4). Pawnbroker Annual License Fee, for a license obtained after July 1 in any given calendar year	\$512.50
8-505(6). Pawnbroker Change of Location Fee	\$100.00
8-505(7). Pawnbroker Managing Agent Change Fee	\$100.00
8-505(8). Pawnbroker Registered Agent Change Fee	\$25.00
8-508. Pawnbroker license transfer fee	\$25.00
8-601(a). Vape shop annual license fee, per year	\$1,025.00
8-601(a). Additional device line annual fee, per device line, per year	\$250.00
8-602(a)(8). Vape shop investigative fee, per individuals to be fingerprinted	\$100.00
8-603(a)(1). Appeal fee	\$250.00
8-701(b). Short-term Rental Annual License Fee (Full Year)	\$225.00
8-701(c). Short-term Rental Annual License Fee (Half Year)	\$112.50
8-702(b). Short-term Rental License Application Fee	\$50.00
8-707(e). Short-term Rental License Renewal Late Fee	\$50.00
8-710(a). Short-term Rental Appeal Fee	\$250.00

E. STREETS, SIDEWALKS AND OTHER PUBLIC PLACES (CHAPTER 10):

10-23. Parade and/or demonstration application and permit fee (Non-profit)	\$50.00
10-23. Parade and/or demonstration application and permit fee (For-profit)	\$100.00

10-40(b). Public Right-of-Way encroachment application fee, adjoining a single parcel/tract of land	\$50.00
10-40(b). Public Right-of-Way encroachment application fee, adjoining two or more parcels/tracts of land	\$100.00
10-40(b). Public Right-of-Way encroachment application fee, city-wide	\$500.00

F. TELECOMMUNICATIONS FRANCHISES, CABLE TELEVISION AND RELATED FACILITIES (CHAPTER 12):

12-1. Franchise fee in the absence of an agreement with the City or a separate city ordinance establishing franchise terms, when billings to customers in City	5% of all billing to customers located within the City
12-1. Franchise fee in the absence of an agreement with the City or a separate city ordinance establishing franchise terms, when no billings to customers in City	5% of all revenue generated from facilities located within the City
12-23(a). Franchise application fee	\$500.00
12-23(a). Revocable license application fee	\$500.00

G. UTILITIES (CHAPTER 14):

(1) Water/Sewer fees

(i) “+” indicates that the cost is the amount listed plus the actual cost of material and labor expended by the City, if installed by the City.

<u>14-22(a). Residential Water Service Rates – Within Corporate Limits:</u>	
0–1,500 gallons, minimum (base charge)	\$20.00
1,501–5,000, per 1,000 gallons	\$4.80
5,001–10,000, per 1,000 gallons	\$5.15
>10,000, per 1,000 gallons	\$5.45
<u>14-22(a). Commercial/Industrial Water Service Rates – Within Corporate Limits:</u>	
0–1,500 gallon users (flat fee)	\$25.00
>1,500 gallon users, minimum (base charge)	\$28.75

1,501—5,000, per 1,000 gallons	\$5.15
5,001—10,000, per 1,000 gallons	\$5.75
>10,000, per 1,000 gallons	\$6.30
<u>14-22(a). Residential Water Service Rates – Outside Corporate Limits:</u>	
0—1,500 gallons, minimum (base charge)	\$29.90
1,501—5,000, per 1,000 gallons	\$6.90
5,001—10,000, per 1,000 gallons	\$7.45
>10,000, per 1,000 gallons	\$8.05
<u>14-22(a). Commercial/Industrial Water Service Rates – Outside Corporate Limits:</u>	
0—1,500 gallon users (flat fee)	\$30.00
>1,500 gallon users, minimum (base charge)	\$40.25
1,501—5,000, per 1,000 gallons	\$5.75
5,001—10,000, per 1,000 gallons	\$6.30
>10,000, per 1,000 gallons	\$6.90
<u>14-22(b). Residential Sewer Service Rates – Within Corporate Limits:</u>	
0—1,500 gallons, minimum (base charge)	\$23.00
1,501—5,000, per 1,000 gallons	\$6.30
5,001—10,000, per 1,000 gallons	\$6.90
>10,000, per 1,000 gallons	\$7.45
<u>14-22(b). Commercial/Industrial Sewer Service Rates – Within Corporate Limits:</u>	
0—1,500 gallon users (flat fee)	\$30.00
>1,500 gallon users, minimum (base charge)	\$57.50
1,501—5,000, per 1,000 gallons	\$8.05
5,001—10,000, per 1,000 gallons	\$8.60
>10,000, per 1,000 gallons	\$9.20
<u>14-22(b). Residential Sewer Service Rates – Outside Corporate Limits:</u>	

