

AGENDA
CITY COUNCIL WORK SESSION AND REGULAR MEETING
G.L. Gilleland Council Chambers on 2nd Floor
Monday, July 15, 2019
5:30 P.M.

1. Call to Order
2. Roll Call
3. Invocation and Pledge
4. Announcements
5. Approval of the Agenda
6. Public Input

WORK SESSION

7. Sewerage System Master Plan – Presentation by Chris Poje
8. Introduction of Ordinance Amendments
 - a. Zoning Ordinance
 - b. Short Term Rental Business Regulation Ordinance
9. Project Updates
 - a. Main Street Park
 - i. Restroom/Concession Building Rebid
 - ii. Fence Rebid
 - b. Parking
 - i. City Hall Parking Lot Plan
 - ii. Academy Avenue Parking
 - iii. Concept for Downtown Parking
 - c. Niche Columbarium

BUSINESS

10. Georgia Mountain Regional Commission Private Citizen Appointment
11. Vehicle Procurement
12. Dawsonville History Museum Appointments
13. An Ordinance By The City Of Dawsonville To Adopt And Enact Land Development Regulations For Street Standards, Water And Sewer Systems, Grading And Drainage, Lot And Block Standards, And Plat Specifications; To Adopt Standard Specifications For Water Distribution Systems And Sanitary Sewerage Systems; To Adopt Standard Specifications For Roadway And Drainage Systems; To Provide For Severability; To Provide For An Effective Date; And For Other Purposes. (First Reading: July 8, 2019; Second Reading and Adoption: July 15, 2019)
14. An Ordinance To Amend The Land Development Regulations Of The City Of Dawsonville So As To Provide For The Regulation Of Work Hours For When Development And Construction Activities May Take Place; To Provide For Emergency Exemptions; To Provide For Violation And Enforcement Of The Land Development Regulations; And For Other Purposes. (First Reading: July 8, 2019; Second Reading and Adoption: July 15, 2019)
15. An Ordinance Repealing The Current Parades And Demonstrations Ordinance Of The City Of Dawsonville, Georgia; Adopting A New Public Assembly Ordinance; Providing For A Permitting Procedure For Special Events, Parades, Public Assemblies, And Public Demonstrations; Providing For Definitions; Providing For Enforcement; Providing For An Effective Date, And For Other Purposes. (First Reading: July 8, 2019; Second Reading and Adoption: July 15, 2019)
16. An Ordinance By The City Of Dawsonville To Clarify Regulations On Vape Shops Regarding Display Of Inventory, Renewal Of License, Application Requirements, As Well As Provide Proper References To Code Sections; To Clarify Use Regulations Regarding Minors; And For Other Purposes. (First Reading: July 8, 2019; Second Reading and Adoption: July 15, 2019)

AGENDA
CITY COUNCIL WORK SESSION AND REGULAR MEETING
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17. An Ordinance Of The City Of Dawsonville, Georgia, To Repeal The Existing Records Management Plan; To Provide For A New Records Management Plan: To Adopt A Record Retention Schedule; And For Other Purposes. (First Reading: July 8, 2019; Second Reading and Adoption: July 15, 2019)

STAFF REPORTS

18. Bob Bolz, City Manager

MAYOR AND COUNCIL REPORTS

EXECUTIVE SESSION IF NEEDED: Pending or Potential Litigation, Real Estate Acquisition and/or Personnel

ADJOURNMENT

Those persons with disabilities who require reasonable accommodations in order to allow them to observe and/or participate in this meeting or who have questions regarding the accessibility of the meeting, should contact the Clerk at Dawsonville City Hall at 706-265-3256 at least two (2) business days prior to the meeting.



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 7

SUBJECT: SEWERAGE SYSTEM MASTER PLAN – PRESENTATION BY CHRIS POJE

CITY COUNCIL MEETING DATE: 07/15/2019

BUDGET INFORMATION: GL ACCOUNT # _____

Funds Available from: _____ Annual Budget _____ Capital Budget Other _____

Budget Amendment Request from Reserve: _____ Enterprise Fund _____ General Fund

PURPOSE FOR REQUEST:

TO PRESENT THE SEWERAGE SYSTEM MASTER PLAN

HISTORY/ FACTS / ISSUES:

OPTIONS:

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Bob Bolz, City Manager



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 8

SUBJECT: INTRODUCTION OF ORDINANCE AMENDMENTS

CITY COUNCIL MEETING DATE: 07/15/2019

BUDGET INFORMATION: GL ACCOUNT # _____

Funds Available from: _____ Annual Budget _____ Capital Budget Other _____

Budget Amendment Request from Reserve: _____ Enterprise Fund _____ General Fund

PURPOSE FOR REQUEST:

TO INTRODUCE THE ZONING ORDINANCE AMENDMENT AND THE SHORT-TERM RENTAL BUSINESS REGULATION ORDINANCE

HISTORY/ FACTS / ISSUES:

OPTIONS:

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Dana Miles, City Attorney and Robbie Irvin, Planning Director

Publication Date: _____

First Reading and Public Hearing: _____

Second Reading: _____

Adopted: _____

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

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.

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 _____ day of _____, 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: _____

Second Reading: _____

Adopted: _____

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 _____ day of _____, 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



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 9

SUBJECT: PROJECT UPDATES

CITY COUNCIL MEETING DATE: 07/15/2019

BUDGET INFORMATION: GL ACCOUNT # _____

Funds Available from: _____ Annual Budget _____ Capital Budget Other _____

Budget Amendment Request from Reserve: _____ Enterprise Fund _____ General Fund

PURPOSE FOR REQUEST:

TO PROVIDE AN UPDATE ON VARIOUS PROJECTS IN THE CITY

HISTORY/ FACTS / ISSUES:

OPTIONS:

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Bob Bolz, City Manager



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 10

SUBJECT: GMRC PRIVATE CITIZEN APPOINTMENT

CITY COUNCIL MEETING DATE: 07/15/2019

BUDGET INFORMATION: GL ACCOUNT # _____

Funds Available from: _____ Annual Budget _____ Capital Budget Other _____

Budget Amendment Request from Reserve: _____ Enterprise Fund _____ General Fund

PURPOSE FOR REQUEST:

TO APPOINT A MEMBER REPRESENTING THE PRIVATE SECTOR OF DAWSON COUNTY FOR THE GMRC COUNCIL

HISTORY/ FACTS / ISSUES:

- **TABLED FROM THE 07.08.2019 MEETING**
 - **CURRENT MEMBER REPRESENTING THE PRIVATE SECTOR IS DAVID HEADLEY**
-

OPTIONS:

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Steve Tolson, Mayor Pro-Tem



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 11

SUBJECT: VEHICLE PROCUREMENT

CITY COUNCIL MEETING DATE: 07/15/2019

BUDGET INFORMATION: GL ACCOUNT # _____

Funds Available from: _____ Annual Budget _____ Capital Budget Other _____

Budget Amendment Request from Reserve: _____ Enterprise Fund _____ General Fund

PURPOSE FOR REQUEST:

TO APPROVE PURCHASE OF LOWEST BID FOR TWO EXACT VEHICLES; ONE (1) FOR THE PUBLIC WORKS DEPARTMENT AND ONE (1) VEHICLE FOR PLANNING AND ZONING

HISTORY/ FACTS / ISSUES:

BIDS RECEIVED FROM:

- JACKY JONES CHRYSLER, DODGE & JEEP - \$26,250.00
- JOHN MEGEL CHEVROLET - \$39,653.00
- JACKY JONES FORD - \$29,780.00

LOWEST BID - \$26,250.00 FROM JACKY JONES CHRYSLER, DODGE & JEEP

FUNDING SOURCE: APPROVED IN THE FY 2019-2020 BUDGET

OPTIONS:

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Trampas Hansard, Public Works Operations Manager



JACKY JONES



CHRYSLER

DODGE

Jeep



RAM



Cleveland, GA

2840 Hwy. 129 South • Cleveland, GA 30528

Phone 706-865-3168 • Fax 706-865-2217

City of Dawsonville

415 Hwy. 53 E, Suite100

Dawsonville, Ga. 30534

BID FOR ROAD DEPT.

To whom it may concern:

Jacky Jones CDJR is bidding a 2019 Ram 4x4 Crew Cab with the following equipment:

-5.7L V8 Engine

-8-Speed Automatic Transmission

-Power Window and Locks

-Vinyl Seats/ Vinyl Floors

-Strobe Lights in Headlamps and Taillamps

-Uconnect Bluetooth System

-Trailer Tow Package

-RamBox Cargo System

Thanks for the opportunity!

\$26,250.00

Bobby Jones

JOHN MEGEL CHEVROLET

1392 HWY. 400 S. • DAWSONVILLE, GA 30534
PHONE 706-265-5400

RETAIL BUYERS ORDER

NAME City of Dawsonville	Public Works	S.S.NO.	STOCK NO.
ADDRESS 415 Highway 53 E Suite 100		TEL. NO.	TEL. BUS. (706) 265-3256
CITY Dawsonville	STATE GA	ZIP 30534	DATE 07/09/2019
	COUNTY Dawson	SALESMAN Chris Thomas	DATE
	DRIVER'S LICENSE NO.	EXP. DATE	DATE OF BIRTH
	EMAIL	trampas.hansard@dawsonville-ga.gov	

YEAR	MAKE	MODEL	TYPE	COLOR	TRIM	SERIAL NO
2019	Chevrolet	Silverado	Truck	White	WT	

PHYSICAL DESCRIPTION OF TRADE IN	
YEAR	MAKE MODEL
ID. NO.	
TRANSMISSION	ENGINE CYLINDERS
COLOR	MILES
TAG NO.	DECAL NO.
TAG RECEIPT IN YES <input type="checkbox"/> NO <input type="checkbox"/>	TITLE IN YES <input type="checkbox"/> NO <input type="checkbox"/> # CYL
AD VAL TAX PAID	NOT PAID REC.NO

CUSTOMER IS RESPONSIBLE FOR ALL ADVALOREM TAXES ON TRADE-IN VEHICLE AND PURCHASED VEHICLE.
Signature _____

OWED TO _____
ADDRESS _____
CITY _____ STATE _____ ZIP _____
LOAN ACCOUNT NO _____ AMOUNT DUE _____
GOOD TILL _____ BY WHOM _____
VERIFIED BY _____ DATE _____
PHONE NO. _____

CUSTOMER STATES TRADE-IN DOES NOT NOW HAS A REBUILT OR SALVAGED TITLE.
CUSTOMER ALSO AGREES TO PAY ANY DIFFERENCE IN PAYOFF IN EXCESS OF _____

LIEN HOLDER
ADDRESS CITY STATE ZIP
INS.CO PHONE
VERIFIED BY POLICY NO.

CHECK HERE THIS UNIT WAS PREVIOUSLY USED AS DEMONSTRATOR

The only warranties applying to this vehicle are those offered by the manufacturer the selling dealer hereby expressly disclaim all warranties, either expressed or implied, including any implied warranties of merchantability or fitness for a particular purpose, and neither assumes or authorizes any Other person to assume for it any liability in connection with the sale of this vehicle Purchaser shall not be entitled to recover from the selling dealer any profits or income, or any other incidental damages. The Purchaser hereby acknowledges that the Seller has trade available "Warranty pre-sale Information" as disclosed in the Warranty Binders pursuant to the Magnuson-Moss Warranty Act. Purchaser agrees and acknowledges that he or she is not relying on any promises, agreements or representations that are not in writing and executed by the seller and that any such promise.

I AUTHORIZE AN INVESTIGATION OF MY CREDIT AND EMPLOYMENT HISTORY AND THE RELEASE OF INFORMATION ABOUT MY CREDIT EXPERIENCE. If this vehicle was previously used as a demonstrator, the information you see on the window form (Buyer's Guide) for This vehicle is part of this Contract. Information on the window form overrides any contrary provisions in the contract of sale. This Agreement, together with the Additional Terms & Conditions appearing on the reverse hereof and, if this vehicle is a demonstrator model, the Buyer's Guide constitutes the entire agreement between the buyer and the selling dealer and all prior or contemporaneous negotiations are merged herein and no term, condition or representation on not appearing hereon should be relied upon.

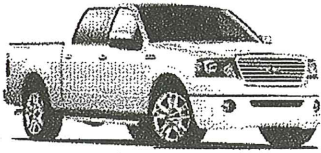
Signature _____

INSP. STICKER NO.	
DATE OF EXP.	
ODOMETER 5	
NO OF CYL. 5.3L V8	LIST PRICE \$
DEALER INSTALLED OPTIONS	
1) SAFEGUARD	
2)	
3)	
4)	
5)	
6)	
7)	
8)	
9)	
10)	
OTHERWISE SOLD AS EQUIPPED	
TOTAL INCLUDING ACCESSORIES	41,745.00
TRADE ALLOWANCE	
CASH DIFFERENCE	
DEALER SERVICE CHARGE	
AMOUNT TAXABLE	
SALES TAX	0
TITLE FEE	658
WARRANT RIGHTS FEE	
SUBTOTAL	42,403.00
PAY OFF TRADE-IN (Upon verification, Buyer agrees to pay amt. exceeding this figure)	
CASH BALANCE OWED =>	
DEPOSIT	
CASH ON DELIVERY	
REBATE	2,750
UNPAID BALANCE	39,653.00
WARRANTY =>	
BALANCE OF CASH PRICE =>	39,653.00

I AGREE TO TAKE DELIVERY. I HAVE NOTED ANY AND PHYSICAL DEFECTS IN THE VEHICLE AND I HAVE NOTED ALL PROMISES ON THE BUYER ORDER

CUSTOMER _____
AUTHORIZED MANAGER APPROVAL _____

Receipt No	Cash	Check	Date	By
Receipt No	Cash	Check	Date	By



JACKY JONES



Cleveland, GA.



City of Dawsonville

415 Hwy. 53 E, Suite100

Dawsonville, Ga. 30534

BID FOR ROAD DEPT.

To whom it may concern:

Jacky Jones Ford Inc. is bidding a 2019 Ford 4x4 Crew Cab with the following equipment:

- 5.0L V8 Engine**
- 10-Speed Automatic Transmission**
- Power Window and Locks**
- Vinyl Seats/ Vinyl Floors**
- Sync Bluetooth System**
- Trailer Tow Package**

Thanks for the opportunity!

\$29,780.00

Ryan Welch

Fleet Manager

706-348-4103



JACKY JONES



CHRYSLER DODGE Jeep RAM
Ford
Cleveland, GA

2840 Hwy. 129 South • Cleveland, GA 30528

Phone 706-865-3168 • Fax 706-865-2217

City of Dawsonville

415 Hwy. 53 E, Suite100

Dawsonville, Ga. 30534

BID FOR PLANNING AND ZONING.

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-RamBox Cargo System

Thanks for the opportunity!

Bobby Jones

\$26,250.00

JOHN MEGEL CHEVROLET

1392 HWY. 400 S. • DAWSONVILLE, GA 30534

PHONE 706-265-5400

RETAIL BUYERS ORDER

NAME City of Dawsonville Planning&Zoning	S.S.NO.	STOCK NO.
ADDRESS 415 Highway 53 E Suite 100	TEL. NO.	TEL. BUS. (706) 265-3256
CITY Dawsonville STATE GA ZIP 30534	COUNTY Dawson SALESMAN Chris Thomas	DATE 07/09/2019
	DRIVER'S LICENSE NO.	EXP. DATE
	DATE OF BIRTH	
EMAIL trampas.hansard@dawsonville-ga.gov		

YEAR	MAKE	MODEL	TYPE	COLOR	TRIM	SERIAL NO
2019	Chevrolet	Silverado	Truck	White	WT	

PHYSICAL DESCRIPTION OF TRADE IN	
YEAR	MAKE MODEL
ID. NO.	
TRANSMISSION	ENGINE CYLINDERS
COLOR	MILES
TAG NO.	DECAL NO.
TAG RECEIPT IN YES <input type="checkbox"/> NO <input type="checkbox"/>	TITLE IN YES <input type="checkbox"/> NO <input type="checkbox"/> # CYL
AD VAL TAX PAID NOT PAID REC.NO	

CUSTOMER IS RESPONSIBLE FOR ALL ADVALOREM TAXES ON TRADE-IN VEHICLE AND PURCHASED VEHICLE.
Signature _____

OWED TO _____
 ADDRESS _____
 CITY _____ STATE _____ ZIP _____
 LOAN ACCOUNT NO _____ AMOUNT DUE _____
 GOOD TILL _____ BY WHOM _____
 VERIFIED BY _____ DATE _____
 PHONE NO. _____

CUSTOMER STATES TRADE-IN DOES NOT NOW HAS A REBUILT OR SALVAGED TITLE.
 CUSTOMER ALSO AGREES TO PAY ANY DIFFERENCE IN PAYOFF IN EXCESS OF _____

LIEN HOLDER _____
 ADDRESS _____ CITY _____ STATE _____ ZIP _____
 INS.CO _____ PHONE _____
 VERIFIED BY _____ POLICY NO. _____

CHECK HERE THIS UNIT WAS PREVIOUSLY USED AS DEMONSTRATOR
 The only warranties applying to this vehicle are those offered by the manufacturer the selling dealer hereby expressly disclaim all warranties, either expressed or implied, including any implied warranties of merchantability or fitness for a particular purpose, and neither assumes or authorizes any Other person to assume for it any liability in connection with the sale of this vehicle Purchaser shall not be entitled to recover from the selling dealer any profits or income, or any other incidental damages. The Purchaser hereby acknowledges that the Seller has trade available "Warranty pre-sale Information" as disclosed in the Warranty Binders pursuant to the Magnuson-Moss Warrant Act. Purchaser agrees and acknowledges that he or she is not relying on any promises, agreements or representations that are not in writing and executed by the seller and that any such promise.

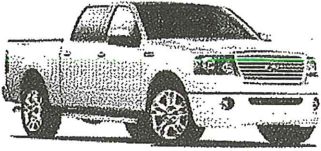
I AUTHORIZE AN INVESTIGATION OF MY CREDIT AND EMPLOYMENT HISTORY AND THE RELEASE OF INFORMATION ABOUT MY CREDIT EXPERIENCE. If this vehicle was previously used as a demonstrator, the Information you see on the window form (Buyer's Guide) for This vehicle is part of this Contract. Information on the window form overrides any contrary provisions in the contract of sale. This Agreement, together with the Additional Terms & Conditions appearing on the reverse hereof and, if this vehicle is a demonstrator model, the Buyer's Guide constitutes the entire agreement between the buyer and the selling dealer and all prior or contemporaneous negotiations are merged herein and no term, condition or representation on not appearing hereon should be relied upon.

Signature _____

Receipt No	Cash	Check	Date	By
Receipt No	Cash	Check	Date	By

INSP. STICKER NO.	
DATE OF EXP.	
ODOMETER 5	
NO OF CYL. 5.3L V8 LIST PRICE \$	
DEALER INSTALLED OPTIONS	
1) SAFEGUARD	
2)	
3)	
4)	
5)	
6)	
7)	
8)	
9)	
10)	
OTHERWISE SOLD AS EQUIPPED	
TOTAL INCLUDING ACCESSORIES	41,745.00
TRADE ALLOWANCE	
CASH DIFFERENCE	
DEALER SERVICE CHARGE	
AMOUNT TAXABLE	
SALES TAX	0
TITLE FEE	658
WARRANT RIGHTS FEE	
SUBTOTAL	42,403.00
PAY OFF TRADE-IN (Upon verification, Buyer agrees to pay amt. exceeding this figure)	
CASH BALANCE OWED =>	
DEPOSIT	
CASH ON DELIVERY	
REBATE	2,750
UNPAID BALANCE	39,653.00
WARRANTY =>	
BALANCE OF CASH PRICE =>	39,653.00

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 CUSTOMER _____
 AUTHORIZED MANAGER APPROVAL _____



JACKY JONES



Cleveland, GA.



City of Dawsonville

415 Hwy. 53 E, Suite100

Dawsonville, Ga. 30534

BID FOR PLANNING AND ZONING.

To whom it may concern:

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- 5.0L V8 Engine**
- 10-Speed Automatic Transmission**
- Power Window and Locks**
- Vinyl Seats/ Vinyl Floors**
- Sync Bluetooth System**
- Trailer Tow Package**

Thanks for the opportunity!