0–1,500 gallons, minimum (base charge)	\$34.50
1,501–5,000, per 1,000 gallons	\$8.05
5,001–10,000, per 1,000 gallons	\$8.60
>10,000, per 1,000 gallons	\$9.20
<u>14-22(b). Commercial/Industrial Sewer Service Rates – Outside Corporate Limits:</u>	
0–1,500 gallon users (flat fee)	\$60.00
>1,500 gallon users, minimum (base charge)	\$69.00
1,501–5,000, per 1,000 gallons	\$8.60
5,001–10,000, per 1,000 gallons	\$9.20
>10,000, per 1,000 gallons	\$10.90
<u>14-22(c). Bulk Water Purchase from City of Dawsonville Water Plant by Truck or Portable Device</u>	
Per every 1,000 gallons, or any portion thereof	\$10.00
<u>14-23(a). Water Service Connection Fees (times the number of connections desired):</u>	
¾ inch (Irrigation Only)	\$2,000.00
¾-inch, (only be available for residential purposes appropriate to the anticipated usage)	\$3,500.00
1 inch (Irrigation Only)	\$4,000.00
1 inch	\$5,000.00
1½ inches	\$8,000.00 +
2 inches	\$12,500.00 +
3 inches	\$25,000.00 +
4 inches	\$40,000.00 +
6 inches	\$60,000.00 +
8 inches	\$90,000.00
<u>14-23(b). Sewer Service Connection Fees (times the number of connections desired):</u>	

¾-inch, (only be available for residential purposes appropriate to the anticipated usage)	\$4,750.00
1 inch	\$6,750.00
1½ inches	\$9,500.00
2 inches	\$17,500.00
3 inches	\$30,000.00
4 inches	\$50,000.00
6 inches	\$75,000.00
8 inches	\$105,000.00
14-23(c). First time reconnect within a 24-month period, in addition to any outstanding bills, late fees, and/or interest charges	\$50.00
14-23(c). Second time reconnect within a 24-month period, in addition to any outstanding bills, late fees, and/or interest charges	\$100.00
14-23(c). Third time reconnect within a 24-month period, in addition to any outstanding bills, late fees, and/or interest charges	\$200.00
14-23(c). Fourth and subsequent violation within a 24-month period, in addition to any outstanding bills, late fees, and/or interest charges, per violation	\$200.00 + \$100.00 per each additional violation above third violation
14-23.1(a). Residential Security Deposit for applicant owning/renting the property to be serviced	\$150.00
14-23.1(b). Commercial Security Deposit for applicant with a meter size ¾" and 1" meter (amount doubles if business has 10 or more employees)	\$150.00
14-23.1(b). Commercial Security Deposit for applicant with a meter size 1 ½", 2" and 3" meter (amount doubles if business has 10 or more employees)	\$300.00
14-23.1(b). Commercial Security Deposit for applicant with a meter size 4" and above (amount doubles if business has 10 or more employees)	\$500.00
14-23.1(c). Administrative start-up fee	\$15.00

14-25(a)(1). Late fee for non-payment of water, sewer, and/or garbage bill within 20 days of bill date	\$10.00
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(2) Garbage Fees

<u>Garbage service regulatory fees within city limits:</u>	
14-134(a)(1). For licenses obtained prior to July 1 in any given calendar year, per customer	\$6.00
14-134(a)(2). For licenses obtained after July 1 in any given calendar year, per customer	\$3.00
<u>License Renewals and Garbage Deposits:</u>	
14-134(b). Renewal Fee	\$6.00
14-142. Garbage Security Deposit	\$25.00

H. BUILDINGS AND BUILDING REGULATIONS (CHAPTER 102; APPENDIX A-36):

(1) Residential/Mobile Home Building Permits

Plat Review fee	\$50.00
Covered space building permit	\$0.20 per square foot
Uncovered space building permit	\$0.10 per square foot
Residential Re-inspection fee	\$60.00
Residential Minimum permit fee	\$60.00
<u>Residential Electrical/Plumbing/HVAC Mechanicals, per trade area when purchased with a building permit:</u>	
0—1,000 square feet	\$30.00 each
1,001—2,000 square feet	\$40.00 each
2,001—3,000 square feet	\$50.00 each
3,001—4,000 square feet	\$60.00 each

4,001 square feet and up	\$60.00 + \$10.00 for every additional 1,000 sq. ft., each
Residential Certificate of Occupancy Fee	\$40.00

(a) For required Land Disturbance Permits and statutory fees associated with land disturbing activity, refer to subsection 2-110(J) below.