\$29,780.00

Ryan Welch

Fleet Manager

706-348-4103

Ryan Welch



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 12

SUBJECT: DAWSONVILLE HISTORY MUSEUM APPOINTMENTS

CITY COUNCIL MEETING DATE: 07/15/2019

BUDGET INFORMATION: GL ACCOUNT # _____

Funds Available from: _____ Annual Budget _____ Capital Budget Other _____

Budget Amendment Request from Reserve: _____ Enterprise Fund _____ General Fund

PURPOSE FOR REQUEST:

TO CONSIDER NOMINEES FOR APPOINTMENT TO THE DAWSONVILLE HISTORY MUSEUM BOARD OF DIRECTORS

HISTORY/ FACTS / ISSUES:

NOMINATIONS RECEIVED FROM THE BOARD OF DIRECTORS:

- CALVIN BYRD
 - JAMES BEARDEN
 - SCOTT ADAMS
 - TOM REED
 - RANDY HARKNESS
-

OPTIONS:

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Bob Bolz, City Manager



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 13

SUBJECT: CITY OF DAWSONVILLE DEVELOPMENT REGULATIONS

DATE(s): _____ CITY COUNCIL MEETING 07/15/2019 CITY COUNCIL MEETING 2

BUDGET INFORMATION: GL ACCOUNT # _____

Funds Available from: _____ Annual Budget _____ Capital Budget Other _____

Budget Amendment Request from Reserve: _____ Enterprise Fund _____ General Fund

PURPOSE FOR REQUEST: **SECOND READING AND ADOPTION**

AN ORDINANCE BY THE CITY OF DAWSONVILLE TO ADOPT AND ENACT LAND DEVELOPMENT REGULATIONS FOR STREET STANDARDS, WATER AND SEWER SYSTEMS, GRADING AND DRAINAGE, LOT AND BLOCK STANDARDS, AND PLAT SPECIFICATIONS; TO ADOPT STANDARD SPECIFICATIONS FOR WATER DISTRIBUTION SYSTEMS AND SANITARY SEWERAGE SYSTEMS; TO ADOPT STANDARD SPECIFICATIONS FOR ROADWAY AND DRAINAGE SYSTEMS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

(FIRST READING: JULY 8, 2019; SECOND READING AND ADOPTION: JULY 15, 2019)

HISTORY/ FACTS / ISSUES

The regulations regarding subdivision development, water & sewer, road specifications, etc. have been reviewed and updated by Turnipseed Engineering and city staff. The revisions will correct deficiencies by replacing the current regulations with a more complete and standardized set of documents. Current development regulations are outdated, and specifications do not meet the level of standards desired by city departments.

No changes have been made since first reading: The 207 page document is located on the City Website at <https://www.dawsonville-ga.gov/clerk/page/proposed-ordinances>

OPTIONS:

Approve/Deny or request additional modifications to the standards.

RECOMMENDED SAMPLE MOTION:

Motion to adopt the following regulations and specifications:

- Subpart B Land Development Regulations Chapters 109-113
- Standard Specifications for Roadway and Drainage Structures
- Standard Specifications for Water Distributions Systems and Sanitary Sewage Systems

DEPARTMENT: Planning and Zoning
REQUESTED BY: Robbie Irvin, Planning Director

First Reading: 07/08/2019

Second Reading: 07/15/2019

Adoption: _____

AN ORDINANCE BY THE CITY OF DAWSONVILLE TO ADOPT AND ENACT LAND DEVELOPMENT REGULATIONS FOR STREET STANDARDS, WATER AND SEWER SYSTEMS, GRADING AND DRAINAGE, LOT AND BLOCK STANDARDS, AND PLAT SPECIFICATIONS; TO ADOPT STANDARD SPECIFICATIONS FOR WATER DISTRIBUTION SYSTEMS AND SANITARY SEWERAGE SYSTEMS; TO ADOPT STANDARD SPECIFICATIONS FOR ROADWAY AND DRAINAGE SYSTEMS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

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

AND WHEREAS, in foregoing interests described above, the Mayor and 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.

The Dawsonville Land Development Regulations as contained in Subpart B of the Code of the City of Dawsonville, Georgia, are hereby amended by enacting new Chapters 109 through 113 as follows: Chapter 109: Street Standards; Chapter 110: Water and Sewer Systems; Chapter 111: Grading and Drainage; Chapter 112: Lot and Block Standards and Chapter 113: Plat Specifications, all of which shall have the text as attached hereto and shall be forwarded by the Clerk to Municode for inclusion in the existing Land Development Regulations as contained in Subpart B of the Code of the City of Dawsonville, Georgia.

SECTION 2.

Standard Specifications for the construction and development of Water Distribution Systems and Sanitary Sewerage Systems as attached hereto are adopted and shall be maintained by the Clerk on the City website (www.dawsonville-ga.gov) and by the City Department of Planning and Zoning for viewing and review by any interested party. These Standard Specifications may be modified from time to time by action of the Mayor and Council and are incorporated by reference in the Development Regulations of the Code of Ordinances as published by Municode.

SECTION 3.

Standard Specifications for the construction and development of Roadway and Drainage Systems as attached hereto are adopted and shall be maintained by the Clerk on the City website (www.dawsonville-ga.gov) and by the City Department of Planning and Zoning for viewing and review by any interested party. These Standard Specifications may be modified from time to time by action of the Mayor and Council and are incorporated by reference in the Development Regulations of the Code of Ordinances as published by Municode.

SECTION 4.

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 to 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 5.

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

SECTION 6.

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

_____ day of _____, 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

AN ORDINANCE TO AMEND THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DAWSONVILLE SO AS TO PROVIDE FOR THE REGULATION OF WORK HOURS FOR WHEN DEVELOPMENT AND CONSTRUCTION ACTIVITIES MAY TAKE PLACE; TO PROVIDE FOR EMERGENCY EXEMPTIONS; TO PROVIDE FOR VIOLATION AND ENFORCEMENT OF THE LAND DEVELOPMENT REGULATIONS; AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and Council of the City of Dawsonville find that the adoption of a development regulation to govern when development and construction activities may take place is proper and appropriate as these activities produce noise, dust, debris and other matters that may affect the health, safety, welfare, peace, rest and repose, and tranquility of the citizens of The City of Dawsonville;

WHEREAS, the Mayor and Council of the City of Dawsonville find that it is appropriate to set by ordinance the penalties for violation of the Land Development Regulations of the City as set forth in Subpart B of the City Code of Ordinances.

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

SECTION 1.

Subpart B Land Development Regulations of the Code of the City of Dawsonville, Georgia, is hereby amended by inserting a new section 101-4 and a new section 101-5 as follows:

Sec. 101-4. – Work Hours for Development and Construction Activities.

(a) Definitions:

(1) *Construction* means any site preparation, assembly, erection, substantial repair, alteration, demolition, or similar action for rights-of-way, buildings, structures, utilities, roadways, or similar items, whether public or private or any other activity for which a Building Permit is required by the City Land Development Regulations.

(2) *Development* means the clearing, grubbing or otherwise removing vegetation on land and grading the same for the purpose of installing infrastructure such as streets, utilities, building pads or any other activity for which a Land Disturbance Permit is required by the City Land Development Regulations.

(3) *Demolition* means any dismantling, destruction or removal of buildings, structures, or roadways.

(4) *Emergency* means any occurrence or set of circumstances involving actual or imminent physical personal injury or property damage demanding immediate attention.

(5) *Emergency work* means any work outside of the permitted Hours of Work for the purpose of preventing physical personal injury or property damage threatened or caused by an Emergency.

(b) Hours of Work:

All Development and Construction activities or work shall be accomplished between the hours of 7:30 a.m. and dusk Monday through Friday and between the hours of 8:30 a.m. and dusk on Saturday. No Development and Construction activities or work shall be done on Sunday.

(c) Emergency Exception to Hours of Work:

In the event of an Emergency, Development and Construction activities may be initiated or continued beyond the Hours of Work set forth in sub-section (b) to prevent imminent physical personal injury or property damage that cannot be reasonably remediated during the Hours of Work. Any Emergency Work may only be continued for so long as is required to appropriately reduce the risk of imminent physical personal injury or property damage. The Director will be notified by the Permit Holder of the Emergency as soon as reasonably possible upon the occurrence of the Emergency.

Sec. 101-5. – Violations and Enforcement of the Land Development Regulations

(a) Any person or party who violates any provision of the Land Development Regulations shall be cited for a civil infraction. Each day the violation continues shall constitute a separate violation.

(b) The City Court of the City of Dawsonville may impose a penalty or fine not to exceed \$1,000.00 per violation per day of the violation.

(c) *Other laws.* Any resolution or ordinance that may be applicable hereto and aid in carrying out or making effective the intent, purpose, and provisions hereof, which shall be liberally construed in favor of the City of Dawsonville, is hereby adopted as a part hereof.

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 _____ day of _____, 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: 07/08/2019

Second Reading: 07/15/2019

Adoption: _____

AN ORDINANCE REPEALING THE CURRENT PARADES AND DEMONSTRATIONS ORDINANCE OF THE CITY OF DAWSONVILLE, GEORGIA; ADOPTING A NEW PUBLIC ASSEMBLY ORDINANCE; PROVIDING FOR A PERMITTING PROCEDURE FOR SPECIAL EVENTS, PARADES, PUBLIC ASSEMBLIES, AND PUBLIC DEMONSTRATIONS; PROVIDING FOR DEFINITIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, assemblages upon public spaces can interfere with the movement of emergency vehicles and other traffic and thereby endanger public safety; and

WHEREAS, unregulated assemblages such as special event, parades, public assemblies, demonstrations, road closings and rallies have been known to be accompanied by civil unrest and disturbance, accompanied in some cases by significant public injuries and property damage; and

WHEREAS, courts have recognized the right of municipalities to enact reasonable time, place and manner restrictions related to special event, parades, public assemblies, demonstrations, rallies, road closings, and similar activities such as those established hereby, while respecting and protecting in a content-neutral fashion the Free Speech rights of groups and individuals wishing to express their views by such methods; and

WHEREAS, the City of Dawsonville, Georgia, (the "City") is empowered to enact ordinances concerning the subject matter of this ordinance pursuant to its Charter at §§ 1.12(16), 1.12 (29), 1.12 (31), 1.12 (34), 1.12 (36), 1.12 (42)–(43), and 1.12 (49).

WHEREAS, it is reasonable and appropriate for the City to enact the regulations hereinafter provided to ensure the delivery of critical emergency services, protect public safety, maintain the orderly and safe flow of traffic, and ensure the safety of individuals and property while also respecting and ensuring Free Speech rights; and

AND WHEREAS, to properly protect the right of the public to engage in free speech, while balancing the City's need to have reasonable time, place and manner regulations on the same, it is necessary to repeal the current version of the Parades and Demonstrations Ordinance and adopt a new Assemblages Upon Public Spaces Ordinance.

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

SECTION 1.

Article II of Chapter 10 of the Code of the City of Dawsonville, Georgia is hereby amended by repealing existing Article II in its entirety and replacing it with a new Article II as follows:

ARTICLE II. – PARADES AND DEMONSTRATIONS

Sec. 10-19. – Purpose.

(a) The Purpose of this ordinance is to establish an application and permitting procedure for every organization, group of persons, or entity which wishes to use public property, sidewalks, or public roads within the municipal limits of the City for an unofficial purpose or purposes in holding a special event, parade, public assembly, demonstration, rally, footrace, fun run, bicycle race, filming, road closing or other such assemblage or activity.

(b) Nothing in this Article shall be construed to limit, restrict, inhibit, reduce, or otherwise impact the right of the City or its Authorities to schedule, authorize, oversee, or otherwise facilitate any special event, parade, public assembly, demonstration, rally, footrace, fun run, bicycle race, road closing or other such event, if such events violate other laws, ordinances, or regulations of the City or the State of Georgia.

Sec. 10-20. – Definitions.