(2) Commercial Plan Review-Building Permits

Commercial Development Permit fee	\$200.00
1 st site plan review	\$200.00 + \$5.00 per lot
2 nd site plan review	\$100.00 + \$5.00 per lot
Building Plan review fee	\$200.00
Covered space building permit	\$0.20 per square foot
Uncovered space building permit	\$0.10 per square foot
Commercial Re-inspection fee	\$100.00
Commercial Minimum permit fee	\$100.00
<u>Commercial Electrical/Plumbing/HVAC Mechanicals, per trade area when purchased with a building permit:</u>	
0–1,000 square feet	\$40.00 each
1,001–2,000 square feet	\$50.00 each
2,001–3,000 square feet	\$60.00 each
3,001–4,000 square feet	\$70.00 each
4,001 square feet and up	\$70.00 + \$10.00 for every additional 1,000 sq. ft., each
Commercial Certificate of Occupancy Fee	\$100.00

(a) For required Land Disturbance Permits and statutory fees associated with land disturbing activity, refer to subsection 2-110(J) below.

(3) Other Permits & Fees

Demolition	\$50.00 flat rate
Swimming pool (in-ground/private)	\$0.20 per sq. ft.
Swimming pool deck (aboveground/private)	\$0.10 per sq. ft.
Moved structures	\$200.00 flat rate
Communication tower (new) permit fee:	\$500.00
Communication tower (new) review fee:	\$200.00
Communication tower (co-locate and repair)	\$250.00 plus mechanical fees
Stop Work Order Administrative Fee	\$100.00
Work commencing before permit issuance	100% of usual permit fee plus required permit fee

I. SIGNS (CHAPTER 105):

105-5(h). Sign Permit Fee	\$100.00
105-8(c). Sign Variance Application Fee	\$300.00
105-40(b). Temporary Sign Permit Fee, per month	\$30.00
105-41(m). Banner Over Public Property Fee, per month, in addition to sign permit fee	\$50.00
105-43(c). Banner in Commercial District, per display period, in addition to sign permit fee	\$30.00

J. SOIL EROSION AND SEDIMENTATION CONTROL (CHAPTER 106):

106-5(b)(3). Residential Land Disturbance Permit Fee	\$200.00 + statutory fee per acre
106-5(b)(3). Commercial Land Disturbance Permit Fee	\$400.00 + statutory fee per acre

Residential Land Disturbing Activity statutory fee, disturbing less than one acre	No Charge
106-5(b)(4). Land disturbing activity statutory fee (Residential or Commercial), per acre of land-disrupting activity or any part thereof	\$80.00 (\$40.00 to City and \$40.00 to State)

K. STORMWATER MANAGEMENT (CHAPTER 107):

107-57. Stormwater Management Permit application and plan review fee, per disturbed acre	\$10.00
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L. ZONING, VARIANCE, APPEAL, CHANGE OF ZONING CONDITION AND ANNEXATION REQUESTS (APPENDIX A):

(a) The fee for all rezoning applications regardless of zoning category is the base amount set forth in the table below plus \$50.00 per acre for each acre or part of an acre beyond one acre in the subject tract with a maximum fee of \$5,000.00 regardless of the number of acres involved.

(b) Any required public notices to adjoining landowners shall be charged to the applicant at the current U.S. Postal Service rate in addition to the fees stated below.

<u>Zoning Action Requested:</u>	
AP	\$250.00
R-1	\$250.00
R-2	\$250.00
R-3	\$350.00
R-3R	\$350.00
R-6	\$350.00
RHMT	\$250.00
PUD	\$500.00
TB	\$500.00
PCS	\$350.00
O	\$500.00

CBD	\$500.00
NB	\$500.00
LI	\$500.00
HB	\$500.00
CIR	\$500.00
INST	\$500.00
RA	\$500.00
Variance	\$300.00
Conditional Use Permit	\$300.00
Appeals and change of zoning conditions	\$500.00
Postponement, per occurrence	\$300.00
Annexation	\$250.00 plus applicable rezoning fee
Administrative fee	\$100.00 plus cost of all mailings

SECTION 2.

If any section, provision or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent that this Ordinance would have been adopted had such invalid portion not been included herein.

SECTION 3.

All Ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 4.

This ordinance shall become effective upon adoption, the public good demanding the same.

SO ADOPTED AND ORDAINED to go into effect on September 1, 2019.

**MAYOR AND DAWSONVILLE CITY
COUNCIL**

By:



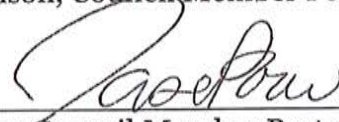
Mike Eason, Mayor



Caleb Phillips, Council Member Post 1



Stephen Tolson, Council Member Post 2

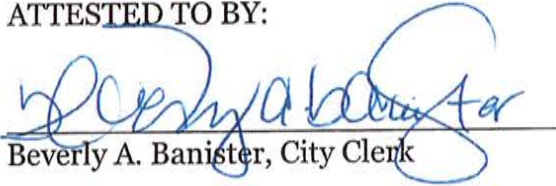


Jason Power, Council Member Post 3



Mark French, Council Member Post 4

ATTESTED TO BY:



Beverly A. Banister, City Clerk