(a) *Demonstration* means a meeting or gathering of an organization, group of persons, or entity for a public display or for exhibiting feelings or concerns towards a person or a cause. This definition includes picketing.

(b) *Footrace, Fun run, and/or Bicycle Race* shall mean an organized race of any sort where public streets will either be closed or impacted.

(c) *Organization, Group of Persons, or Entity* shall mean any collection of persons, greater than twenty in number, who act together or as a unit.

(d) *Parade* means a procession of an organization, group of persons, or entity.

(e) *Public Assembly* means a meeting or gathering of an organization, group of persons, or entity to hold a meeting or an address.

(f) *Rally* means the public coming together of an organization, group of persons, or entity for an effort or a cause.

(g) *Filming* means creating motion picture images on public property, including the on-site/on-location pre-production activities associated therewith, where the final product is intended to be commercially released and/or commercially distributed. The term "filming" does not include activities performed as part of documenting current affairs or producing newscasts. Notwithstanding the previous, the term "filming" does not include location scouting.

(h) *For-Profit* means that the purpose of the event for which a permit is sought is solely for the benefit of a private shareholder, individual, or for-profit corporation.

(i) *Non-Profit* means that the event, for which a permit is sought, is organized and operated for charitable, religious, scientific, literary or educational purposes, or for the benefit of a 501(c)(3) corporation as that term is defined by the United States Internal Revenue Code and where no part of the net earnings of which inures to the benefit of any private shareholder, individual or for-profit corporation.

(j) *Road Closing* means an activity of an organization, group of persons, or entity which requires, even for a brief time, the closure of a city street or public way.

(k) *Special event* means the temporary use, with a valid permit, of public property, including streets, sidewalks, parks, city owned buildings or land and community centers for the purposes of conducting certain short-term events including, but not limited to, art shows, festivals, music concerts, fundraising events, sidewalk sales, amusements, attractions, circuses, carnivals, rodeos or sporting events.

(l) *Spontaneous Speech* refers to that speech which, because of the immediacy of the concern and the need for swift or immediate action cannot be expected to comply with the permitting process because prompt speech is required and/or application is not possible due to the unavailability of City officials or the City application process (i.e. unavailability resulting from business hours, weekends or holidays).

(m) *Unofficial Purpose* means any purpose not commanded or directed by statute, ordinance, or other regulation to be performed by the state, county, city, or other governmental entity.

Sec. 10-21. – Permit required.

(a) Every organization, group of persons, or entity who wishes to use public property, sidewalks, or public roads within the municipal limits of the City of Dawsonville for an unofficial purpose or purposes of holding a special event, parade, public assembly, demonstration, rally, footrace, fun run, bicycle race, filming, road closing, or other such activity is hereby required to have a permit from the City for the privilege of engaging in any such activity within the City, unless such a permit is prohibited under state law or the activity is otherwise exempted by law, ordinance, or other valid regulation. A funeral procession, and all other activities expressly noted, shall be exempt from permitting under this article.

(b) During the course of any permitted special event, parade, public assembly, demonstration, rally, footrace, fun run, bicycle race, filming, road closing, or other such event, there must at all times be some individual, authorized by the permit recipient, who possesses either the permit or a true copy thereof, and has such permit or copy available at the event for inspection on demand by persons authorized to enforce this Article, and has the authority to speak on behalf of and bind the permit recipient.

Sec. 10-22. – Duties of the City.

The City shall have, among others, the following duties:

(a) To prepare and provide the necessary forms for the application for a permit and for the submission of any required information as may be necessary to properly administer and enforce the provisions of this article.

(b) To review the application for completeness and collect whatever application fee may be required; to designate or coordinate sites and set time schedules; to coordinate with the appropriate authorities on all matters concerning such activities; and, where appropriate, to receive input from the department of transportation, state highway patrol, police chief, the sheriff, and emergency services, or any other necessary public officer, for the requested activity.

(c) To forward application material to appropriate public safety entities or individuals for their collective input as to the impact the proposed special event, parade, public assembly, demonstration, rally, footrace, fun run, bicycle race, filming, road closing, or other such activity shall have, if any, on the public's health, safety, and welfare. This assessment should include, but not be limited to the impact of the requested activity on the free flow of vehicular traffic, the free flow of pedestrian traffic, and the free movement of emergency vehicles.

(d) To consider, process, and decide whether to issue permits upon applications submitted pursuant to this ordinance within fifteen (15) days or less of the acceptance by the City, of a completed application.

Sec. 10-23. – Application Process.

(a) Every applicant for a permit under the provisions of this article shall submit an application for the permit to the City, which application shall conform to the requirements of this section in addition to any other provisions of this article.

(b) Unless otherwise provided herein, each application shall be a written statement upon forms provided by the City and submitted within a reasonable time prior to the event, at least fifteen (15) days prior to the planned activity for security checks, verifications, and arrangements to be made, as well as for input to be received from affected local and state entities.

(1) While fifteen (15) days is expressed as a minimum requirement for submission of an application under this ordinance, the City reserves its right to implement content-neutral time, place, and manner restrictions on First Amendment Activities, or to deny an application if insufficient time is available for the City to properly plan or prepare for the event requested in the application.

(2) While fifteen (15) days is expressed as a minimum requirement for submission of an application under this ordinance, all applicants for whom it is possible to submit an application under this ordinance prior to an event shall do so, even if the application will be submitted within thirty (30) days of the event at issue. In such circumstances, the City will endeavor with all deliberate speed to process and make a decision on the application prior to the date of the event at issue. Nothing contained herein waives the City's authority to implement content-neutral time, place, and manner restrictions on First Amendment Activities, or to deny an application if insufficient time is available for the City to properly plan or prepare for the event requested in the application.

(3) While fifteen (15) days is expressed as a minimum requirement for submission of an application under this ordinance, the City has no intention of suppressing spontaneous free speech activities which, because of their nature and/or need for immediate action, cannot conform to the application process. The foregoing notwithstanding, any spontaneous free speech activities must be preceded by at least twenty-four (24) hours advance notice to the City and the Dawson County Sheriff's Office. Nothing contained in this subsection shall be construed to limit, restrict, inhibit, reduce, or otherwise impact the right of the City or its authorities to enforce other local laws and/or the laws of the state of Georgia if such spontaneous speech activities violate said laws. Spontaneous free speech activities are exempt from permitting under this article.

(c) The City shall respond with a decision on the application within fifteen (15) days or less of receipt of the completed application, such time being necessary to process the application and obtain needed input from affected local and state agencies as hereinafter described.

(d) The application for any event at which it is proposed that alcohol will be served shall be submitted at least sixty (60) days prior to the event and the City shall respond with a decision on the application within thirty (30) days. Said event application shall be heard by the Mayor and Council and a decision to approve or deny issued by that body. In the event the application is approved, alcohol may be served only in accordance with all provisions of federal, state, and local law governing alcohol including, but not limited to, all City ordinances.

(e) Each application shall contain the following information:

(1) Applicant Information: the following information shall be collected only for the purpose of processing the application and shall not otherwise be released unless required by law.

(i) Name and home address of the applicant, or home office address if a corporation or partnership, and telephone where the applicant may be contacted;

(ii) Names and home addresses of the partners, if a partnership;

(iii) Names and home addresses of the officers and directors, if a corporation;

(iv) Identification of all prior special event, parade, public assembly, demonstration, footrace, fun run, bicycle race or filming permits applied for by the applicant for a special event, parade, public assembly, demonstration footrace, fun run or bicycle race within the City;

(v) Designation of event as For-Profit or Non-Profit;

(vi) Documentation of permitting for alcohol sales, if applicable;

(vii) Each application shall be signed and verified by the applicant.

(2) Event Information

(i) Date, time, and place where the proposed activity is to be carried on, including proposed routes of passage of special event, parades, footrace, fun run, bicycle race, filming or other proceedings;

(ii) Type and class of activity to be carried on, such as special event, parade, rally, etc.;

(iii) Information on the number of expected participants, the length of the requested activity, a physical description of the materials to be distributed, if any, and how, if at all, participants intend to interact with the general public;

(iv) Each application shall be signed and sworn to by the applicant, said signature to be by a partner if for a partnership, or by an officer if for a corporation;

(v) False statements in any application for a permit shall be grounds for immediate revocation of the permit, and/or denial of the application;

(vi) Omissions of required information in the application shall automatically disqualify any application, but such disqualification will not by itself bar any later application, be it for the same or a different activity.

(3) Application Fee: To offset time, material, and administrative costs, including personnel costs, of processing the application, no application shall be accepted without an accompanying payment for the amount determined by the Mayor and City Council and set forth in section 2-110. In the event that the applicant cannot afford the Application Fee, a pauper's affidavit may be filed by the applicant, seeking to be excused from the fee. The decision on whether the Application and Permit Fee is to be waived due to the pauper's affidavit shall be made concurrently with the decision on the Application itself and shall be contemporaneously communicated to the applicant.

Sec. 10-24. – Procedure for issuance.

(a) Review and recommendation.

(1) When this article provides for the review of an application for a permit by the City, a copy of the application shall be forwarded to those persons or entities from whom input is needed to assess the propriety of the requested event.

(2) The persons or entities from whom input is requested on any special event, parade, demonstration footrace, fun run, bicycle race or filming application may include, but are not necessarily limited to the following:

(i) The Georgia Department of Transportation;

(ii) The Georgia State Patrol;

(iii) The Dawson County Sheriff's Department;

(iv) Dawson County Emergency Services;

(v) Dawson County Health Department;

(vi) Any other public officer or entity whose input would bear on the propriety of issuing the requested permit.

(3) Each person or entity from whom input is sought shall make a recommendation thereon, favorable or otherwise, and shall be requested to return the recommendation to the City within seven (7) days after receiving a copy of the application.

(b) Action by City.

(1) The City, via the City Manager or designee, shall take action upon the application by either approving or denying the permit no later than fifteen (15) days after receiving

the completed application, such time being necessary to process the application and obtain needed input from affected local and state agencies.

(2) Applications containing requests for road closures of more than three (3) hours and those applications for for-profit events shall be approved by the City Council.

(3) *Form of Action:* The decision of the City shall be reflected on the face of the application itself in a space provided therefore. Any decision adverse to the applicant must be in writing and explain the reasons for denial. If the application is approved by the City, the City shall issue a permit to the applicant no later than five (5) days after the application has been approved, which permit shall state the nature of the activity authorized and shall bear the date of issuance and the signature of the City Manager or designee.

(c) Authority to set sites, routes, schedules, or cancel.

(1) Where more than one permit is sought for the same date or where the proposed route would result in interference with the orderly and free flow of traffic, including pedestrian traffic and emergency vehicles, the City shall have authority to designate reasonable sites and/or routes and set time schedules for the beginning and ending of the activity. The City shall have authority to cancel the permit where the activity fails to begin within a reasonable time after the time set for it to begin based on other activities for which permits have been granted or based on the unreasonable interference caused by such delay with the public welfare, peace, safety, health, and good order.

(2) Where the special event, parade, demonstration, footrace, fun run, bicycle race or filming may impact traffic on a State Route, the Georgia Department of Transportation shall be notified of the potential impact, and input from the Georgia Department of Transportation shall be sought.

(d) Criteria for approval. Unless one or more of the following situations or circumstances exists, the permit shall be granted:

(1) The proposed activity will create some compelling interference with the rights of nonparticipant citizens, such compelling interference to be expressly noted in the denial of the application;

(2) The proposed activity will unreasonably disrupt the orderly flow of traffic, be it vehicular or pedestrian;

(3) The proposed activity would create an endangerment to citizens of the City, such endangerment to be expressly noted in the denial of the application;

(4) The application is incomplete or contains a material falsehood or misrepresentation;

(5) The City or one of its Authorities is sponsoring an event, or a permit has been granted to an earlier applicant, for the same time and place, and no reasonable accommodations can be made to provide for both activities which will not trigger one or more of the other reasons for denying a permit;

(6) There is other compelling interference with the public welfare, peace, safety, health, and good order, such compelling interference to be expressly noted in the denial of the application.

(e) Restrictions relative to County Courthouse.

In no event shall any individual, organization, or group of persons be permitted to bring signs, banners, posters, leaflets, handbills, or any other printed material of any size or shape containing any message intended to influence any judge, juror, witness, or other officer in the discharge of his duty within one hundred (100) feet of the County Courthouse, unless those materials are to be used in a Court of Law for the purposes of judicial proceedings or functions.

(f) Late applications.

The city manager, where good cause is shown therefor, shall have the authority to consider any application hereunder which is filed less than fifteen (15) days before the date the special event, parade, public assembly, demonstration, rally, footrace, fun run, bicycle race, filming, road closing, or other such activity is proposed to be conducted.

(g) Exceptions for City-sponsored events.

No permit shall be required under this article for any event sponsored or co-sponsored by the City itself.

Sec. 10-25. – Financial responsibility and insurance.

(a) Nothing in this article shall relieve any person, or persons, or organization from responsibility for any injuries or damages to persons or property, private or public, occasioned by their acts or omissions arising from the activity for which any permit under this article was issued.

(b) Based upon review of the Application, the City may require that the Applicant be responsible for trash cleanup of affected areas littered during the activity for which a permit is sought, the provision of sufficient parking and storage areas for a large influx of motor vehicles occasioned by the permitted activity, provision of temporary toilet facilities, and other similar special and extraordinary items determined to be necessary for the permitted activity based upon the Application's contents. In no event shall the City require individuals, organizations or groups of persons to provide personnel for normal governmental functions, such as traffic control, police protection, or other expenses associated with the maintenance of public order. If additional requirements are placed on applicants in accordance with this subsection, and those requirements are not met despite assurances by the applicant, then failure to comply with the aforementioned requirements shall be grounds for revocation of the issued permit and/or denial of any subsequent permit requested by the applicant. The City shall be entitled to recover against the applicant the sums expended by the City for those extraordinary expenses agreed to but not provided by the applicant.

(c) Insurance requirements. An applicant for a permit under this ordinance shall obtain liability insurance from an insurer licensed in the State of Georgia for a special event, parade,

public assembly, demonstration, rally, footrace, fun run, bicycle race or filming in a public place if one or more of the following criteria exists:

- (1) The use, participation, exhibition, or showing of live animals;
- (2) The use, participation, exhibition, or showing of automobiles of any size or description, motorcycles, tractors, bicycles, or similar conveyances;
- (3) The use of a stage, platform, bleachers or grandstands that will be erected for the event;
- (4) The use of inflatable apparatus used for jumping, bouncing or similar activities;
- (5) A special event, parade, demonstration, rally, road closing, or other such activity, for which primary attendance (that is, attendance primarily for said special event, parade, demonstration, rally, road closing, or other such activity, and not attendance which is the result of another event) is reasonably expected to meet or exceed one hundred (100) persons;
- (6) The use of roller coasters, bungee jumping or similar activities;
- (7) The use of vendors or concessions; or
- (8) The use of public streets and rights of way.

(d) Any applicant required to provide insurance in accord with this section shall provide the City of Dawsonville with a copy of the Certificate of Insurance from an insurer authorized and licensed by the State of Georgia. The City of Dawsonville shall be added as an additional named insured party for the event on the Certificate of Insurance by the carrier. The minimum policy limits shall be \$1,000,000 (one million) per incident and \$2,000,000 (two million) aggregate for the entire event. All cost for insurance and naming the City of Dawsonville as an additional named insured party shall be borne solely by the applicant. Such insurance shall protect the City of Dawsonville from any and all claims for damages to property and/or bodily injury or death.

Sec. 10-26. – Public conduct during parades.

(a) *Interference.* No person shall unreasonably hamper, obstruct or impede, or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a special event or parade.

(b) *Driving through parades.* No driver of any vehicle shall drive between the vehicles or persons comprising a parade when the vehicles or persons are in motion and are conspicuously designated as a parade.

(c) *Parking on parade route.* The City Street Department and the Dawson County Sheriff's Office shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway, street or part hereof constituting a part of the route of a parade. The City Street Department and the Dawson County Sheriff's Office may post signs restricting parking on a parade route, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

Sec. 10-27. – Regulations for conduct of parades.

(a) For the purpose of controlling traffic and pedestrian congestion and of providing for the public health, safety and general welfare, the following regulations shall pertain to all parades conducted within the city:

- (1) All parades shall be conducted along the route specified in the parade permit;
- (2) Parades shall be conducted between the hours of 8:00 a.m. and 6:00 p.m. unless specifically approved by the Mayor and Council for other hours;
- (3) All parade participants shall assemble for the parade at the time and location designated in the parade permit and shall disperse from public property immediately after the conclusion of the parade;
- (4) No parade participant shall carry firearms or other weapons (or facsimiles thereof), nor bricks, bats, sticks, rocks, bottles or other items which may be used as weapons;
- (5) No parade participant shall drink alcoholic beverages or be under the influence of any intoxicating beverages or drugs;
- (6) Materials used in the construction of floats in the parade shall be of fire-retardant materials and shall be subject to such requirements concerning fire safety as may be determined by the Dawson County Fire Marshal;
- (7) Once commenced, the parade shall not stop along the parade route, but shall continue to move at a fixed rate of speed, and any willful delay or willful stopping of said parade, except when reasonably required for the safe and orderly conduct of the parade, shall constitute a violation of the permit;
- (8) It shall be the responsibility of the person, group or organization obtaining the parade permit to police the parade route for discarded literature, publications, or other written materials distributed along the parade route by participants of the parade and literature, publications, leaflets or other written material shall be distributed in such a manner as not to unduly delay or hinder the progress of the parade;
- (9) Speeches shall be allowed only at a location designated in the parade permit;
- (10) Speeches, rallies or other activity to be conducted during any time that the parade is on the public roads, streets or highways located within the corporate limits of the city shall be limited to a total time of thirty (30) minutes, after which the parade participants shall continue or disperse as designated in the parade permit;
- (11) In no event shall speeches, rallies, etc. be conducted in the public streets, or along the sidewalks of the city;
- (12) The permittee shall advise all participants in the parade, either orally or by written notice, of the terms and conditions of the permit prior to the commencement of the parade

and shall sign an acknowledgment that the permittee and the parade participants have read, understand and will comply with the regulations specified in this article and the conditions of the permit;

(13) The applicant shall be responsible for hiring and paying off-duty law enforcement officers or reimbursing the Dawson County Sheriff's Office for the costs of providing on-duty law enforcement officers, to appropriately police street closures for parades. For festivals or other special events, the applicant shall be additionally responsible for hiring and paying off-duty law enforcement officers or reimbursing the Sheriff's Office for the costs of providing on-duty law enforcement officers, to provide internal festival security and for hiring and paying necessary emergency medical technicians.

(14) The city manager or designee, in consultation with the county sheriff's office, shall determine the number of officers needed to appropriately police street closures and for internal security, and the number of emergency medical technicians needed, and the time when such services shall commence and end, taking into consideration the following:

- (i) The proposed location for the special event or route of the parade;
- (ii) The time of day that the public assembly or parade is to take place;
- (iii) The date and day of the week proposed;
- (iv) The general traffic conditions in the area requested, both vehicular and pedestrian. Special attention is given to the rerouting of the vehicles or pedestrians normally using the requested area;
- (v) The number of marked and unmarked intersections along the route requested, together with the traffic control devices present;
- (vi) If traffic must be completely rerouted from the area, then the number of marked and unmarked intersections and the traffic control devices are to be taken into consideration;
- (vii) The estimated number of participants;
- (viii) The estimated number of viewers;
- (ix) The nature, composition, format, and configuration of the special event or parade;
- (x) The anticipated weather conditions;
- (xi) The estimated time for the special event or parade;
- (xii) For festivals or other special events: whether alcohol will be served, live music offered, or retail sales stations provided along with the number and location of the alcohol service stands, music stages, and retail stands.

(b) Any other reasonable regulation or restriction deemed necessary by the Dawson County Sheriff's Office for the protection and safety of the parade participants, viewing public, or for the public health, safety and general welfare of the citizens of the city, may be imposed by the Dawson County Sheriff's Office. However, such additional regulations or restrictions shall be specified in writing to the applicant with all reasons therefor clearly enumerated.

(c) It shall be unlawful for any person to conduct a parade, procession or demonstration along, upon or over any street or public way other than those set out in the permit issued as provided in this article.

Sec. 10-28. – Special requirements for filming:

(a) The city may deny an application, regarding filming, only if the City Manager reasonably determines that one or more of the below-listed conditions exists. Prior to denial, the city shall make reasonable efforts to consult with the producer in an attempt to resolve issues and concerns, and/or find alternative ways to accommodate the producer's filming needs.

(1) The filming poses an unreasonable risk of personal injury or property damage to people or property not associated with the filming;

(2) The filming poses an unreasonable risk of damage to public property that could not be quickly and/or fully remediated;

(3) The date and time requested for a particular filming location conflicts with previously-issued permits or permissions for filming, outdoor events, or other activities;

(4) Use of the filming location, or use of the location during the date or time requested, would unreasonably interfere with the operation of city functions;

(5) Use of the filming location or the proposed activity at the location would violate a law, ordinance, statute or regulation, regardless of whether the illegal activity is part of the message or content of the filming. A permit shall not be denied based upon simulation of an illegal activity where the actual illegal activity is not being performed;

(6) The producer owes an outstanding debt to the city;

(7) The producer previously caused significant damage to public property and failed to adequately repair the damage or pay in full within thirty (30) days the City's invoice for damage repair and restoration services;

(8) The producer previously violated this article, including, without limitation, violating a material condition and/or restriction of a permit;

(9) The producer's prior entertainment industry work in the City violated a City ordinance or other applicable law; and

(10) The applicant made a material misrepresentation or gave incorrect material information on the application.

Sec. 10-29. – Interference with special event prohibited.

No person shall knowingly join or participate in any special event in violation of any of the terms, conditions or regulations of the permit issued therefor, or knowingly join or participate in any special event without the consent and over the objection of the permittee or in any manner interfere with the orderly conduct of such event.

Sec. 10-30. – Additional Requirements for Picketing and Public Demonstrations.

The following additional requirements shall apply to all picketing and public demonstrations:

(a) To be peaceful and unattended by excessive noise. All assemblies and picketing shall be orderly, taking into consideration the rights of any residents in the immediate area of the demonstration or picketing to the peaceable enjoyment of their residences. To the extent that any residence is located within three hundred (300) feet of the location of any demonstration/picketing, the demonstrators or picketers shall not use any sound amplification system, except for one (1) hand-held bullhorn; provided, however, that no hand-held bullhorn may be used in any such demonstration or picketing between sundown and sunrise.

(b) Use of sidewalks and streets. No picketing or demonstrating shall be conducted on that portion of the streets used primarily for vehicular traffic or block access and/or travel of non-picketing or non-demonstrating pedestrians.

(c) Method of marching. Marching by picketers or demonstrators shall not otherwise block access to a building or facility.

(d) Use of placards and signs. Pickets or demonstrators shall carry only cardboard or paper placards or signs and the words used thereon shall not be such that they would immediately incite violence. No metal or wood may be attached to the placards or signs and the placards or signs shall not be more than thirty-six (36) inches in length and not more than thirty-six (36) inches in width.

(e) Picketing and demonstrating prohibited in certain places. There shall be no picketing or demonstrating in front of any building in which the following are located, affecting the normal operations thereof:

(1) A hospital, nursing home or rest home, within two hundred feet of the boundary line;

(2) A school, within one hundred (100) feet;

(3) A residence, no longer than forty-five (45) minutes in a twenty-four-hour period;

(4) A state or federal highway or road unless there has been compliance with all rules, regulations, and requirements imposed by the appropriate state or federal governing authority for the use of a state or federal highway or road as a private route.

(f) Participation by persons under sixteen prohibited. No person under the age of sixteen (16) shall be permitted to absent themselves from school attendance in order to march, picket, or demonstrate within the corporate limits of the city during any time that such person is required by law to be in attendance at school, unless such person has obtained written

permission from the appropriate educational authority to be absent from school to attend and to participate in such march, picket, or demonstration.

(g) Notice of proposed picketing or demonstrating. The city manager and the Dawson County Sheriff's Office is to be given at least eighteen (18) hours' written notice of any person or persons planning to picket or demonstrate. This written notice shall include the name of the organization or organizations planning to picket and also shall include the names of the places of business or public facilities which will be picketed and the hours the picketing or demonstrating will be conducted.

(h) Duty to disperse as directed by police. Whenever the free passage of any street or sidewalk in the city shall be obstructed by a crowd, the persons composing such crowd shall disperse or move on when directed to do so by a police officer. It shall be unlawful for any person to refuse to so disperse or move on when so directed by a police officer as herein provided.

(i) Use of vehicles for picketing or demonstrating. No vehicles shall be used in any picket or demonstrating line, and all pickets or demonstrators shall be afoot.

(j) Time of picketing and public demonstrations. Picketing and demonstrations shall be conducted only between sunrise and sunset.

Sec. 10-31. – Appeals.

(a) Right of appeal. Any applicant whose application for a permit under this article is denied may appeal such denial to the Mayor and City Council, which shall consider such appeal at the next regularly scheduled meeting following the receipt of the applicant's appeal.

(b) Consideration of appeal. The Mayor and City Council shall consider the appeal and require the City Administrator to explain why the permit was denied. Unless the aforementioned explanation shows that the decision on the application was properly made in conformance with this article, the appeal shall be granted and the permit issued. The applicant shall have a right to be heard during this hearing and shall have the right to be represented by counsel. After hearing the appeal, the Mayor and City Council shall state the reason for granting or denying the appeal in writing within five (5) days of the appeal hearing. This requirement shall not be construed to limit the power of the Mayor and Council to announce its decision at the conclusion of the appeal hearing, so long as the writing requirement is subsequently satisfied. In the event that the Mayor and City Council grant the appeal and determine to issue a permit, the permit shall be issued as soon as practicable, so as not to delay the parade, rally, assembly, foot race, special event or other activity governed by this article. In the event the Mayor and City Council deny the appeal, the applicant may seek judicial review of that decision by writ of certiorari to Dawson County Superior Court.

Sec. 10-32. – Violations and penalties.

Any person or organization convicted of a violation of the terms of this article shall be guilty of a misdemeanor and punished pursuant to Section 1-8 of the Code of Ordinances of the City of Dawsonville.

Sec. 10-33. – Defense to prosecution.

It shall not be a defense to any prosecution under this article for failure to obtain a permit before engaging in any activity described in this article that a permit has in fact been issued unless, at trial (1) the accused produces in court a valid permit or a certified copy thereof, and (2) the permit or a true copy thereof was present at the event for inspection.

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 _____ day of _____, 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

AN ORDINANCE BY THE CITY OF DAWSONVILLE TO CLARIFY REGULATIONS ON VAPE SHOPS REGARDING DISPLAY OF INVENTORY, RENEWAL OF LICENSE, APPLICATION REQUIREMENTS, AS WELL AS PROVIDE PROPER REFERENCES TO CODE SECTIONS; TO CLARIFY USE REGULATIONS REGARDING MINORS; 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; and

WHEREAS, the Mayor and City Council of the City desire to compliment other licensing currently enforced in the City to ensure a more effective operation of government for the citizens of the City; and

WHEREAS, the Mayor and City Council of the City desire to clarify certain provisions related to applications, renewal process, and other provisions of the City’s vaping ordinance.

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

SECTION 1.

Article X, Section 8-600 of Chapter 8 of the Code of the City of Dawsonville, Georgia, is hereby amended by repealing existing subsections 8-600(3) and 8-600(9) in their entirety and replacing them with new subsections 8-600(3) and 8-600(9) as follows:

Sec. 8-600. – Definitions.

(3) *"Applicant"* shall mean all persons who are required to sign an application for a Vape Shop license to sell alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia as set forth herein in section 8-602;

(9) Reserved.

Article X of Chapter 8 of the Code of the City of Dawsonville, Georgia, is hereby amended by repealing existing sections 8-601 through 8-604 in their entirety and replacing them with new sections 8-601 through 8-604 as follows:

Sec. 8-601. – License required.

(a) Any person who wishes to operate a Vape Shop or offers for retail sale any item of alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia shall immediately apply to the City of Dawsonville Planning and Zoning Department for a Vape Shop 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. Any person required to obtain a Vape Shop license and who also offers for sale any additional line of devices shall pay an additional annual license fee as set out in section 2-110, and as modified by the Mayor and City Council from time to time. For the purposes of this section, every person who obtains such a license shall be referred to as a "licensee."

(b) 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, nonprofit tax exempt civic, patriotic, or social club or corporation, a private club, a limited liability company, then the applicant must be an agent or officer of the entity with actual authority.

(c) An approved annual license shall be valid for the date issued and expire on December 31st of each year. The license fee for a vape shop license applied for, or issued, after July 1, 2019 and expiring on December 31, 2019 shall be half of such fee set out in section 2-110.

Sec. 8-602. – Application requirements.

(a) All applications shall be accompanied by the following:

(1) A survey (dated no more than 180 days prior to submission of the application to the City), certified by a registered surveyor of this state, showing a scaled drawing of the premises, the location on the premises where the applicant desires to sell any item of alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia, and the distance in linear feet measured from the front door of the premise where any alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia is to be sold, to the property line of the tract upon which is located the nearest church building, school building, educational building, school grounds or college grounds, or college campus building. The distance referred to in this subsection shall be measured in the same manner as required by the section 3-122.

(2) As a prerequisite to the issuance of any license, the applicant shall furnish a complete set of fingerprints for all persons required to sign the application to be forwarded to the Georgia Bureau of Investigation and to the Federal Bureau of Investigation, as specified under Georgia law. Each person required to sign the application for an original license and/or renewal license, must authorize the City of Dawsonville or its designated representatives to secure from any state, county, municipal or federal court, any police department and/or law enforcement agency his, her or its criminal history and civil history and further authorize the City, its officers and employees

to use such information in determining whether or not a license for the sale of any item of alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia will be issued to the applicant. Further, the applicant must authorize the City, its officers and employees to use such information in a public hearing if necessary, to determine whether or not the applicant's license should be denied, voided, cancelled and/or revoked. Each applicant waives any right or rights he, she or it may have under state or federal law, statute and/or court ruling to preclude the City from securing such criminal and/or civil history from any source and waives any right he, she or it may have to preclude the City from using such information publicly in determining whether the license will be issued to such applicant.

(3) The application shall be accompanied by the full amount of the license fee combined with the investigative fee as set out in section 2-110, and as modified by the Mayor and City Council from time to time, that may be paid with a check, credit or debit card for each individual fingerprinted. If the application is denied, or if the applicant withdraws the application prior to its approval, the license fee (without interest) shall be refunded to the applicant. All other fees paid to the City which were submitted as part of the application, including, but not limited to the investigative fee shall be retained by the City. If the applicant to be fingerprinted is also filing, at the same time as filing his/her application pursuant to this article, another application for another license, under this Chapter or Chapter 3, for which he/she must be fingerprinted only one investigative fee shall be required for all applications.

(4) The director may require any additional information and records he reasonably deems necessary. Failure to furnish such data shall automatically serve to deny the application. Any misstatement or concealment of fact in the application shall be grounds for denying a license or revoking an issued license, and shall make the applicant liable to prosecution for perjury under the laws of the State of Georgia.

(5) A valid email address and a valid mailing address that can be used for serving documents upon the applicant.

(6) Each applicant shall certify that he/she has read, understands, and will comply with this article and if the license is granted, each licensee shall maintain a copy of this article on the premises and shall require each of the licensee's employees to be familiar with this article. Furthermore, applicant agrees, by signing and filing the application, that applicant will maintain sales receipts and records and allow the director or his designee to inspect said records to ensure compliance with this article.

(b) No Vape Shop license may be issued to an applicant under the following circumstances:

(1) An applicant who is not at least 21 years old.

(2) An applicant who has been convicted under any federal or state law of a felony or any misdemeanor involving the usage, distribution, or possession of controlled substances, alcohol, or offenses involving moral turpitude within a five-year period immediately preceding application. For purposes of this subsection, a "conviction" shall include any plea of guilty or admission of guilt and subsequent sentence under the First Offender Act of O.C.G.A. §§ 42-8-60, 16-13-2 or 3-3-23.1(c), or any similar sentencing provision for first time offenders of any other state or of the United States. A plea of nolo

contendre for any felony or misdemeanor of any state or of the United States, or any municipal ordinance, except traffic violations, or the forfeiture of a bond (except traffic offenses) when charged with a crime is also considered a conviction under this article.

(3) An applicant who has been held in civil or criminal contempt by any federal, state or local court if such citation indicates to the Mayor and City Council that the applicant will not maintain the outlet for which the applicant is seeking a license in conformity with federal, state or local laws, rules, and regulations.

(4) An applicant who is not the owner of the premises for which the license is held or the holder of the lease thereon for the period covered by the license. The applicant for a Vape Shop license, whether it be an individual, a partnership, a corporation, a nonprofit tax exempt civic, patriotic, or social club, limited liability company, or a private club, shall be the owner of the premises for which the license is held or the holder of the lease thereon for the period covered by the license. If the premises are leased, then the applicant shall provide information regarding the owner or landlord of the premise.

(5) An applicant who seeks to sell alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia in premises that are in or within 100 yards of any church building or in or within 200 yards of any school building, educational building, school grounds, or college campus, except those applicants complying with section 8-609(e).

(6) An applicant whose intended sales, or actual sales for the previous license year, of alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia products at that location will, or did, exceed twenty-five percent (25%) of said applicant's aggregate retail sales at that location.

(7) An applicant whom the Director or the Mayor and City Council determines, based upon an investigation into the applicant, the applicant's prior businesses or entities, (whether operating under the same establishment name or not) in the City of Dawsonville or in other jurisdictions, has him or herself, or has engaged employees and/or agents, who have sold cigarettes, tobacco products, tobacco related objects, alternative nicotine products, and/or vapor products in violation of state law or local ordinances, including but not limited to sales to minors.

(9) The City has suspended or revoked a business license and/or Vape Shop license, or any other license issued under this Chapter at the location where the applicant desires to sell any item of alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia, within the previous 12 months for a suspension or within the previous 36 months for a revocation, for any reason related to the sale or bartering of cigarettes, tobacco products, tobacco related objects, alternative nicotine products, and/or vapor products.

Sec. 8-603. – Review and compilation of application by Planning Director.

(a) Once an application, the accompanying documents described in section 8-602, and the required investigative and license fees are submitted, the City shall conduct a criminal investigation of the application and produce a written criminal investigation report concerning all information relating to fingerprinting, criminal history, arrest data, and other matters

pertaining to law enforcement. In the event the failure to obtain fingerprinting information from state and federal authorities delays completion of the written report, the City may later supplement any fingerprinting information. If the fingerprinting information later reveals that the applicant fails to meet the requirements set by this article, this may be grounds for denying the application or revoking a license, despite an otherwise satisfactory written report. Upon production of the criminal investigation report, the Planning Director or his designee shall make a determination as to compliance with the requirements of this article as to the issues contained therein, and shall forward that determination to the Mayor and City Council. The Planning Director shall cause the application forms and all accompanying documents required for consideration of the Application to be assembled for review.

(b) If the criminal investigation report shows that the applicant fails to meet the requirements set by this article, or if the Planning Director finds that the applicant fails to meet other qualifications outlined by this article, then the Planning Director shall inform the applicant, in writing, that the application has been denied, and shall set forth in reasonable detail the reasons for the denial and shall notify the applicant of his/her right to appeal to the Mayor and City Council in accordance with section 8-602. If an applicant desires to appeal a denial by the Planning Director, the applicant must file a written request for an appeal hearing with the Planning Director within ten (10) business days of the date of the written notice informing the applicant of the denial by the Planning Director.

(c) Any application which the Planning Director determines to satisfy all the qualifications outlined in this article, including character requirements as contained in the criminal investigation report, shall be scheduled for review at the next regularly scheduled meeting of the Mayor and City Council.

Sec. 8-604. – Review by Mayor and City Council.

(a) In making its determination on whether to approve or deny the application, the Mayor and City Council shall look to the qualifications set forth in this article and consider the public interest and welfare. The Mayor and City Council shall have the sole discretion to grant or deny the application based on the information presented. A decision by the Mayor and City Council shall be made at or within thirty (30) days from the date of the City Council meeting, unless the decision is postponed for purposes of the Mayor and City Council obtaining additional information deemed necessary for consideration of the application. Notice of the decision by the Mayor and City Council shall be mailed or emailed to the applicant. In the event the application is denied, written notification of such denial shall set forth in reasonable detail the reasons for the denial and shall notify the applicant of his right to appeal as set forth in section 8-605.

(b) Upon approval by the Mayor and City Council of the application for a license, the Director shall issue a license in accordance with the approved application.

SECTION 3.

Article X of Chapter 8 of the Code of the City of Dawsonville, Georgia, is hereby amended by repealing existing section 8-606 in its entirety and replacing it with a new section 8-606 as follows:

Sec. 8-606. – 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. An investigative fee as set out in section 2-110, and as modified by the Mayor and City Council from time to time, shall be required for renewal applications pertaining to licenses that are to be issued for odd years in order to complete a criminal history report. In instances where a new, named licensee has been designated, a criminal history report and investigative fee shall be required regardless of the year. Persons holding a license for more than any one establishment and desiring to renew the license for such establishments shall pay only one investigative fee charge.

(1) Renewal Applications must go before the Mayor and City Council for review and approval.

(2) Applicants shall be required to file a new application if changes have occurred in the information and data furnished with the original application. Any changes to an applicant's criminal history will be subject to sections 8-602 through 8-604.

(3) Each application for renewal will show the date of the original application and that the applicant or applicants for the renewal are familiar with applicable Georgia laws and regulations and with the rules and ordinances of the City. The renewal application must be signed and sworn to by all applicants in the presence of a notary public or other officer authorized to administer oaths. The applicant will furnish all information required by the renewal application and failure to furnish the information will be grounds for denying the application. A false statement made on the renewal application will void the application and shall make the applicant liable to prosecution for false swearing under the laws of the State of Georgia.

(4) Each application for renewal of a license shall be approved or denied in accordance with the procedures prescribed in this article.

(b) 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.

(c) 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 retail sales of any item of alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia until such time as their renewal license is issued.

(d) Any licensee who has not submitted the renewal application and required fee by 4:00 p.m. on November 20, shall pay a late charge as determined by the Mayor and City Council and set forth in section 2-110. If November 21st should fall on a Saturday or Sunday, this deadline shall be the following Monday.

(e) Any application received after 4:00 p.m. on December 31st 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 retail sales of

any item of alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia during the reapplication process.

SECTION 4.

Article X of Chapter 8 of the Code of the City of Dawsonville, Georgia, is hereby amended by repealing existing sections 8-608 through 8-609 in their entirety and replacing them with new sections 8-608 through 8-609 as follows:

Sec. 8-608. – Suspension, revocation, or forfeiture of license.

(a) Any suspension, revocation, or forfeiture of a license by the Mayor and City Council shall occur only after notice and opportunity for a hearing before the Mayor and City Council consistent with the procedures set for in section 8-605, above, and upon the following occurrences:

(1) Any licensed outlet that is found to be in violation of this article shall be subject to license revocation or suspension and shall also be subject to citation and prosecution as outlined in section 8-605(f).

(2) Every Vape Shop license issued by the City shall be immediately revoked in case of bankruptcy, receivership, levy of legal process, or failure to promptly account for and pay the excise tax levied on the sale of nontraditional tobacco paraphernalia.

(3) Except as provided for transfers under section 8-607 above, any change in the ownership of any entity owning a licensed outlet shall cause the Mayor and City Council to immediately revoke any license issued under this article.

(4) All licensees must, within six (6) months after the approval of said license, open for business the outlet referred to in the application for license, and begin the sale of the product or products authorized by the said license. Failure to open the outlet and begin the sales referred to within the six-month period, shall cause the Mayor and City Council to immediately revoke the license and no refund of any fees paid pursuant to this article shall be made.

(5) Any licensee who shall for a period of three consecutive months cease to operate the business and sale of the product or products authorized in the said license, shall, after said three months period, cause the Mayor and City Council to immediately revoke the license, and no refund of any fees paid pursuant to this article shall be made.

(6) A license may be immediately suspended or revoked by the Mayor and City Council upon learning that a licensee furnished fraudulent or untruthful information in the application for a license, or omits information required in the application for a license, or fails to pay all fees, taxes, or other charges imposed under the provisions of this article.

(7) Whenever the state shall revoke any permit or license to sell alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia, as is or may become applicable, the City license shall thereupon be immediately revoked.

(8) The Director and/or his designee shall have the right to inspect any and all records, including, but in no way limited to, sales receipts and financial documents of overall sales, to determine whether a licensee is in compliance with this article. The licensee shall allow the Director and/or his designee to inspect any and all records.

(9) The Mayor and City Council shall immediately suspend or revoke the license of any outlet which does not meet the licensing qualifications set forth in this article at any time such knowledge becomes known to the Mayor and City Council.

(10) The Mayor and City Council shall immediately suspend or revoke the license for any business whose retail sales of alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia products at that location exceeds twenty-five percent (25%) of said business's aggregate retail sales at that location.

(11) The Mayor and City Council shall immediately suspend or revoke the license for any business engaged in the sale of vape juice containing any other chemical, substance, drug, or other harmful additive other than pharmaceutical grade vegetable glycerin, propylene glycol, nicotine, food-grade flavoring, and water.

(12) The Mayor and City Council shall immediately revoke the license for any premises where alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia have been sold or distributed during a period of suspension.

(13) It shall be a violation of this article for any licensee or any employee or agent of the licensee or licensed establishment to permit any person to engage in any activity on the premises for which the license is issued or within the place of business, which is in violation of the laws or regulations of any federal, state, county, or municipal governing authority or regulatory agency. A violation of this subsection shall subject the license to immediate suspension or revocation.

(14) An act or omission of a licensee which constitutes a violation of federal or state law or regulation, relating to the sale of alcoholic beverages, taxes, gambling, violation of the Georgia Controlled Substances Act, or constitutes a crime of moral turpitude, shall subject the license to immediate suspension or revocation.

(15) Any license shall automatically expire on December 31st of each year unless renewed in accordance with this article.

Sec. 8-609. – General regulation of business operations.

(a) No licensee, employee of any licensee, or other person shall sell or permit to be sold any item of non-traditional tobacco paraphernalia to any person who is a minor (i.e. has not reached the age of eighteen), either directly or indirectly.

(b) Each licensee shall maintain their entire inventory of alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia and any additional line of devices in an area behind the sales counter where patrons of the licensee may not handle such products without first interacting with an employee of the licensee. Specifically, upon request to see any alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco

paraphernalia and any additional line of devices, employees of the licensee shall verify that the patron requesting such product is not a minor. Licensee and its employees shall not allow minor patrons to enter into the area behind the sales counter where alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia and any additional line of devices are displayed and/or stored, nor sell any alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia to any minor.

(c) The City of Dawsonville Code Enforcement Officers and the Planning Director (or his/her designee) shall have the authority to inspect the outlet and premises licensed under this article during the hours when the outlet is open for business. These inspections shall be made for the purpose of verifying compliance with the requirements of this article and state law. This section is not intended to limit the authority of any other municipal, county, state or federal officer to conduct inspections authorized by other provisions of law.

(d) Any license for the sale of alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia and any license for the sale of any additional line of devices shall be posted conspicuously in the place of business for which such license is issued.

(e) No tobacco products, alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia shall be sold in premises that are in or within 100 yards of any church building, or on any property owned or leased to a church, or in or within 200 yards of any school building, educational building, school grounds, or college campus, or on any property owned or leased to a public or private school or school board for elementary or secondary education; provided, however, that any premises permitted to sell tobacco products, alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia as of the effective date of this article that is located within such proximity of any church building, school building, educational building, school grounds, or college campus on the effective date of this article shall be grandfathered in to sell tobacco products, alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia in such premises provided that said permit holder remains in compliance with all other provisions of this section and the use of the premises to sell tobacco products, alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia remains ongoing and continuous. If the sale of tobacco products, alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia is discontinued, the grandfather entitlement under this paragraph shall be forfeited.

(f) No licensee shall sell any vape juice that contains any chemical, substance, drug, or other harmful additive other than pharmaceutical grade vegetable glycerin, propylene glycol, nicotine, food-grade flavoring, and water.

SECTION 5.

Article X of Chapter 8 of the Code of the City of Dawsonville, Georgia, is hereby amended by repealing existing section 8-612 in its entirety and replacing it with a new section 8-612 as follows:

Sec. 8-612. – Enforcement.

(a) Any violation of this article, excluding sales to underage persons, shall subject the licensee to the following progressive actions by the Mayor and City Council, except for those violations

and occurrences set forth in section 8-608 above that provide for immediate suspension or revocation upon notice and hearing:

(1) The first violation shall result in a warning or a license suspension for a period of up to sixty (60) days.

(2) The second violation within a consecutive 24-month period shall be punished as provided in section 1-8 and shall result in a license suspension for a period of not less than sixty (60) days nor more than ninety (90) days.

(3) The third violation within a consecutive 24-month period shall result in license revocation.

(b) Sales of non-traditional tobacco paraphernalia to underage persons shall subject the licensee to the following progressive actions by the Mayor and City Council:

(1) The first violation shall result in a mandatory hearing before the Mayor and City Council, a license suspension for a period of up to sixty (60) days, and a minimum fine in the City of Dawsonville Municipal Court of \$500.00.

(2) The second violation within a consecutive 24-month period shall result in a mandatory hearing before the Mayor and City Council, a license revocation, and a minimum fine in municipal court of \$1,000.00.

(c) For any vendor that is licensed to sell alcohol in the City of Dawsonville, Georgia, any violation of sections 8-600 through 8-609 that results in a conviction, license suspension, or license revocation, excluding the sale of non-traditional tobacco paraphernalia to a minor, shall also count as a violation with respect to those actions or sanctions provided for in section 3-3 of the City of Dawsonville ordinances governing alcoholic beverages. For purposes of this subsection, "conviction" shall have the same meaning as provided in section 8-602(b)(1).

(d) For any vendor that is licensed to sell alcohol in the City of Dawsonville, Georgia, any conviction, license suspension, or license revocation resulting from the sale of non-traditional tobacco paraphernalia to a minor shall also count as a violation with respect to those actions or sanctions provided for in section 3-3 of the City of Dawsonville ordinances governing alcoholic beverages. For purposes of this subsection, "conviction" shall have the same meaning as provided in section 8-602(b)(1).

(e) For any license suspension of less than thirty (30) days, the licensee will not be required to remove alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia from the premises, but shall be required to secure with lock and chain all alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia in an on-premise locked storage area out of view of the public. Nothing contained in this subsection shall be construed to preclude the Mayor and City Council from suspending or revoking a Vape Shop license for a period exceeding those periods identified in subsection (a) above, or from revoking the license if the Mayor and City Council determine in their discretion that such action is necessary and in the best interest of the public health, safety and welfare of the City. The suspension periods set forth above may be mitigated by the Mayor and City Council upon presentation of evidence that the licensee established practices and procedures to prevent

the violation from occurring and established procedures to properly train and supervise employees to prevent the violation from occurring.

(f) In addition to the available actions to be taken by the Mayor and City Council, any licensee, employee of a licensee, individual, or other person who violate this division shall be subject to citation and prosecution. Each violation of this article shall constitute a separate violation subject to a separate citation and penalties. The penalties may result in a fine not to exceed \$1,000.00, imprisonment not to exceed sixty (60) days, or both.

SECTION 6.

Article X, Section 8-621 of Chapter 8 of the Code of the City of Dawsonville, Georgia, is hereby amended by repealing existing subsection 8-621(f) in its entirety and replacing it with a new subsection 8-621(f) as follows:

Sec. 8-621. – Prohibition.

(f) It shall be unlawful for any minor to:

(1) Purchase, attempt to purchase, possess for personal use, and/or use non-traditional tobacco paraphernalia; or

(2) Misrepresent such minor's identity or age or use any false identification of the purpose of purchasing or procuring any non-traditional tobacco paraphernalia; or

(3) Enter into the area on any premises of any establishment that offers tobacco products, alternative nicotine products, vape juice, vapor products, and/or non-traditional tobacco paraphernalia, where such products are stored and/or displayed for sale.

SECTION 7.

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 8.

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

SECTION 9.

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 _____ day of _____, 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



DAWSONVILLE CITY COUNCIL
EXECUTIVE SUMMARY FOR
AGENDA ITEM # 17

SUBJECT: ORDINANCE AMENDMENT FOR RECORDS MANAGEMENT

CITY COUNCIL MEETING DATE: 07/08/2019

BUDGET INFORMATION: GL ACCOUNT # _____

Funds Available from: _____ Annual Budget _____ Capital Budget Other _____

Budget Amendment Request from Reserve: _____ Enterprise Fund _____ General Fund

PURPOSE FOR REQUEST: **SECOND READING AND ADOPTION**

AN ORDINANCE OF THE CITY OF DAWSONVILLE, GEORGIA, TO REPEAL THE EXISTING RECORDS MANAGEMENT PLAN; TO PROVIDE FOR A NEW RECORDS MANAGEMENT PLAN: TO ADOPT A RECORD RETENTION SCHEDULE; AND FOR OTHER PURPOSES.

(FIRST READING: JULY 8, 2019; SECOND READING AND ADOPTION: JULY 15, 2019)

HISTORY/ FACTS / ISSUES:

- CURRENT RECORDS MANAGEMENT ORDINANCE IS OUTDATED AND CUMBERSOME
 - AMENDED ORDINANCE RECOMMENDS ADOPTING THE MANAGEMENT PLAN AND RETENTION SCHEDULES OF THE GEORGIA SECRETARY OF STATE
-

OPTIONS:

RECOMMENDED SAMPLE MOTION:

REQUESTED BY: Beverly Banister, City Clerk

First Reading: 07/08/2019

Second Reading: 07/15/2019

Adoption: _____

AN ORDINANCE OF THE CITY OF DAWSONVILLE, GEORGIA, TO REPEAL THE EXISTING RECORDS MANAGEMENT PLAN; TO PROVIDE FOR A NEW RECORDS MANAGEMENT PLAN; TO ADOPT A RECORD RETENTION SCHEDULE; AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and Council of the City of Dawsonville find that the adoption of a revised records management plan and common record retention schedule is in the best interest of the citizens of the City of Dawsonville;

WHEREAS, the revision of the records management plan 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 revision to the records management plan.

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

SECTION 1.

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

ARTICLE V. – RECORDS MANAGEMENT PLAN

Sec. 2-132. – Records coordinator.

(a) *Designation.* The city clerk shall be designated as the coordinator of the records management plan and shall be authorized in directing and coordinating all records management matters under the Georgia Records Act (O.C.G.A. § 50-18-90 et seq.) and records retention schedules approved by the city.

(b) *Duties.* The duties and responsibilities of the records management coordinator (the “Coordinator”) shall include, but not be limited to, the following:

- (1) Assist staff in determining applicability of common schedules to local records;
- (2) Coordinate governing body approval of common schedules for local use;
- (3) Check requests to dispose of records for state records committee-approved schedule authorization;
- (4) Document records disposal;
- (5) Become familiar with records management principles and practices and with the laws and regulations affecting local records keeping;

- (6) Maintain and protect records;
- (7) Perform any other duties as may be required by the mayor and city council in relation to maintaining records of the city.

Sec. 2-133. – Inventory of records.

The Coordinator shall maintain an inventory of all records and their applicable retention schedule, including, but in no way limited to the date set for disposal, if any.

Sec. 2-134. – Records management plan and retention schedule.

The City adopts the records management plan and record retention schedules recommended by the Georgia Secretary of State, as amended from time to time, as the records management plan and record retention schedules for the City, unless otherwise specified by resolution of Mayor and Council.

Sec. 2-135. – Lawful disposal of records.

(a) *Disposal with authority and protection of law.* Upon completing and fulfilling the terms contained herein, records older than their approved retention time period shall be disposed of with the authority and protection of law. Specifically, records assigned for disposal shall be checked against the approved local schedule and the authorizing common schedule descriptions. The records shall have the same information content and purpose as the records described in the approved common schedule. Records of mixed series or mixed dates within a series shall all have met their minimum retention requirements.

(b) *Documents taking precedence over retention schedule.* The following documents shall take precedence over the approved retention schedule period:

- (1) Records of an activity under legal investigation shall not be disposed of until the investigation is completed.
- (2) Records involved in litigation shall not be disposed of until the litigation is settled.
- (3) Records involved in a fiscal or program audit shall not be disposed of until the audit is final.
- (4) All record series that survive a fire or other disaster shall be subjected as a unit to careful scrutiny. A series with an expired retention period may contain the only information and evidence about the government's decisions and actions for a specific program area.
- (5) Records created before 1950 shall not be disposed of until a careful review determines that essential information and evidence survives in other records being maintained and protected.
- (6) Records created prior to 1900 must be appraised by the department of archives and history before disposal authorization.

(c) *Inventories to be updated.* Inventories of the coordinator shall be updated to show the removal of the records from the inventory.

Secs. 2-136—2-157. – Reserved.

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 _____ day of _____, 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